



Cal OES

GOVERNOR'S OFFICE
OF EMERGENCY SERVICES

California Wildfires and Straight-line Winds

FEMA-4856-DR-CA / CDAA 2025-01

FEMA Public Assistance Grant Program

Applicant's Briefing



FEMA

Cal OES recommends applicants reference the Federal Emergency Management Agency (FEMA) **Public Assistance Program and Policy Guide (PAPPG)** for Public Assistance policy and procedural requirements:

[FEMA Public Assistance Program and Policy Guide V5](#)
(applicable to incidents declared on or after January 6, 2025)

Cal OES recommends review of the FEMA Grants Portal Video Series:

[FEMA's Grants Portal Video How To Series](#)
[FEMA's Grants Portal Login Page](#)



Authorities

Statutes

Robert T. Stafford Disaster Relief and Emergency Assistance Act, as Amended (Stafford Act), Title 42 of the United States Code (U.S.C.) § 5121 et seq.

- Title I - Findings, Declarations and Definitions
- Title III - Major Disaster and Emergency Assistance Administration
- Title IV – Major Disaster Assistance Programs
- Title V – Emergency Assistance
- Title VII – Miscellaneous

Regulations

Title 44 of the Code of Federal Regulations (C.F.R.), Emergency Management and Assistance

- Part 206 Subpart G, Public Assistance Project Administration
- Part 206 Subpart H, Public Assistance Eligibility
- Part 206 Subpart I, Public Assistance Insurance Requirements

2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Other applicable Statutes and Federal Regulations are listed in the PAPPv5, Introduction, Section V, Authorities



Terminology: Recipients, Subrecipients, and Applicants

FEMA uses the terms Recipient and Applicant in Quick Guides and other tools. In Grants Portal, Recipients are identified as Grantees and Applicants are identified as Subrecipients.

Recipients/Grantees/Pass-through entities- are states, Tribal Nations, or territories that receive and administer Public Assistance Federal awards.
(Cal OES is the Recipient)

Applicants/Subrecipients/Subgrantees - are state, local, Tribal Nation, or territorial governments or Private nonprofit (PNP) entities that submit requests for assistance under a Recipient's Federal award.
(You)





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

Date SOE Proclaimed	County(ies) listed on SOE	Link to SOE on www.Gov.ca.gov
January 7, 2025	Los Angeles, Ventura	01.07.25 Palisades Fire SOE

Search Proclamations and Executive Orders on the Governor's Office website

<https://www.gov.ca.gov/category/proclamations/>

<https://www.gov.ca.gov/category/executive-orders/>

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

Declaration Process Overview

❑ Preliminary Damage Assessment (PDA)

When an incident exceeds State, Local, Tribal Nation, and Territorial government (SLTT) capabilities to respond, the State requests a joint PDA with FEMA to estimate and document the impact and magnitude of the incident.

❑ Declaration Request

The Governor may request a declaration from the President through FEMA, no later than 30 days after the incident occurs.

❑ Declaration Evaluation

FEMA uses PDA information to evaluate the need for assistance under the PA Program.

❑ Presidential Declaration

For FEMA to provide assistance, the President must declare that an emergency or major disaster exists. The declaration establishes the type of incident, incident period, designated areas, types of assistance, Federal cost share, and Federal Coordinating Officer (FCO).



Major Disaster Declaration

California Wildfires and Straight-line Winds (FEMA-4856-DR-CA)

Declaration Date: January 8, 2025

Incident Period: January 7, 2025 – January 31, 2025

Authorized FEMA Public Assistance Work Categories: Categories A-G, I

Designated Area: Los Angeles County

Cost Share Under FEMA-4856-DR-CA

Applicant type	Work Categories	Federal	State	Applicant/ Subrecipient
Local Governments	EMERGENCY WORK (A-B)	100% of eligible costs for designated 180 days – period TBD	N/A	N/A
		75% of eligible costs outside of designated 180 days	75% of non-federal share	25% of non-federal share
	PERMANENT WORK (C-G, I)	75% of eligible costs		
State Agencies, Tribal Nations, and Private Nonprofits (PNPs)	EMERGENCY WORK (A-B)	100% of eligible costs for designated 180 days – period TBD	N/A	N/A
		75% of eligible costs outside of designated 180 days		25% of eligible costs
	PERMANENT WORK (C-G, I)	75% of eligible costs		



State (CDAA) Cost Share

- ❑ Project Application Form (OES-PA-126) required for applicants to receive CDAA cost share
- ❑ State agencies, PNP organizations, and Tribal Nations are not eligible for CDAA cost share
- ❑ CDAA cost share automatically generated for approved FEMA projects
- ❑ State also cost shares with other non-FEMA federal disaster programs (i.e., NRCS, FHWA)
- ❑ CDAA does not provide a state application cost share less than \$2,500



Request for FEMA Public Assistance

Grants Portal Account and Request for Public Assistance (RPA)

For State Agencies, Counties, Cities, Local Public Authorities, School Districts, Special Districts, Tribal Nations, and certain Private Nonprofits.

Requests for Public Assistance (RPA) **must be submitted via FEMA's Grants Portal:**

- **EXISTING** GRANTS PORTAL USER:
Please login to [FEMA's Grants Portal](#). For step-by-step instructions, please review FEMA's "[How-To: RPA Submission for Existing Users](#)" tutorial.
- **NEW** GRANTS PORTAL USER:
To set up a new Grants Portal Account, go to [FEMA's Grants Portal website](#) and click on the link that says, "[Register Your Organization for Public Assistance.](#)" For detailed instructions, please review FEMA's "[How-To: Org Creation and RPA submission.](#)"

***New organizations must have an approved organization profile before they can submit an RPA**

Have Questions?

Email: DisasterRecovery@caloes.ca.gov



Do You Have a UEI Number? Have you registered with SAM.gov?

UEI

The Unique Entity ID (UEI) is a 12-character alphanumeric identifier used in SAM.gov and other federal government systems to identify a unique entity.

*UEI # assignment is a **FREE** service.

System for Award Management (SAM.gov)

- UEI must be actively registered with **SAM.gov** to receive federal grant funds
- Two SAM.gov registration types “**Financial Assistance**” vs “All Awards” (“All Awards” type is not required, but is acceptable for PA grant)
- UEI Registration must be renewed annually
- **SAM.gov requires use of legal business name and a physical address**
- Submission of official documents is required for entity validation
- The entity name and at least one address on the UEI registration must exactly match the Organization information in Grants Portal and STD 204

To obtain a UEI and register an entity in SAM.gov, please visit:

[SAM.gov Website](https://sam.gov/content/home) (*<https://sam.gov/content/home>*)



The State/Recipient's Role

The State has the responsibility to...

- Serve as the official contact between Subrecipients/Applicants and FEMA
- Educate Subrecipients/Applicants on the Public Assistance Program and other available assistance
- Provide technical support and assistance to Subrecipients/Applicants
- Assist with collection of data to help prepare the Project Worksheets (with FEMA)
- Disburse grant funds to Subrecipients/Applicants and initiate Subrecipients collection actions when necessary
- Administer Subrecipients/Applicant subawards through project monitoring, inspection, review, and audits for compliance with federal regulations
- Conduct application closeouts
- Facilitate Quarterly Reporting to FEMA



The Subrecipient/Applicant's Role

- Provide Initial Damage Estimate (IDE)
- Assist with Preliminary Damage Assessment (PDA)
- Request assistance
- Log in, monitor, and maintain Grants Portal account
- Thoroughly identify damaged sites and costs
- Provide documentation to FEMA and Cal OES for all projects
- Expend grant funds in accordance with grant requirements
- Be accountable to the State for Federal funds
- Maintain clear and organized documentation
- Provide information for Quarterly Reports and for project closeout within 90 days of project completion.
- Provide information to Cal OES regarding SOE provisions being used

Request for FEMA Public Assistance

RPA Deadlines

Submit all RPAs via Grants Portal

No Later Than

March 9, 2025

All Other Correspondence:

Mr. Robert Larsen, State Public Assistance Officer

Cal OES, Public Assistance Division

3650 Schriever Avenue

Mather, CA 95655

ATTN: FEMA-4856-DR-CA

Email to:

DisasterRecovery@caloes.ca.gov

Request for California Disaster Assistance Act

Application Deadline

Submit Cal OES Form 126

No Later Than

March 9, 2025

Send application forms and all other Correspondence:

Mr. Robert Larsen, State Public Assistance Officer

Cal OES, Public Assistance Division

3650 Schriever Avenue

Mather, CA 95655

ATTN: CDAA 2025-01

Email to:

DisasterRecovery@caloes.ca.gov

Questions?

Email: DisasterRecovery@caloes.ca.gov



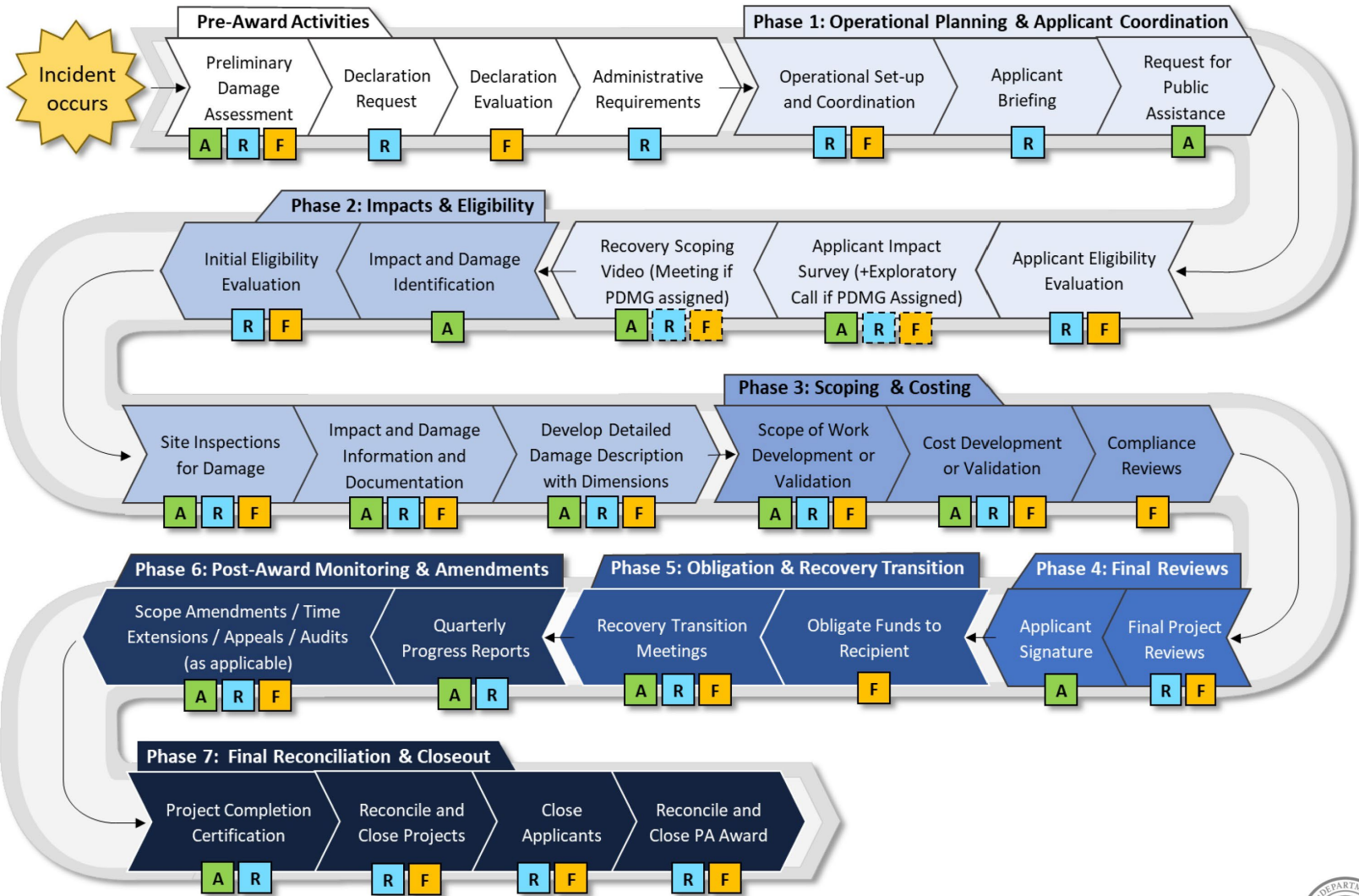
FEMA Public Assistance Program



FEMA Public Assistance National Workflow

PROGRAM DELIVERY PROCESS STEPS

Pre-Award Activities Phase 1 Phase 2 Phase 3 Phase 4 Phase 5 Phase 6 Phase 7



Key:

Applicant	Recipient	FEMA
A	R	F



Program Delivery Timeline

Phase	Description	Allowable Days (Non-PNPs)/ with RPA extension	Allowable Days (PNPs))/ with RPA extension
Phase 1 & 2	Operational Planning, Applicant Coordination, and Impacts & Eligibility	195 days/ 225 days*	230 days/ 260 days*
Phase 3	Scoping and Costing	60 days	60 days
Phase 4	Final Reviews	60 days	60 days
Phase 5	Obligations	30 days	30 days
Total		345 days/ 375 days*	380 days/ 410 days*

*30 DAY EXTENSION TO RPA DEADLINE INCREASES TIME IN PHASE 1 & 2



Program Delivery Phases

Phase 1 & 2

- Applicants Submit RPA within 30 days from the declaration date
- FEMA conducts Recovery Scoping Meeting (RSM) within 30 days of RPA Approval
- Applicants Submit Damage Inventory/List of Impacts (DI) within 60 days of the RSM
- FEMA completes site inspections within 30 days of receipt of the DI
- FEMA completes the Damage, Description, and Dimensions (DDD) within 30 days of site inspection
- Applicant signs the DDD within 5 days of receipt

Phase 3

- The Consolidated Resource Center (CRC) develops project Scope of Work and costs (SOW), including special considerations, within 60 days of completion of Phase 2



Program Delivery Timeline Phases

Phase 4

- Environmental and Historic Preservation (EHP) completes review of project for compliance with applicable environmental regulations. FEMA, Recipient, and Applicant conduct final project reviews within 60 days of completion of Phase 3.

Phase 5

- FEMA obligates funds to applicant within 30 days of completion of Phase 4.
 - Project costs less than \$1 Million obligated by regional staff
 - Project costs greater than \$1 Million obligated through the Large Project Notification process

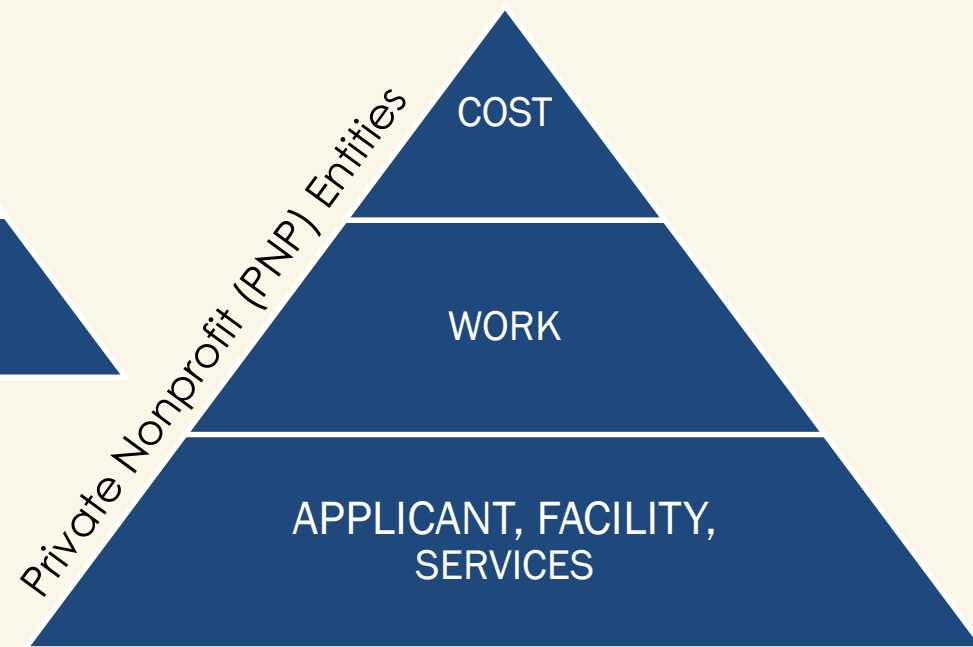
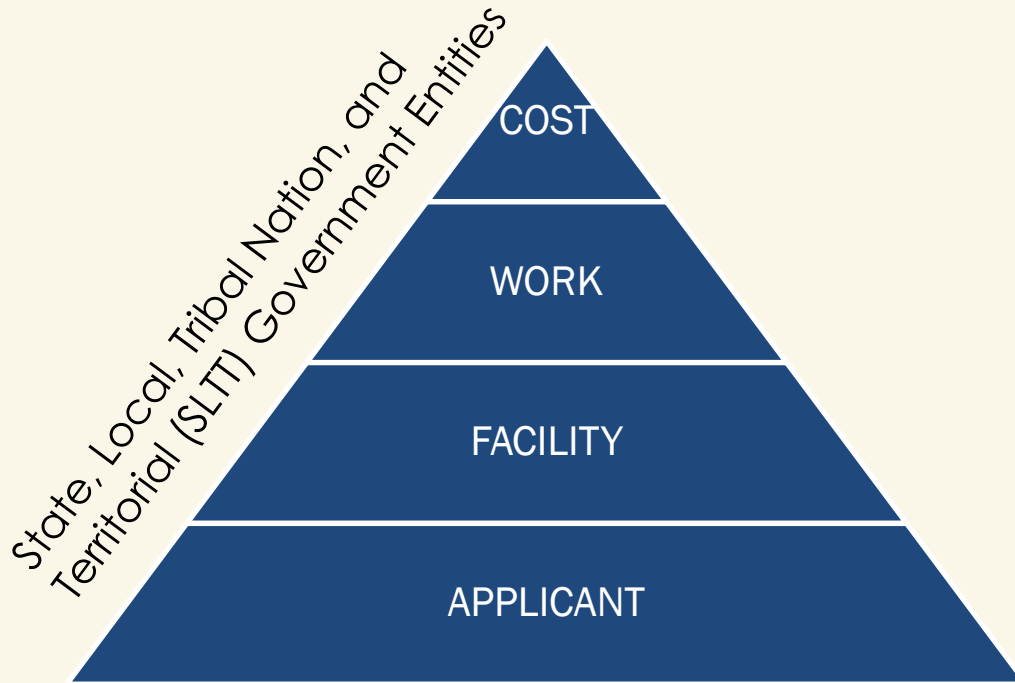
Request for Information (RFI) and Determination Memo (DM)

- May be issued during any phase
- RFIs must be responded to within 30 days from receipt



FEMA Public Assistance

Four Basic Components of Eligibility



Request for Public Assistance (RPA)

- The RPA is an application for the PA Program, used to determine applicant eligibility.
- RPAs must be submitted to FEMA via Grants Portal within 30 days* after the respective area is designated in a Presidential Major Disaster Declaration.
- Once an RPA is approved, the government entity or PNP becomes an applicant and is eligible to submit projects to request funding.

* The Regional Administrator may extend the deadline under extenuating circumstances when the Recipient makes a justified request.



Request for Public Assistance (RPA)

RPA Submissions:

For Eligible Applicant types: [Grants Portal Log In Page](https://grantee.fema.org) (<https://grantee.fema.org>)

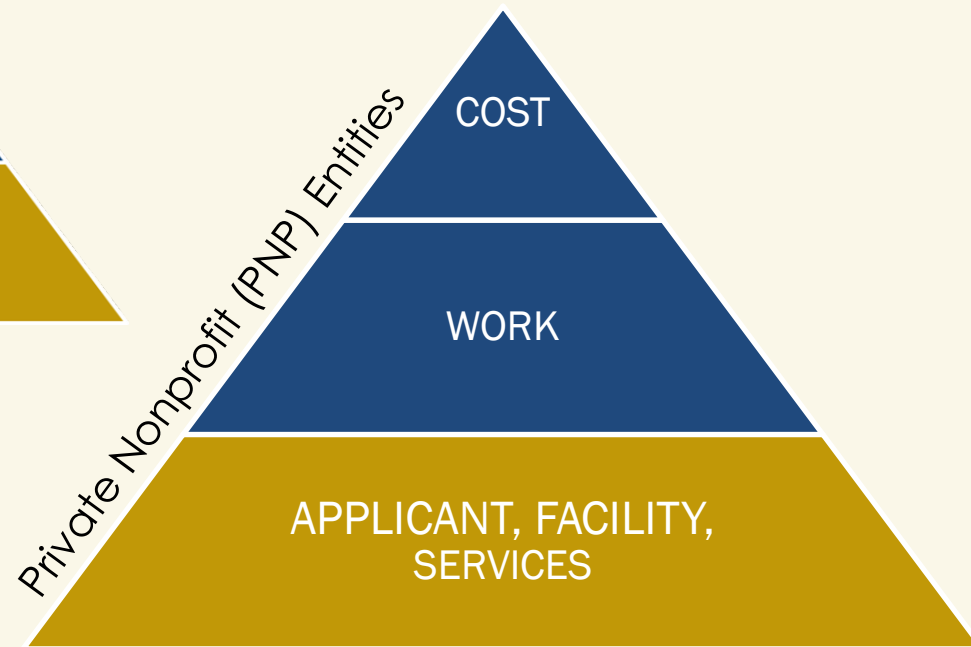
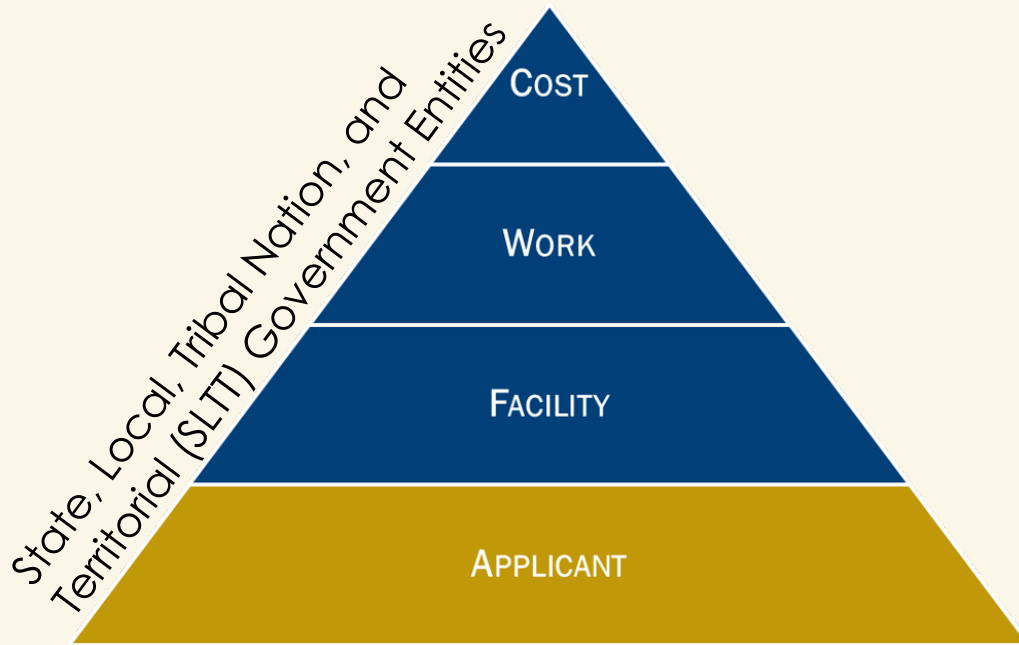
California Wildfires and Straight-line Winds (FEMA-4856-DR-CA)

RPA Deadline

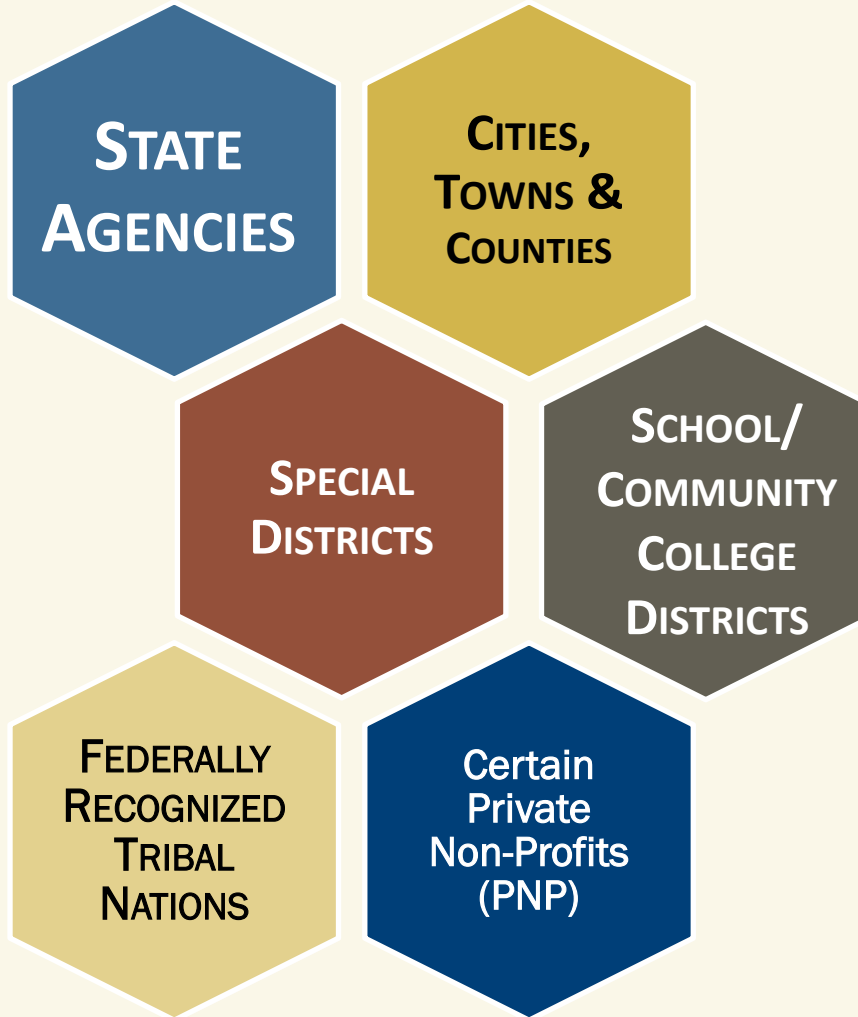
COUNTY	DATE
Los Angeles	EXTENDED TO March 9, 2025



PA Eligibility Pyramid: Applicant



Eligible Subrecipients/Applicants



Private Non-Profit (PNP) Subrecipients/Applicants

To be eligible, a PNP must own or operate a facility that provides an eligible service.

- Critical service providers
(i.e. utility, educational, medical, emergency services)
- Non-critical, essential social service providers
(i.e. museums, community centers, performing arts centers, Houses of Worship, food banks)
- PNPs have specific application requirements
(FEMA requires additional information and documentation during RPA submission)

PNP Application Requirements

Emergency Work:

All PNPs eligible for FEMA assistance must apply directly to FEMA through the State for emergency work activities.

Permanent Work:

Non-critical PNPs seeking FEMA assistance for permanent repairs must first apply to the U.S. Small Business Administration (SBA) for a loan for disaster repairs. Application for FEMA Public Assistance should be made simultaneously.

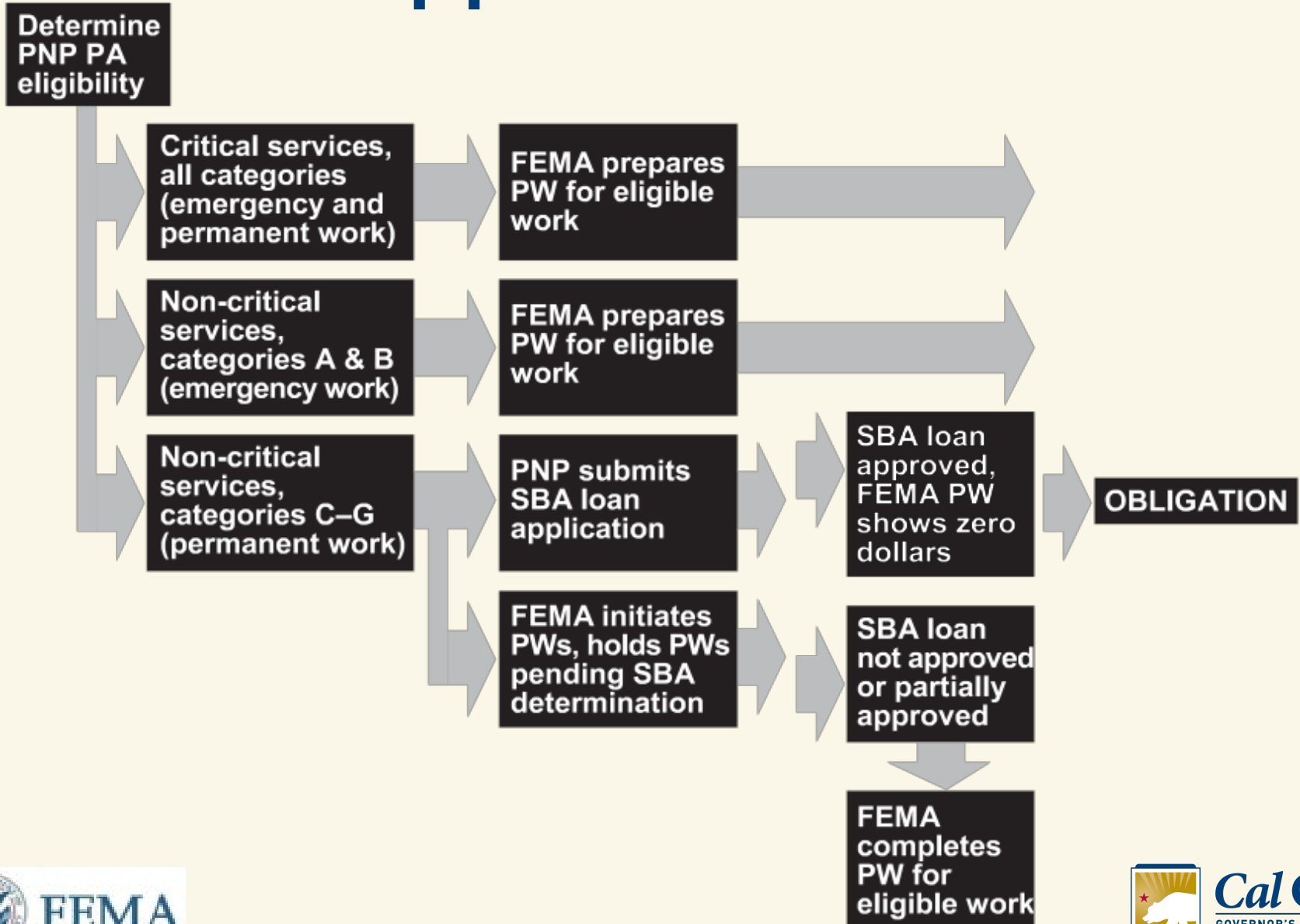
Dependent on SBA Loan Application Outcomes:

If a PNP is declined for an SBA loan, the PNP may be eligible for FEMA Public Assistance.

- If the maximum loan does not fully cover damage eligible under the Public Assistance program, the PNP may be eligible for FEMA Public Assistance.
- If PNP is approved for an SBA loan that fully covers disaster damage, then assistance from FEMA is not available.



PNP Application Process



Exploratory Call

- FEMA now requests the completion of an **Applicant Impact Survey** which will be emailed after your RPA submission.

- Shortly after your RPA is approved, you will be contacted by a Program Delivery Manager (PDMG) who will be your Point of Contact and assist you in navigating the Public Assistance Process. The objective of the call is to prepare for the Recovery Scoping Meeting as follows:
 - Understand the Applicant's incident impacts by gathering information about the type and level of damage and priority needs for assistance
 - Ensure Applicant understands general requirements
 - Provide key information on documents, procurement, and EHP requirements
 - Schedule the Recovery Scoping Meeting and define appropriate attendees



Recovery Scoping Meeting

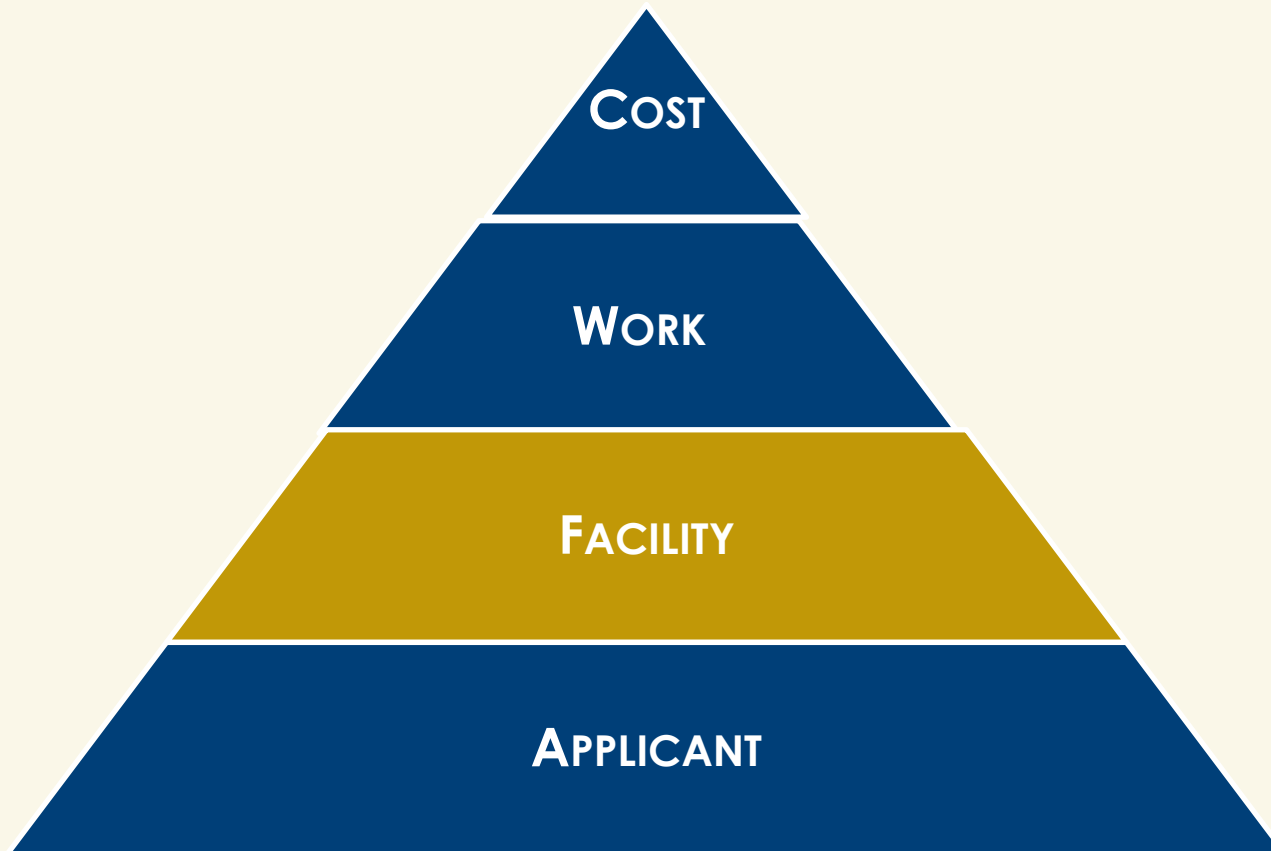
(FORMERLY KNOWN AS: “KICK OFF MEETING”)

- ❑ Provides Eligibility Information
- ❑ Starts a **60-day clock** to identify and report damages (Impact List/Damage Inventory)
- ❑ Opportunity for the Applicant to discuss special needs
- ❑ Subrecipient/Applicant’s key staff should attend
- ❑ Applicants should submit damage inventory indicating:
 - Damage Description(s)
 - Location
 - Estimated Costs
- ❑ Be prepared to discuss scope and nature of work and insurance documentation
- ❑ Be prepared to discuss with State representative which SOE provisions are being used and how long they are needed

Site Inspections

- FEMA gathers project-specific information by conducting site inspections and obtaining documentation.
- FEMA conducts inspections at sites with work to be completed.
- The purpose of the inspection is to validate, quantify, and document the cause, location, and details of the reported damage and debris impacts. This is not an eligibility review.
- FEMA may also identify EHP issues, project-related conservation opportunities, and PA mitigation opportunities during the site inspection.

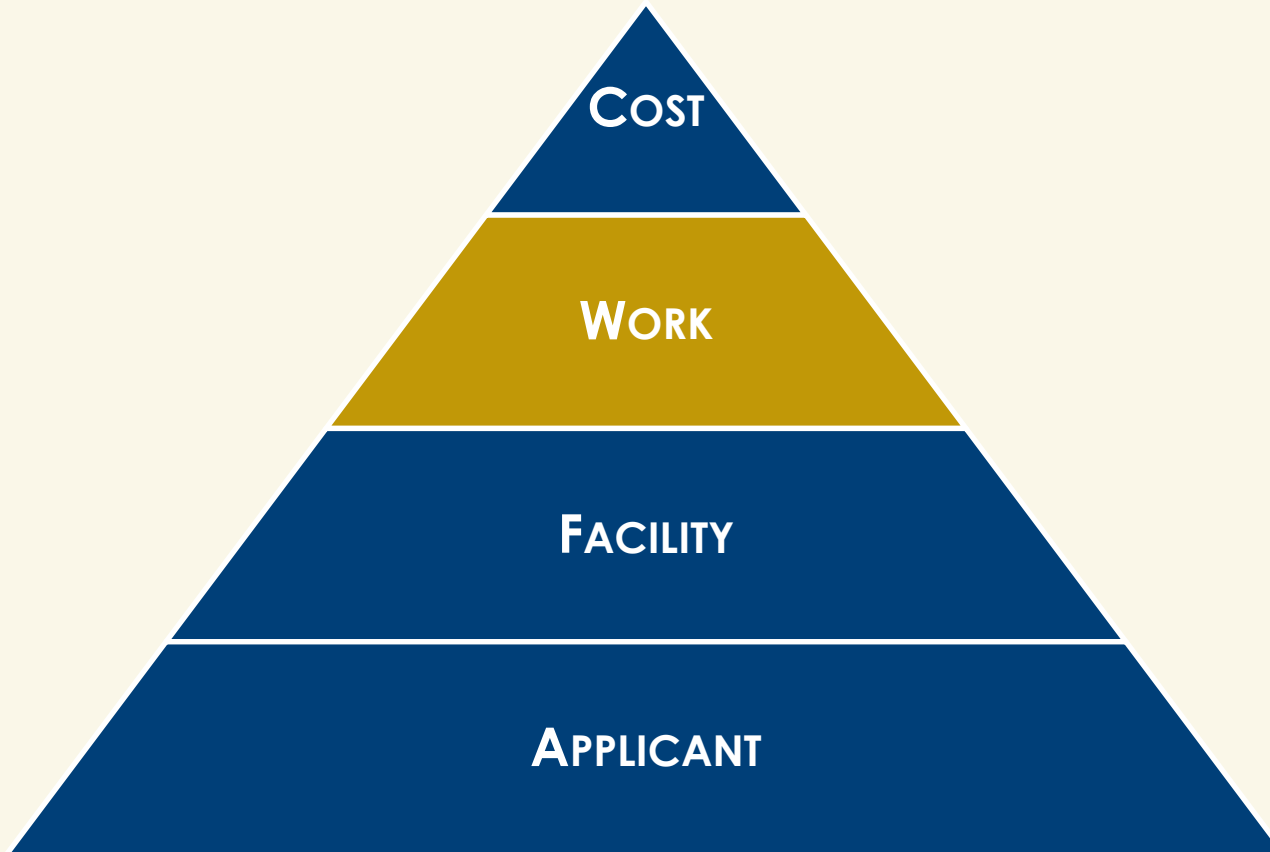
PA Eligibility Pyramid: Facility



Eligible Facilities

- Buildings, systems, or equipment, built or manufactured; or improved and maintained natural features
- Legal responsibility of an eligible Subrecipient/Applicant
- Located in a designated disaster area
- Not under the authority of another federal agency
- In active use at the time of disaster

PA Eligibility Pyramid: **Work**



Eligible/Ineligible Work Examples

Eligible:

- Direct result of a declared disaster
- Located in a designated disaster area
- Legal responsibility of an eligible Applicant/Subrecipient

Ineligible:

- Applicant/Subrecipient negligence
- Deferred maintenance
- Pre-existing damage or debris
- Duplication of Benefits. Revenue collected by the Applicant (including fees and fines) for the performance of eligible work funded under this policy is considered program income. The project worksheet will be reduced accordingly during closeout
- Non-compliance with local, state, and federal environmental laws and regulations



Documentation and Information to Support Work Eligibility

Criteria	Small Projects	Large Projects
Result of Declared Incident	Certification of the following: Debris was generated by declared incident within incident period and removal addresses an immediate threat; the immediate threat resulted from the declared incident; damage was caused by declared incident and did not result from lack of maintenance	Pre-incident photographs and/or video of the impacted site or facility; and/or documentation supporting pre-disaster condition of the facility (e.g., facility maintenance records or inspection/safety reports).
Within Declared Area	Facility address/GPS coordinates Certification that the facility/work is located within designated areas	
Legal Responsibility	Certification that the facility and work are the applicant's legal responsibility	Deed, title, bill of sale, land contract, mortgage booklet, property tax bill/receipt, real property structured insurance policy, lease agreement (required for leased facilities), contract (required for facilities under construction at the time of the incident)

Categories of Work



A
DEBRIS
REMOVAL

B
EMERGENCY
PROTECTIVE
MEASURES

C
ROADS &
BRIDGES

D
WATER
CONTROL
FACILITIES

E
BUILDINGS
&
EQUIPMENT

F
UTILITIES

G
PARKS,
RECREATION,
& OTHER

I
BUILDING
CODE &
FLOOD-
PLAIN
MANAGE-
MENT
ADMIN. &
ENFORCE-
MENT

Emergency Work: Categories A & B

A— Debris Removal

- Eliminates immediate threats to lives, public health, and safety
- Eliminates immediate threats of significant damage to improved public or private property
- Ensures economic recovery of the community and provides a benefit to the community at large
- Debris removal on private property is generally the responsibility of the property owner and may be covered by insurance

B— Emergency Protective Measures

- Actions taken by a community before, during and after a disaster to save lives, protect public health and safety or eliminate immediate threat of significant damage to improved public and private property through cost effective measures

PNP Emergency Work Eligibility

- **To be eligible, work must be the legal responsibility of an eligible applicant.** Emergency response is a governmental function. As a result, for PNP applicants, eligible emergency work is generally limited to that associated with an eligible PNP facility as follows:
 - Debris removal from the facility property; and,
 - Emergency protective measures to prevent damage to the facility and its contents.
- In limited circumstances, other types of emergency work for PNPs is eligible when essential components of a facility are urgently needed to save lives or protect public health and safety.
- If a PNP provides emergency services at the request of, certified by, and documented in a written agreement or contract between the legally responsible government entity, **FEMA provides PA funding through that government entity as the eligible applicant.**



Damage Caused During Performance of Emergency Work

Road Damage

Typical recommendations for road damage:

➤ **Pre-Disaster:**

- Maintenance Records or Plans
- Photos or other documentation of road condition



➤ **Post Disaster:**

- 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)
- 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



*If approved, the road damage caused during the performance of emergency work will be considered emergency work.



Non-Congregate Sheltering (NCS)

- FEMA may reimburse costs related to emergency sheltering provided in non-congregate environments under limited and exigent circumstances.
 - Non-congregate sheltering does not require pre-approval when conducted in traditionally operated facilities limited to hotels, motels, dormitories, and retreat camps.
 - NCS activity in any other facility (e.g., recreation vehicles, including travel trailers; condominiums; short-term rentals, including Airbnb; ships) requires FEMA pre-approval by the Assistant Administrator for the Recovery Directorate at FEMA Headquarters.
- Applicants are required to notify FEMA Headquarters and the appropriate Regional Administrator, through the Recipient, within five (5) days of initiating NCS operations for a declared incident (if sheltering is conducted prior to a federal declaration, then the notification requirement applies as 5-days post declaration).



Non-Congregate Sheltering (NCS)

- For NCS conducted for more than 30 days, the Applicant must submit a time extension request, through the Recipient, to the FEMA Regional Administrator.
 - Time extensions are granted in 30-day increments.
 - Time extension requests should be submitted at least seven (7) days before end of the last approved time extension.
 - Regional Administrators may provide time extensions up to six (6) months from the declaration date.
 - Time extensions beyond six (6) months must be approved by FEMA's Assistant Administrator for Recovery.
- Refer to PAPPV5 Chapter 7, XIII, O. ii. for more information on NCS.



Other Emergency Work Eligibility

Federal Highway Administration (FHWA) Debris Removal

- Removal of debris from improved public property and public rights-of-way, including Federal-aid roads, is eligible.

Mutual Aid: Law Enforcement

- The Law Enforcement Master Mutual Aid Plan does not provide for reimbursement costs between the requesting agency and responding agency.

Law Mutual Aid Agreement

Reimbursement for mutual aid may be provided if:

- A pre-event agreement exists between the requestor and responder specifying reimbursement.
- A post event agreement is executed between the requestor and responder, as soon as possible.
- Agreements must not be contingent upon Federal or State disaster funding.



Law Enforcement Mutual Aid (LEMA) Assistance Fund

Nancy Ward, Director
California Governor's Office of Emergency Services

Don O'Keefe, Chief, Law Enforcement Branch
California Governor's Office of Emergency Services

Cal OES LEMA



LEMA FUND PURPOSE/ELIGIBILITY



- **Purpose:** *To reimburse law enforcement agencies that respond to disasters and emergencies outside their jurisdictions.*

LEMA Fund available to sworn members of:

- City Police Departments
- Sheriff's Offices
- Probation
- District Attorney's
- Coroner/Medical Examiners



LEMA FUND ELIGIBLE EXPENSES



- **Responding officer overtime**
 - **Backfill for responding officers**
 - **Lodging** (case by case, requires approved justification)
 - **Per Diem** (case by case, requires approved justification)
 - **Mileage - to & from the incident**
 - **Fuel** (case by case, requires approved justification)
 - **Extraordinary Equipment (Case by Case i.e. ISU vehicles, Rapid DNA, etc.)**
-
- ✓ Overtime, backfill, and fuel will be reimbursed at the actual costs.
 - ✓ Lodging, per diem, and mileage will be reimbursed at the STATE rate.
 - ✓ Providing Agencies can't request reimbursement for expenses provided by the Requesting Agency.

CONTACT US

LemaFund@caloes.ca.gov



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Nancy Talley

**AGPA LEMA Program
Law Enforcement Branch
(916) 845-8706**



Categories C-G

Eligible Permanent Work

- Must repair, restore, or replace disaster-damaged facilities in accordance with regulations
- Must restore to pre-disaster design, capacity, and function in accordance with applicable codes and standards
- Must be required as a result of the disaster
- May include cost-effective hazard mitigation measures

NEW Category I

Building Code and Floodplain Management Administration and Enforcement

- Period of 180 days after the date of the major disaster declaration or amendment authorizing Permanent Work
 - FEMA will not extend beyond 180 days
- Must be conducted in the designated area
- Must be within the applicant's jurisdiction
- Related to the repair, replacement, retrofit, or relocation of disaster damaged facilities. This may include public, private, and residential structures.
- Cannot be used for an alternate project
- Cannot have associated hazard mitigation proposal



NEW Category I

Eligible Work – Building Code Administration

- Review and process applications for building permits, certificates of occupancy, certificates of compliance, and plans/specifications/construction documents for compliance with applicable federal, state, and municipal codes and standards;
- Process requests for building code variances;
- Collect fees;
- Hire/train/supervise/certify/license staff required to conduct eligible activities;
- Contract for services (e.g. contract planning, initiation, solicitation, evaluation, and award);
- Provide training and information to staff, contractors, and the public on the unique considerations for disaster damaged historic buildings.

Category I - Ineligible Work

- Activities associated with non-disaster damaged structures on non-disaster-related development.
- Activities to update a community's laws, rules, procedures, or requirements.
- Examples include:
 - Adopting new or updating current building codes or floodplain management ordinances.
 - Adopting or updating zoning laws and requirements.
 - Developing new land use plans or requirements.
- **Only overtime costs are eligible for budgeted labor. Straight-time and overtime costs are eligible for unbudgeted labor.**

Other Permanent Work

Codes and Standards Upgrades

- Apply to the type of repair/restoration work required (damaged elements only)
- Be appropriate to pre-disaster use
- Be reasonable and formally adopted and implemented prior to the disaster declaration date
- Be applied uniformly to all similar facilities (public and private)
- Be enforced during the time it was in effect
- [FEMA Consensus-Based Codes FP 104-009-11 V2.1](#)



Special Considerations



INSURANCE



**ENVIRONMENTAL
COMPLIANCE**



**HISTORIC
PRESERVATION**



**RESILIENCY
(406 HAZARD MITIGATION)**

Accessibility for Individuals with Disabilities

- In some circumstances, FEMA provides PA funding for accessibility compliance requirements.
- FEMA provides PA funding regardless of whether the facility was in compliance prior to the incident, provided the Applicant was not cited for a violation.
- If the primary function area sustained eligible disaster damage, FEMA may provide PA funding for reasonable changes required by an eligible code or standard to increase accessibility to undamaged elements that serve the primary function area and the path of travel to the primary function area such as an accessible entrance, accessible routes to the primary function area, restroom access, accessible drinking fountains, and other elements.

FEMA PAPPG v5 (pages 176-177)

Terminology

A **primary function area** is the area where a major activity occurs for which the facility is intended. Examples include the dining area of a cafeteria, meeting rooms of a conference center, and public offices providing governmental services to the public.

Path of travel includes a continuous, unobstructed way of pedestrian passage to the primary function area. This includes interior and exterior approaches, such as hallways, doorways, sidewalks, streets, parking areas, and public transit drop points. See [Figure 17. Path of Travel](#).

Service facilities to the primary function area include restrooms, telephones, and drinking fountains.

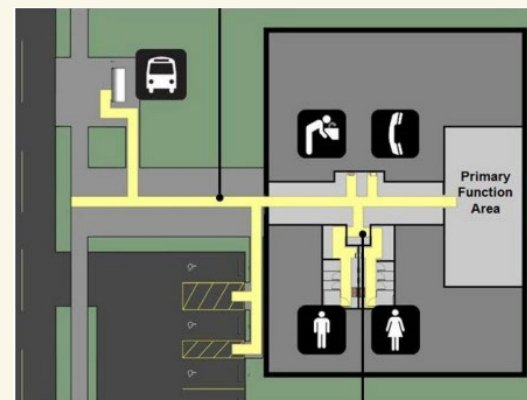


Figure 17. Path of Travel

Accessibility Considerations

Making facilities and paths of travel more accessible allows individuals with disabilities to maintain their independence.

Compliance with accessibility laws applies to all State/FEMA funded projects.





Cal OES

GOVERNOR'S OFFICE
OF EMERGENCY SERVICES

Event Highlight:
406 Mitigation

Eligibility Criteria for Section 406



Reduce potential of **any** future damage to the facility*



Technically feasible



Cost Effective



Compliant with all laws and executive orders



Only for Category C-G permanent work project



Work beyond codes and standards

406 Mitigation Cost Effectiveness

406 Mitigation measures must be cost-effective

- Cost effectiveness is determined by one of the following methods:
 - The cost for the mitigation measure does not exceed 15 percent of the total eligible repair cost (prior to any insurance reductions) of the facility or facilities for which the mitigation measure applies
 - The mitigation measure is specifically listed in Appendix J: Cost-Effective Public Assistance Hazard Mitigation Measures and the cost of the mitigation measure does not exceed 100 percent of the eligible repair cost (prior to any insurance reductions) of the facility or facilities for which the mitigation measure applies
 - The recipient or applicant demonstrates through an acceptable benefit-cost analysis (BCA) methodology that the measure is cost-effective, including FEMA's list of mitigation measures pre-determined to be cost-effective, using the FEMA BCA Toolkit

FEMA may provide technical support to complete a BCA upon request



PAPPv5.0 APPENDIX J: Cost-Effective Public Assistance Hazard Mitigation Measures

- I. Drainage Structures
- II. Transportation Facilities
- III. Mechanical, Electrical, Plumbing (MEP) Components
- IV. Pipes
- V. Waste/Wastewater
- VI. Electric Power Systems
- VII. Storage Tanks
- VIII. Buildings and Structures
- IX. Signage



Cost Share Incentive Program

FEMA Policy FP-104-24-002

Project Activity	New Total Project Cost Share
Applicant completes an eligible Hazard Mitigation Proposal on a PA Permanent Work project for which the total cost of the Hazard Mitigation Proposal is equal to or greater than 20% of the total eligible repair/restoration cost of the project .	80% Federal Share
<p>Applicant completes an eligible Hazard Mitigation Proposal on a Permanent Work project for which the total cost of the Hazard Mitigation Proposal is equal to or greater than 20% of the total eligible repair/restoration cost of the project at the time of obligation;</p> <p>AND Applicant has adopted the current 2024 edition or the previous 2021 edition of the IBC and the IECC for commercial buildings or equivalent code or standard, such as ASHRAE Standard 90.1.*</p>	85% Federal Share

Notes:

- The incentive measure is at the project level when FEMA cost effectiveness is at the facility level.
- The mitigation incentive program is nullified if the permanent work cost share of the disaster is adjusted to 90% federal share.

*Cal OES working with FEMA to confirm California Green Codes meets this requirement



406 Mitigation Examples

Example 1

- Harden and expand culvert damaged by the disaster event into a larger structure.
*May require a Hydraulic and Hydrology (H&H) Study



406 Mitigation Examples

Example 2

- Install joint restraints, flexible joints, or line pipes to reduce future damage



406 Mitigation Examples

Example 3

- Replace and upgrade construction materials with non-combustible alternatives for facilities with wildfire risk.



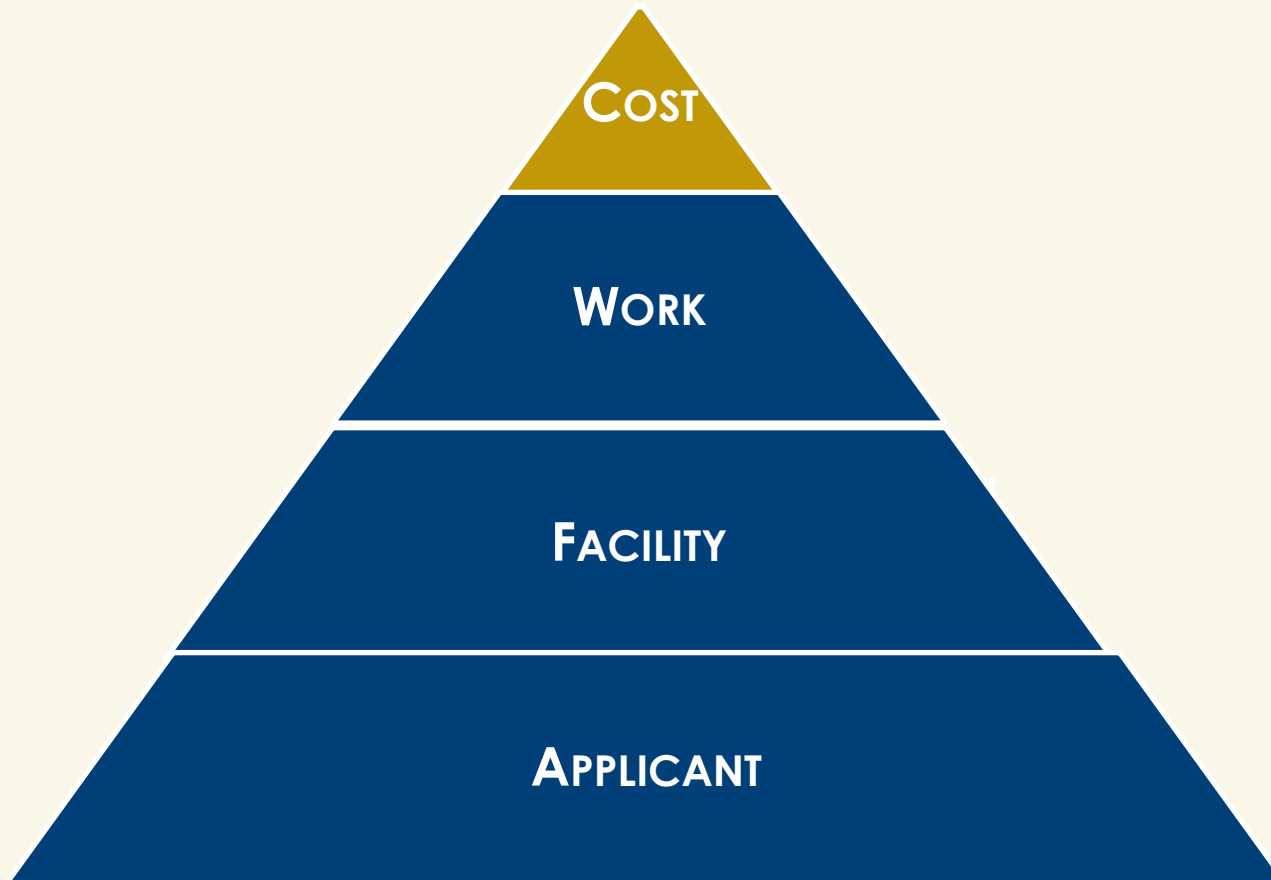
406 Mitigation Examples

Example 4

- Elevate vulnerable equipment above base flood elevation



PA Eligibility Pyramid: Cost



Eligible Costs

- Reasonable and necessary
- Adequately documented, substantiated, or certified
- Comply with applicable procurement standards
- [Title 2, Code of Federal Regulations, Part 200](#)
- Reduced by applicable credits (i.e. funding from other Federal agencies, insurance coverage, salvage value).
- Not contingent upon state and/or federal funding

Labor (Force Account) Overtime

Contracts and Procurement

Material

Equipment (Force Account & Rental)



Labor

Force Account

Work performed by employees of the Subrecipient/Applicant:

- For emergency work (Category A and B)
 - Category A - eligible
 - Category B - typically only overtime is eligible
- For permanent work (Categories C through G)
 - straight-time and overtime are eligible
- For new Permanent Work Category I
 - overtime is eligible; straight-time is limited to extra hires

Extended Periods of Overtime

For permanent or reassigned employees performing eligible activities.

PAPPGv5 Chapter 6, Section III B, pages 80-84: The Applicant may be required to pay firefighter costs from portal-to-portal, which may result in paying for 24-hour shifts with periods of rest. FEMA will reimburse costs based on such requirements; however, FEMA limits its reimbursement to that which is reasonable and necessary, not to exceed 14 calendar days from the start of the incident period.

Material

- Cost of supplies
- Purchased
- Taken from stock
- Used during the performance of eligible work

Equipment

Force Account	Rental
<p>Costs of Applicant owned equipment:</p> <ul style="list-style-type: none"><input type="checkbox"/> Both regular time and overtime<input type="checkbox"/> Rate types used (FEMA, state and local)<input type="checkbox"/> When local rate is developed, reimbursement based on local rate or FEMA's rate*, whichever is lower<input type="checkbox"/> Standby time <u>not</u> eligible <p>Rates include:</p> <ul style="list-style-type: none"><input type="checkbox"/> Cost of operation (Operator costs covered under FA labor)<input type="checkbox"/> Insurance and depreciation<input type="checkbox"/> Maintenance and fuel	<p>Subrecipients/Applicants must identify:</p> <ul style="list-style-type: none"><input type="checkbox"/> What was done<input type="checkbox"/> When<input type="checkbox"/> Where<input type="checkbox"/> How long<input type="checkbox"/> What kind of equipment was used<input type="checkbox"/> Charges per project



*<https://www.fema.gov/assistance/public/tools-resources/schedule-equipment-rates>



Engineering/Design Services

- Necessary to complete eligible work
- Use local typical percentage of costs or work with your PDMG

Donated Resources

Donated Resources – Category A and B

- Provided as a single credit towards all A and B Project Worksheets' non-federal share

Donated Resources – Category C through G

- Credited against individual projects on a project-by-project basis for the non-federal share

Donated Resources of a Specific Project Worksheet

- Donated labor
 - Donated equipment
 - Donated materials
- Subrecipient/Applicant must document:
- Names, Dates, Hours worked
 - Equipment/materials utilized
 - Specific tasks completed and location of tasks



Cal OES

GOVERNOR'S OFFICE
OF EMERGENCY SERVICES

Public Assistance Requirements for Contracts and Procurement

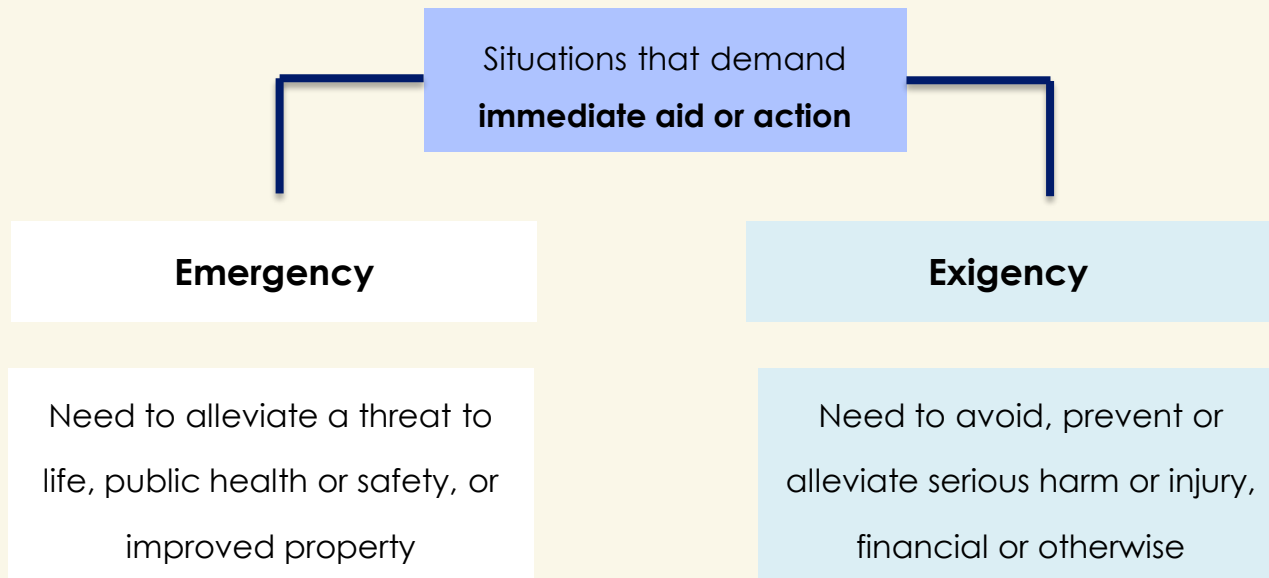
Summary of 2024 revisions by the Office of Management and Budget (OMB)

OMB revised the Guidance for Grants and Agreements found in Title 2 of the Code of Federal Regulations ([2 C.F.R.](#)), which apply to disasters declared on or after October 1, 2024:

- Procurements by States and Indian Tribes ([2 C.F.R. § 200.317](#)) – must comply with their own documented policies/procedures and domestic preference requirements, and federal contract provisions, or federal procurement standards at [2 C.F.R. § 200.318 – 200.327](#) if they do not have their own procurement policies or procedures
- Removed Prohibition on Geographic Preferences ([2 C.F.R. § 200.319\(c\)](#))
 - Allowed if consistent with laws
- Encouraging Socioeconomic Affirmative Steps ([2 C.F.R. § 200.321](#))
 - No longer required, but encouraged
- Veteran-Owned Businesses as Target Firms ([2 C.F.R. § 200.321](#))
 - Added to the list of business types to consider
- Encouraged Use of Recovered Materials ([2 C.F.R. § 200.323](#))
 - Not applicable to Tribal Nations and nonprofits



Sole-Source Procurement Under E&E



If using sole sourcing due to emergency or exigency, you must:

Justify with **documentation**

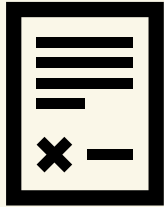
Use only during the **period of actual** exigent or emergency circumstances

Transition to a competitive method **as soon as period ends**

★ FEMA Procurement under Emergency and Exigent Conditions Fact Sheet



Use of Pre-Awarded/Pre-Existing Contracts during E&E



If the pre-awarded/pre-existing contract is not in compliance with the federal procurement requirements, it may still be possible to use the contract for the duration of the E&E

FEMA recommends that **non-state entities**:

- Review the requirements applicable during E&E and **take actions to modify pre-awarded or pre-existing** contracts where applicable
- **Justify the use of a sole-sourced contract** with suggested documentation

Contracts and Procurement

Non-State Subrecipients

Following FEMA's Procurement Policy Is Important:

- ★ Procurement standards set forth in 2 CFR section 200.317 to 200.327, and Appendix II to Part 200 apply to all FEMA awards issued on or after November 12, 2020.
- ★ Office of the Inspector General (OIG) serves as independent office of the Department of Homeland Security (DHS) that oversees audit and investigative functions.
- ★ Every year, OIG audit reports reveal significant issues representing millions of dollars of Federal funds.



Contracts and Procurement

Non-State Subrecipients

General Requirements and Best Practices

- ★ Document everything.
- ★ Retain documents related to procurement.
- ★ Include FEMA's required clauses and provisions in contracts.
- ★ Consider breaking the project into smaller parts to allow better Disadvantaged Business Enterprise (DBE) participation.
 - Local Small Business Administration (SBA) office can help with DBE outreach.
- ★ Document a Cost/Price analysis justifying reasonability of contract's price for work to be performed, and selection of the contractor.



Contracts and Procurement

Non-State Subrecipients

Prequalified Lists Are Not Contracts

- ★ Tools to aid in procurement of future requirements by allowing for review of prospective contractor's qualifications.
- ★ Not contracts.
- ★ Solicitations may be submitted directly to contractors on pre-qualified lists; however, Subrecipients must:
 - Advertise requirements for being added to the list
 - Allow additional interested contractors to submit their qualifications (if qualified, must allow submission of their bids)
- ★ FEMA does not expect Subrecipients to extend solicitation period to allow a contractor the opportunity to demonstrate that its product or services meet the pre-qualification requirements.

Contracts and Procurement

Non-State Subrecipients

Contracts > *\$250,000

- ★ Must be advertised and bid period must provide sufficient time for contractors to respond.
- ★ Proposals must be solicited from adequate number of qualified sources.
- ★ Minimum of two responsive/responsible contractors required.

If Other Factors Are To Be Considered In Addition To Price:

- ★ Evaluation factors and their importance must be listed in advertisement.
- ★ Price must be one of the evaluation factors listed unless for A&E services.
- ★ Procedure for conducting evaluations must be documented beforehand

***\$250,000 = FEMA's Threshold. Your Procurement Policy May Be Lower.**

See FEMA's Contract Provisions Guide^{v2} for the full list of requirements for sealed bidding and competitive proposals.

Contracts and Procurement

Non-State Subrecipients

Special Circumstances

One or No Bids Received:

- ★ FEMA considers competition “inadequate” when procurement standards followed and only one bid, or no bids were submitted.
- ★ In these situations, find out why firms did not submit a bid. If reason was an overly restrictive specification/delivery requirement, time permitting, consider canceling solicitation, changing specification, and re-solicit for more bids.



Contracts and Procurement

Non-State Subrecipients

Mistakes that can result in the disallowance of project costs.

Do Not:

- ★ Enter into contracts conditional on federal funding.
- ★ Award contracts to disbarred or suspended contractors.
- ★ Award contracts to contractors that assisted in design requirements or plans for the project, or the advertisement.
- ★ Award time and material contracts for work not related to an ongoing emergency or exigency situation, unless no other option exists.
(Cancel existing time and materials contracts awarded during emergency as soon as threat has been mitigated, and rebid remaining work using a fixed price, or unit price contract.)
- ★ Award cost plus percentage of cost contracts.
FEMA will not reimburse for these contracts regardless of the circumstance.
- ★ Piggyback projects off existing contracts.

Contracts and Procurement

Non-State Subrecipients

Additional Resources:

[FEMA Procurement Disaster Assistance Team \(PDAT\) Guidance and Tools](#)

<https://www.fema.gov/grants/procurement>

[Resource Library: Purchasing Under a FEMA Award](#)

<https://www.fema.gov/grants/procurement/resource-library>

[FEMA Procurement Checklist](#)

https://www.fema.gov/sites/default/files/2020-07/fema_pdat_procurement-checklist.pdf

[PDAT Field Manual](#)

https://www.fema.gov/sites/default/files/documents/fema_PDAT-field-manual_102021.pdf

[Contract Provisions Guide v2](#)

https://www.fema.gov/sites/default/files/documents/fema_contract-provisions-guide_fy24.pdf

[Procurement Under Grants Training Schedule](#)

<https://www.fema.gov/grants/procurement/training>



Environmental and Historic Preservation (EHP) Overview – Public Assistance Applicant Briefing

WARNING: This presentation has a LOT of information. Please know you can refer to it later and reach out to us for help at any time.

February 5, 2025

www.CalOES.org



Agenda:

What is EHP and why does it matter?

EHP Regulatory Requirements & Compliance

Where to confirm required EHP monitoring conditions?

Demonstrating compliance with EHP project monitoring
conditions

Key Takeaways

Question & Answer

An aerial photograph of a suburban neighborhood, showing rows of houses and trees. The sky is filled with large, dark, dramatic clouds, suggesting an approaching storm. The entire image is overlaid with a dark blue tint.

What is EHP and why does it matter?

What is EHP and why does it matter?

What is the purpose of FEMA's EHP review process?

- The FEMA EHP review process was established to ensure FEMA-funded disaster response and recovery projects comply with environmental and historic preservation laws and regulations.

In FEMA's words: [Environmental Planning and Historic Preservation | FEMA.gov](https://www.fema.gov/environmental-planning-and-historic-preservation)

"The integrity of our natural and historic landscape is important to us all, and steps taken to strengthen or rebuild communities can have long-term environmental and cultural impacts. To ensure proper stewardship of historic properties and the environment, there are more than 30 federal regulations, directives, and legal mandates — in addition to a number of state laws and codes — in place to protect these resources."

Why does it matter?

Well...compliance is necessary for:

- Protecting and preserving potentially impacted environmental, historical, and culturally significant sites and resources and minimizing adverse effects
- Receiving the fully awarded project amount
- Preventing legal action
- Avoiding negative publicity

What is EHP and why does it matter?

Who is responsible?

All parties are responsible for EHP compliance.

FEMA

For a Recipient or applicant to receive federal funds, FEMA must confirm compliance with EHP-related federal regulations. FEMA reviews each FEMA PA project to determine which EHP conditions are applicable, and that compliance has been demonstrated by the SR through project closeout.

Cal OES (Applicant)

The State is the applicant and provides sub-applicants/sub-recipients training, technical assistance, and project oversight to sub-recipients to support federal, state, and local compliance. Cal OES staff review documentation to support recommendations to FEMA with goal of maximizing federal funding opportunities.

Sub-Applicant

Sub-applicants coordinate with Cal OES and FEMA through site visits, briefings, and regular meetings to collaboratively formulate PA projects. Sub-applicants are ultimately responsible for providing necessary permits and project documentation at Closeout to demonstrate compliance.

Note: Sub-applicants / sub-recipients are responsible for all EHP compliance requirements.

What is EHP and why does it matter?

EHP Related Considerations

Source: *California Incident DR-4683 Federal Emergency Management Agency Environmental Considerations Greensheet*

- There are numerous EHP conditions that may be applicable / required relating to:
 - Waterways, Including Culverts and Bridges
 - Floodplains and Wetlands
 - Threatened and Endangered Species
 - Historic Preservation and Tribal Relations
 - Debris Disposal and Hazardous Materials

Always reach out to your Cal OES EHP Point of Contact (POC) for consultation!

RecoveryEHP@caloes.ca.gov



Environmental and Historic Preservation and Disaster Recovery

As you protect, repair, and rebuild your disaster-damaged communities, environmental and historic preservation issues may not seem like a priority. Whenever Federal funding is requested, however, certain environmental and historic preservation requirements must be fulfilled. This brochure is provided to help you better understand environmental and historic preservation factors that you must consider as you apply for FEMA funding. The information described here will help you avoid funding delays and other hurdles as you undertake recovery efforts.

The most important message is that the FEMA Environmental and Historic Preservation (EHP) staff is committed to helping you identify and meet environmental and historic preservation compliance responsibilities. This document provides an

overview of compliance requirements, procedures, and contacts.

You can help by identifying any potential environmental or historic issues, concerns, or problems related to your projects and discuss these with FEMA staff as soon as possible.

Our work is performed under the direction of FEMA's Federal Coordinating Officer, Curtis Brown, and in close coordination with the California Governor's Office of Emergency Services (CalOES). The CalOES serves as the main point of contact for applicants, oversees grant administration, and is committed to following all environmental and historic preservation requirements in its disaster recovery operations.

As the Regional Environmental Officer, I pledge to assist you in understanding and complying with all applicable environmental and historic preservation requirements.

Charles Bello leads the EHP unit at the Joint Field Office in 75 N. Fair Oaks, Pasadena, CA, 91103. Please contact them, other FEMA EHP staff, CalOES, or FEMA Public Assistance staff for any environmental or historic preservation compliance assistance.

Sincerely,

Jeffery Smyly
Regional Environmental Officer
FEMA Region 9
01/23/2025

Environmental Laws and Project Requirements

The National Environmental Policy Act (NEPA) is the primary environmental law that directs Federal agencies to consider the environmental effects of their actions (including funding). In addition to NEPA, listed below are the other major environmental and historic preservation laws and executive orders that are triggered when protecting, rebuilding, or replacing public infrastructure.

Many activities can proceed without environmental or historic review, others require some consideration for environmental and historic preservation compliance. Some projects need very detailed reviews, such as consultation and (or) permitting/authorization with State, Tribal, and Federal regulatory agencies prior to work beginning. Failure to comply with applicable environmental and historic preservation laws and other requirements could jeopardize or delay potential funding.

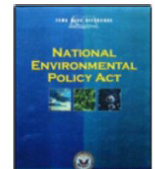


Figure 1. Image of National Environmental Policy Act book.

Federal Laws and Executive Orders

- National Environmental Policy Act
- National Historic Preservation Act
- Endangered Species Act
- Clean Water Act
- Magnuson-Stevens Act
- Executive Order 11988: Floodplain Management
- Executive Order 11990: Protection of Wetlands
- Executive Order 11298: Environmental Justice

Additional Laws

- Magnuson-Stevens Fishery Conservation Management Act
- Farmland Protection Act
- Wild and Scenic Rivers Act
- Coastal Zone Management Act

Some projects may not need detailed review.

- Many types of emergency actions or debris removal
 - Repairs exactly to pre-disaster condition or temporary repairs
- Some projects require more extensive review.*
- Debris disposal in areas not previously permitted
 - Projects that change the pre-disaster condition of the facility
 - Repairs that include hazard mitigation or to facilities over 45 years old
 - Projects located near bodies of water, wetlands, or floodplains.
- Some projects may need review and consultation.*
- Improved or alternate projects
 - Projects that include new ground disturbance

What is EHP and why does it matter?

Common EHP Compliance Regulations

Waterways, Including Culverts and Bridges

Federal Clean Water Act, U.S. Rivers and Harbors Act

CWA Sections 401 and 404

- US Army Corps of Engineers (USACE)
- Navigable waters
- Water control facilities
- Water conveyance maintenance
- Regional General Permit (RGP)

Floodplains and Wetlands

Watershed and Flood Prevention Act, EO - 11988

Executive Orders

- Floodplain maps
 - FIRMette
- Wetland definitions
 - Vegetation & animals



**2025 brings significant updates to FEMA Floodplains and wetlands requirements.*

Threatened and Endangered Species

Endangered Species Act

ESA Section 7

- Multiple agency impact review
 - USFWS
 - CDFW
 - Regional/local



What is EHP and why does it matter?

Common EHP Compliance Regulations

Historic Preservation and Tribal Relations

National Historic Preservation Act, Native American-related Acts, Programmatic Agreement

NHPA Section 106

- Native American Graves Protection & Repatriation Act
- American Indian Religious Freedom Act
- CA SHPO
- Historic = 45 years

Debris Disposal and Hazardous Materials

Clean Air Act, Resource Conservation and Recovery Act

CAA, CARB, RCRA

- Vegetation vs. federal & state regulated materials
- Local/State agencies
- Commercially regulated recycling or disposal facilities
- Cradle to grave (RCRA)

Other Considerations

Conditions relating to completion of Scope of Work

- Hazard mitigation
- Ground disturbance
- Environmental Justice
- Heritage Emergency National Task Force (HENTF)



What is EHP and why does it matter?

The FEMA EHP Greensheet – Resource Overview

- The FEMA EHP Greensheet is a guide which provides helpful information on the EHP review process and is intended to help sub-applicants understand how to comply with EHP laws and regulations.
- What is included in the Greensheet?
 - Guidance on how to comply with EHP conditions
 - Overview of Environmental Laws
 - Overview of Project Requirements / Procedures
 - Contact List

Environmental Laws and Project Requirements

The National Environmental Policy Act (NEPA) is the primary environmental law that directs Federal agencies to consider the environmental effects of their actions (including funding). In addition to NEPA, listed below are the other major environmental and historic preservation laws and executive orders that are triggered when protecting, rebuilding, or replacing public infrastructure.

Many activities can proceed without environmental or historic review, others require some consideration for environmental and historic preservation compliance. Some projects need very detailed reviews, such as consultation and (or) permitting/authorization with State, Tribal, and Federal regulatory agencies prior to work beginning. Failure to comply with applicable environmental and historic preservation laws and other requirements could jeopardize or delay potential funding.

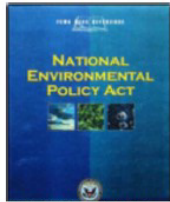


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Federal Laws and Executive Orders

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- Clean Water Act

Some projects may not need detailed review.

- Many types of emergency actions or debris removal
 - Repairs exactly to pre-disaster condition or temporary repairs
- Some projects require more extensive review.**
- Debris disposal in areas not previously permitted

Cal OES DR-4856 CA Federal Emergency Management Agency Environmental and Historic Preservation Considerations Greensheet

Contacts

This brochure presents an overview of many environmental and historic preservation laws that FEMA and applicants must comply with before approving Public Assistance projects. There are, of course, details beyond the scope of this document that may prove useful to you to better understand environmental and historic preservation requirements. You may contact the agencies listed below for more information on these requirements and for guidance on environmental and historic preservation review, permitting, and approval processes. FEMA staff in the Joint Field Office and the Region IX Office can assist in answering questions and directing you to the appropriate agencies to ensure all environmental and historic preservation considerations are adequately addressed for FEMA-funded projects. More information is available at [FEMA's EHP program website](#).

FEMA Regional Environmental Officer (REO) Jeff Smily, REO
1111 Broadway, Suite 1200, Oakland, CA 94607-4052
Phone: (202) 710-4773
Email: Jeffrey.smily@fema.dhs.gov

FEMA EHP Advisor
Charles Belo, EHP Advisor Phone: (720) 245-1400
Email: Charles.Belo@fema.dhs.gov

FEMA Tribal Advisor Pamela Joe, Tribal Advisor Phone: (202) 941-2921
Email: Pamela.joe@fema.dhs.gov

Christopher Poehlmann, Tribal Advisor Phone: (510) 725-7958
Email: christopher.poehlmann@fema.dhs.gov

FEMA Public Assistance
Michael Gaynard, Infrastructure Branch Director
Phone: (510) 504-8040 Email: Michael.Gaynard@fema.dhs.gov

FEMA 408 Hazard Mitigation Patrick Holloway,
Phone: (202) 746-7898
Email: Patrick.Holloway@fema.dhs.gov

FEMA Region IX NEP - Floodplains Broadway, Suite 1200 Oakland, CA 94607
Phone: (510) 627-7194

California Governor's Office of Emergency Services Patricia Nelson, Environmental Officer
10370 Peter A. McCuen Boulevard, Mather, CA 95655 Phone: (916) 307-1030
Email: Patricia.nelson@caloes.ca.gov Email: RecoveryEHP@caloes.ca.gov

Gebe Heany, Tribal Advisor Phone: (916) 926-9542
Email: gebe.heany@caloes.ca.gov

Alex Shariatmadari, Tribal Advisor Phone: (916) 754-6942
Email: alex.shariatmadari@caloes.ca.gov

Helen López, Tribal Advisor (916) 612-9009
Email: helen.lopez@caloes.ca.gov

California Environmental Protection Agency
Scott Lichtig, Deputy Secretary for Environmental Policy and Emergency Response
Contact: Bonnie Wertz (916) 883-0958 Website: <https://cal.epa.ca.gov/>

California Dept. of Water Resources Kelly Soule, NFIP Coordinator
3484 El Camino, Ste. 210, Sacramento, CA 95821. Email: kelly.soule@water.ca.gov
National Marine Fisheries Service (NMFS) Website: <http://www.westcoast.fisheries.noaa.gov/>

US Fish and Wildlife Service Website: <https://www.fws.gov/office/ouribbean-ecological-services/contact-us>

California Dept. of Fish and Wildlife- Habitat Conservation Planning Branch Mailing P.O. Box 944209, Sacramento, CA 94244-2090
Email: jacob@dfwfire.ca.gov Phone: (916) 445-0411

California Office of Historic Preservation
Julianne Polanco, State Historic Preservation Officer 1725 23rd Street, Suite 100 Sacramento, CA 95816
Phone: (916) 445-7000
Email: julianca.polanco@parks.ca.gov

California Native Species/Heritage Commission
1550 Harbor Blvd, Suite 100, West Sacramento, CA 95681
Phone: (916) 375-3710
Email: ca_nshc@ca.gov

California State Water Resource Control Boards
Website: https://www.waterboards.ca.gov/waterboards_index.html

U.S. Army Corps of Engineers Regulatory Program
Website: <https://www.usace.mil/regulatory/index.html?d=7346e523-2094-1194-f770-d0ae7432f4d1>

California Air Resource Board Phone: (800)-242-4450
Email: help@line@arb.ca.gov Website: <https://www2.arb.ca.gov/contact-us>

EPA Hazardous Debris and Materials
75 Hawthorne Street, San Francisco, CA 4105 Phone: (415) 947-8000
Website: <https://www.epa.gov/aboutepa/forms/contact-epas-pse@epa.gov/southwest-region-9/contacts>

California Dept. of Resources Recycling and Recovery 1001 J Street Sacramento, CA 95814
Phone: (916) 222-4027
Website: <https://calrecycle.ca.gov/StateAgency/>

California Department of Public Health
Website: https://www.cdph.ca.gov/Pages/contact_us.aspx Phone: (916) 568-1784

California Coastal Commission
Website: <https://coastal.ca.gov/only/only-forms.html#AppealForms>

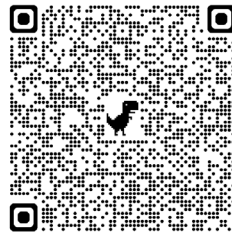
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What is EHP and why does it matter?

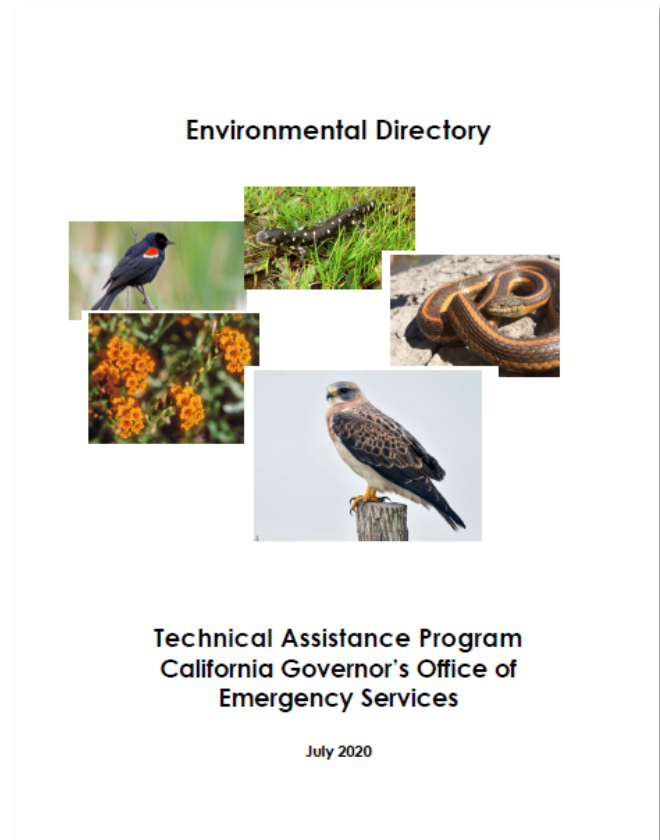
Comprehensive EHP Guide

Resource: *Cal OES Environmental Directory, Rev9*

- What is included in the Environmental Directory?
 - Flowcharts that illustrate the Disaster Recovery Process
 - List of Acronyms
 - State and Federal regulatory agencies
 - State and Federal Environmental Law and Regulations Summaries
 - Frequent Asked Questions



QR Code to CalOES EHP resources page



An aerial photograph of a residential neighborhood, showing rows of houses and streets, overlaid with a semi-transparent blue filter. The sky is filled with large, white clouds. The overall tone is professional and clean.

EHP Regulatory Requirements & Compliance

EHP Regulatory Requirements & Compliance

“Umbrella” Environmental Laws

- California Environmental Quality Act (CEQA)
 - <https://ceqasubmit.opr.ca.gov/>
 - As of Jan 1, 2024 - Senate Bill (SB) 69 (Cortese, 2023) must file with County Clerk and Governor’s Office of Planning and Research
- National Environmental Policy Act (NEPA)
 - <https://ceq.doe.gov/>



QR Code to OPR CEQA form



QR Code to EPA NEPA page

The screenshot shows the 'CEQA Submit' website's 'Log On' interface. At the top, there is a blue header with the text 'CEQA Submit'. Below this is a 'Log On' section with a 'Log in' sub-header. A message states: 'To log in, you will need a key emailed to you.' There is an 'Email *' field with the placeholder text 'Enter official work email'. Below the email field is a 'Request key' button with a key icon. At the bottom of the form, there are two buttons: 'I have a key already' (with a checkmark icon) and 'Create an account' (with a person icon).

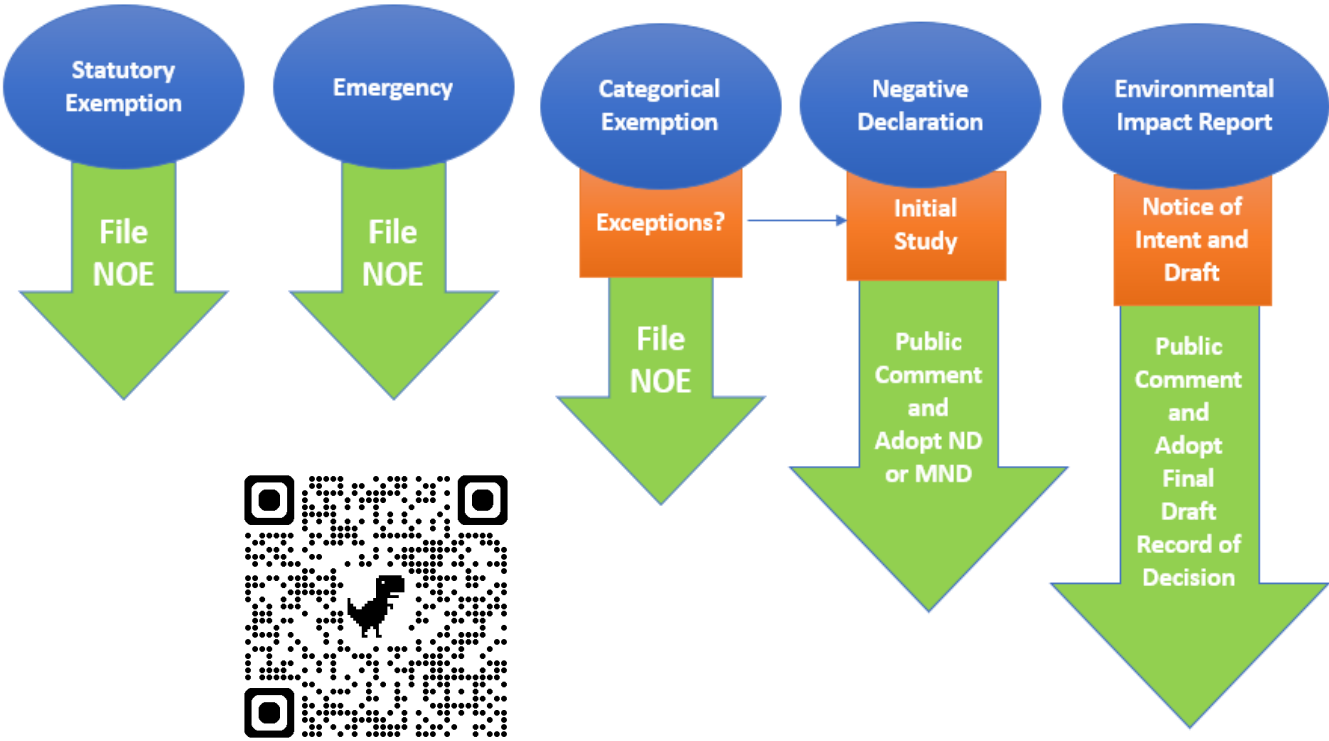
EHP Regulatory Requirements & Compliance

California Environmental Quality Act (CEQA)

What is CEQA / Notice Of Exemption?

1. Statutory exemptions are created by the Legislature for certain circumstances, such as Emergency Response activities.
2. Categorical Exemptions are created through the regulatory process and are found in CEQA Guidelines §§ 15300-15333 and most commonly apply to Permanent Work associated with Disaster Recovery Activities.
3. Notices of Exemption must be filed with the Office of Planning and Research for Statutory or Categorical Exemptions.
4. There are CEQA Exemption Exceptions and if they apply an Initial Study is generally required.
5. If the Initial Study concludes that the project will not cause a significant impact to the environment, the agency can prepare a Negative Declaration (ND) or Mitigated ND.
6. If the Lead CEQA agency determines that the project may have a significant impact on the environment, an Environmental Impact Report (EIR) must be prepared.

CEQA



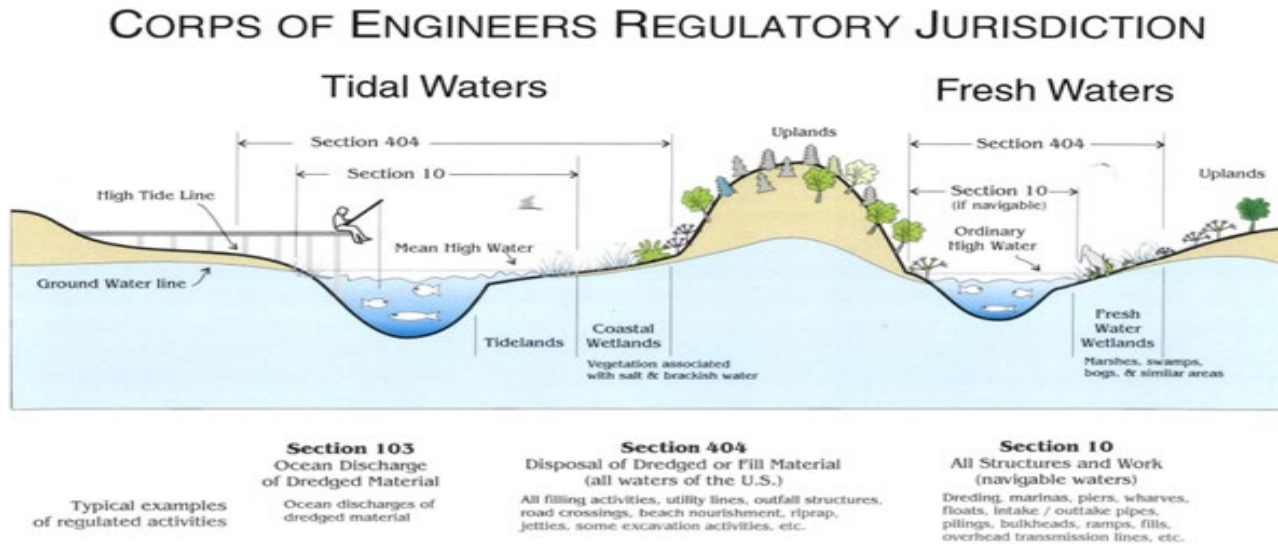
EHP Regulatory Requirements & Compliance

Resource	State	Federal
Special Status Species	California Endangered Species Act (CDFW)	Endangered Species Act (USFWS)
Cultural, Tribal, and Historic Preservation	California Native American Historic Resource Protection Act (SHPO)	National Historic Preservation Act (SHPO)
Water Resources	a. Porter Cologne Water Quality Control Act (Water Boards, RWQCB) b. California Fish and Game Code (CDFW)	Clean Water Act (USEPA, USACE) <ul style="list-style-type: none"> • Sections 401 and 402 administered by the State Water Boards • Section 404 administered by USEPA and USACE
Air	California Clean Air Act (CARB)	Clean Air Act (USEPA)
Migratory Birds	California Migratory Bird <u>Protection</u> Act (CDFW)	Migratory Bird <u>Treaty</u> Act (USFWS)
	<ul style="list-style-type: none"> • Other State Laws (e.g., California Coastal Act) • Executive Orders (e.g., wetlands/floodplains) 	<ul style="list-style-type: none"> • Other Federal Laws (e.g., Coastal Zone Management Act) • Executive Orders (e.g., wetlands/floodplains)

EHP Regulatory Requirements & Compliance

Body: The **US Army Corps of Engineers (USACE)** maintains jurisdiction over two broad categories of water including Navigable Waters of the United States and Waters of the United States

The **State of California – Waterboards** maintains jurisdiction over all other waters of the state including Culverts, Bridges, Bank Erosion, Springs / Seeps / Wetlands, Drainages, etc.



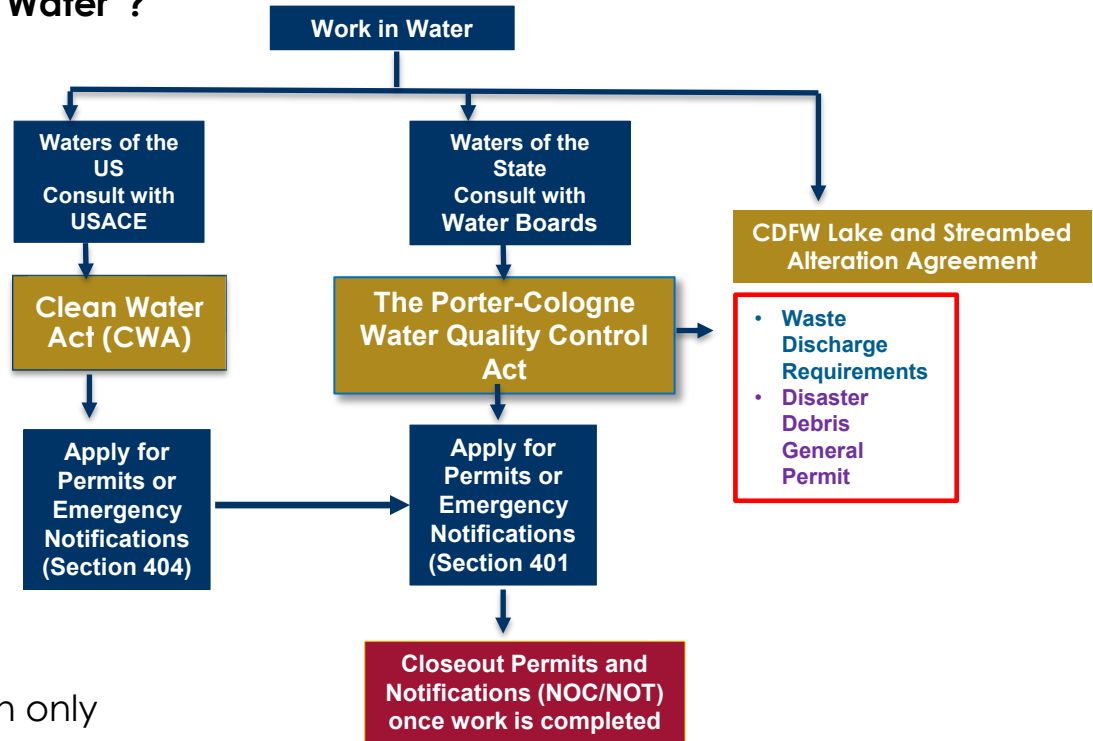
EHP Regulatory Requirements & Compliance

What work is associated with “Work in Water”?

- Culverts
- Wetlands
- Streambanks
- Watercourses
- Bridge
- Debris
- Laydown Yards
- Staging areas

Types of watercourses:

- Perennial: Continuous flow
- Intermittent: Seasonal Flows
- Ephemeral: Flows after precipitation only
- Man-made: channels, canals, reservoirs, ditches



EHP Regulatory Requirements & Compliance

Ordinary High-Water Mark (OHWM) Field Guides



A Field Guide to the Identification of the Ordinary High-Water Mark (OHWM) in the Arid West Region of the Western United States.

Any work performed at or below the OHWM will require consultation with the appropriate regulatory agencies.

EHP Regulatory Requirements & Compliance

Waterboards Jurisdiction



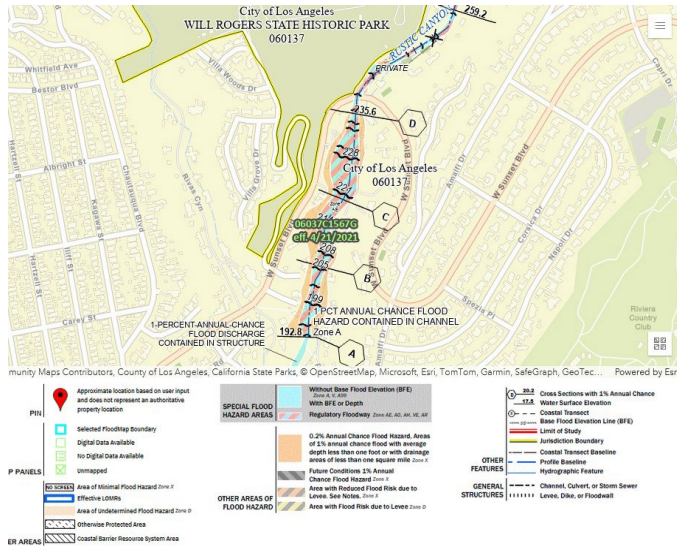
- State Water Resources Control Board (SWRCB) oversees stormwater concerns.
- SWRCB Order WQ 2020-0004-DWQ
 - General Waste Discharge requirements for disaster-related wastes
- CWA Section 401 Water Quality Certification/Waste Discharge Requirements
- CWA Section 402 NPDES Storm Water Permits



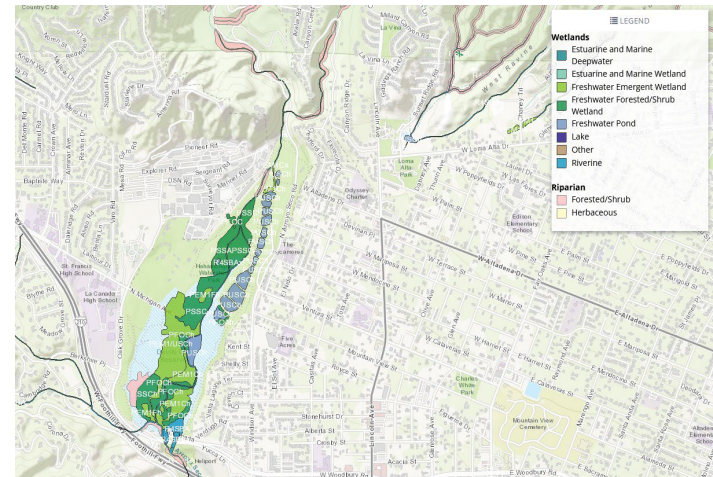
EHP Regulatory Requirements & Compliance

Floodplains and Wetlands

Identify wetlands and floodplains in your project area with these resources.

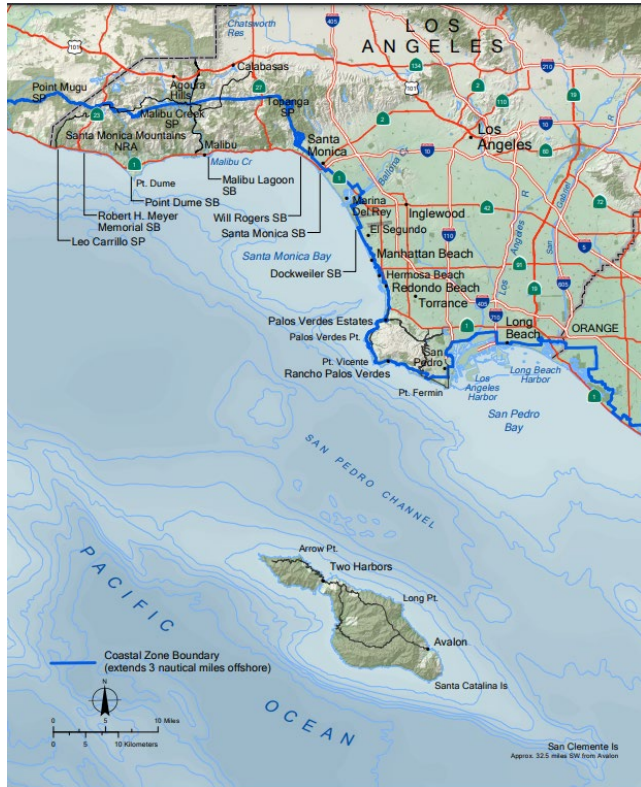


USA Flood Hazard
<https://msc.fema.gov/portal/home>



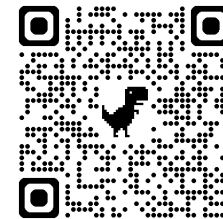
National Wetland Inventory
<https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>

CA Coastal Commission Jurisdiction



Coastal Zone Management Act

- 1000 yards inland from the coast
- Activity/Trigger: Construction work within the Coastal Management Zone (e.g., Placement of segregated fill on a beach).
- If immediate action is necessary contact within three days (72 hours) of the disaster or discovery of the danger
- 7 days to obtain Emergency Permits: <https://documents.coastal.ca.gov/assets/cdp/emergency-cdp-appl.pdf>



EHP Regulatory Requirements & Compliance

U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) Jurisdictions

- Endangered Species Act
 - Biological Surveys – Desktop/Field (Hire a biologist)
 - Section 7 requires federal agencies to consult with US Fish and Wildlife Service (this can always be informally preempted by the sub-applicant)
 - Migratory Bird Treaty Act
 - Keep in contact US Fish and Wildlife Service and/or National Marine Fisheries Service Directly
 - Incidental Take Permits
 - Special Purpose Permits
 - Programmatic Biological Opinions:
 - Avoidance and Minimization Measures



- **Use iPac to aid in identifying species in your project area**

<https://ipac.ecosphere.fws.gov/>

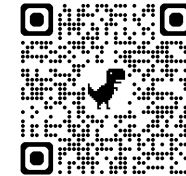


EHP Regulatory Requirements & Compliance

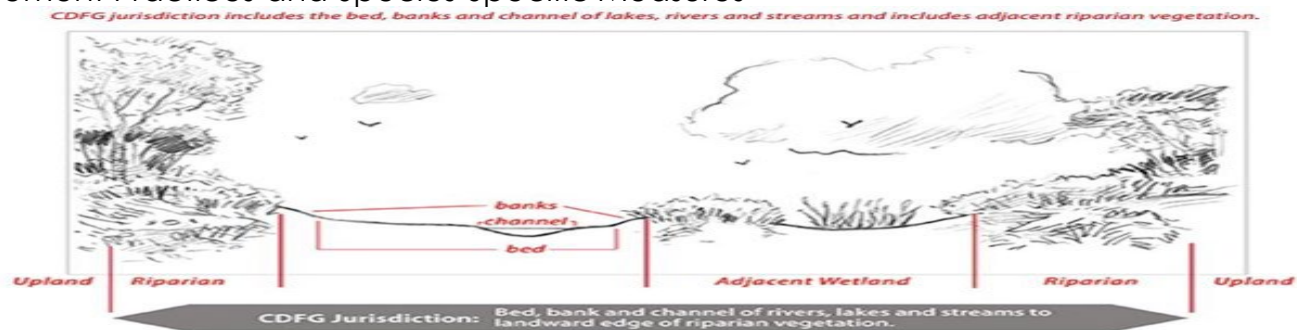


California Department of Fish & Wildlife (CDFW) Jurisdiction

- **Fish and Game Code Section 1600**
 - 1602 Permanent Projects
 - 1610 Emergency Notification
- **CA Endangered Species Act and CA Migratory Bird Protection Act**
 - Biological Surveys– Desktop/Field (e.g. CNDDDB)
 - Contact CDFW
 - Incidental Take Permits
 - Best Management Practices and Species-Specific Measures

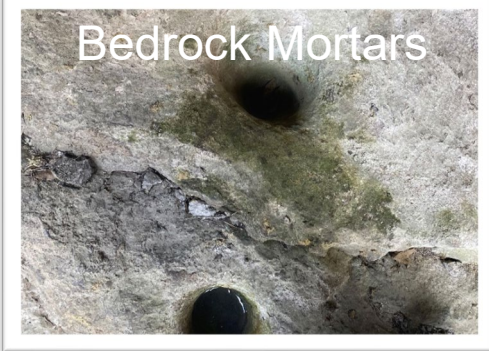


CDFW Lake and Streambed Alteration page



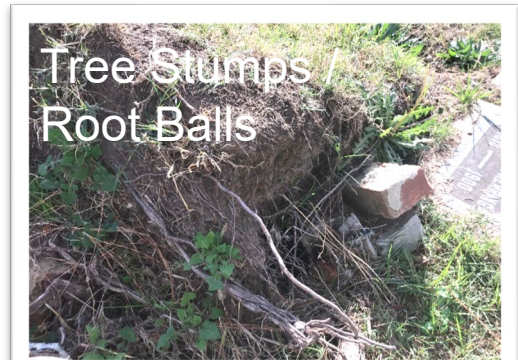
EHP Regulatory Requirements & Compliance

National Historic Preservation Act/Cultural Resource Protections



- Common Triggers / Examples
 - Ground disturbance
 - See definition
 - Root balls
 - Tree stumps
 - Cemeteries
 - Bridges
 - Buildings
 - Burials
 - ...and more

**DO NOT START WORK UNTIL THE
FEMA EHP REVIEW IS COMPLETE!**



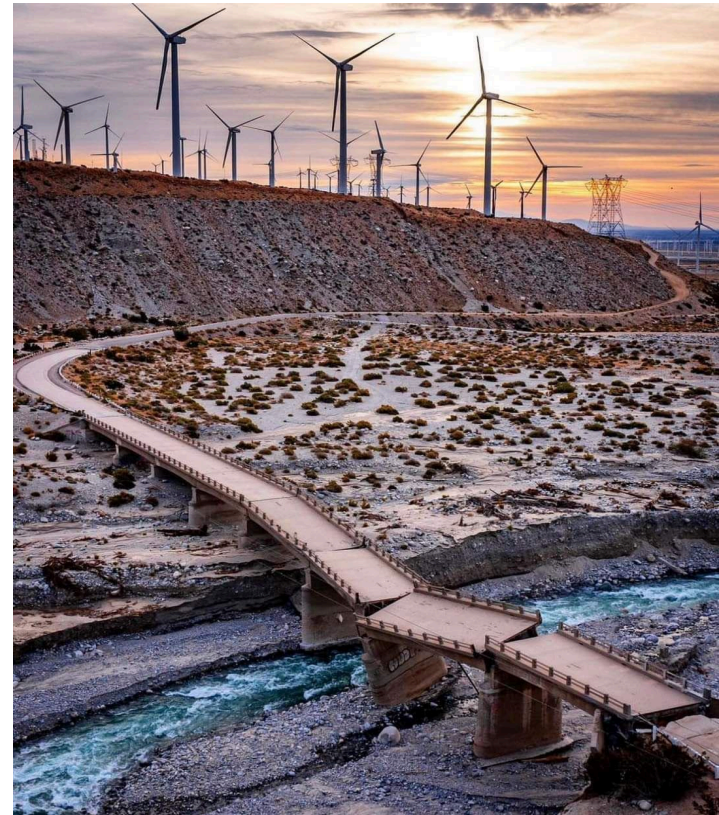
EHP Regulatory Requirements & Compliance

How to approach FEMA PA projects from an EHP perspective?

Who should I consult? Do I need permits?
What laws apply?

- Clean Water Act?
- Porter Cologne Act?
- Fish and Game Code?
- Endangered Species?
- National Historic Preservation Act?
- Floodplains or Wetlands?
- Other laws?

Consult with Cal OES and FEMA EHP to clarify your projects to avoid project delays and potential de-obligation of funding!



An aerial photograph of a residential neighborhood, showing rows of houses and streets, overlaid with a dark blue semi-transparent filter. The sky is filled with large, white clouds. The overall tone is monochromatic blue.

Where to confirm required EHP project monitoring conditions?

Where to confirm required EHP project monitoring conditions?

Purpose of FEMA Grants Portal (GP) & the GP Project Report

- FEMA GP enables sub-applicants to access, manage, and track FEMA PA projects
- The GP Project Report details the status and outlines key project information including:
 - General Information;
 - Damage, Description, and Dimensions;
 - Scope of Work (SOW)
 - Project Costs / Award Information; and
 - Grant Conditions (A brief description of EHP is included here)

Department of Homeland Security
Federal Emergency Management Agency

General Info

Project #	██████	PW #	██████	Project Type	Standard
Project Category	C - Roads and Bridges			Applicant	████████████████████
Project Title	████████████████████			Event	4683DR-CA (4683DR)
Project Size	Large	Declaration Date	1/14/2023		
Activity Completion Date	7/14/2024	Incident Start Date	12/27/2022		
Process Step	Obligated	Incident End Date	1/31/2023		

Damage Description and Dimensions

The Disaster # 4683DR, which occurred between 12/27/2022 and 01/31/2023, caused:

Damage ████████; County roads-repairs to be completed-Oct 12-13 Inspections

General Facility Information:

- Facility Type: Roads (No Culverts)
- Facility: County roads
- Facility Description: Roads, downslope embankments. Regarding FHWA Classification, Green Valley Rd is a Minor Collector and all other roads are Local.
- Approx. Year Built: 1980
- Location Description: 7 road damage sites, age and width vary.
- Road Type: Asphalt
- Width (ft): 12
- Number of Lanes: 2

General Damage Information:

- Date Damaged: 12/31/2022 to 1/17/2023
- Cause of Damage: Severe storm rainwater runoff and soil saturation caused soil erosion and sliding.

Road Damage:

Site 1(a) ██████████:

- Embankment, 126 CY of Natural eastern soil, 25 FT long x 17 FT wide x 8 FT deep, severe storm rainwater runoff and soil saturation caused soil erosion and sliding, 0% work completed.

Site 1(b) ██████████:

- Embankment, 200 CY of Natural eastern soil, 27 FT long x 26 FT wide x 10 FT deep, severe storm rainwater runoff and soil saturation caused soil erosion and sliding, 0% work completed.

Site 1(c) ██████████:

- Surface, 1 CY of Asphalt, 22 FT long x 2 FT wide x 3 IN deep, severe storm rainwater runoff and soil saturation caused soil erosion and sliding, 0% work completed.
- Sub Base, 1 CY of Subbase Gravel, 22 FT long x 2 FT wide x 3 IN deep, severe storm rainwater runoff and soil saturation caused soil erosion and sliding, 0% work completed.

Date Downloaded: 1/29/25 12:07pm PST

1 of 11

Where to confirm required EHP project monitoring conditions?

Purpose of the FEMA Record of Environmental Consideration (REC) Report

- The REC report is a FEMA administrative document that identifies categorical exclusions (CATEX) or statutory exclusions (STATEX) for a given project's SOW and outlines applicable monitoring conditions for Environmental and Historic Preservation (EHP) laws and Executive Orders (EOs). It serves as a formal record of the environmental review process and associated determinations.
- Please note, the REC Report isn't typically available in GP until after FEMA EHP has completed the EHP Review process step.

The screenshot displays the Grants Portal interface. On the left is a navigation sidebar with options like Dashboard, My Organization, Profile, Personnel, Events, Applicant Event Profiles, Exploratory Calls, Recovery Scoping, Meetings, Impacts, Work Order Requests, Work Orders, Projects, My Post-Award, My Tasks, Appeal Ops, Calendar, and Subrecipient. The main content area shows a project record for '409DR-CA (409DR)' with a table of documents. One document is highlighted: 'FEDERAL EMERGENCY MANAGEMENT AGENCY RECORD OF ENVIRONMENTAL CONSIDERATION (REC)'. A pop-up window shows the details of this REC, including a NEPA DETERMINATION section with a comment: 'CAT C: 2% complete'. Below this, there is a detailed description of the project's environmental impact assessment and monitoring conditions, such as 'The Applicant will utilize contracts and force account labor to replace a 2 1/2 foot(FT) W x 6 FT H x 24 FT L linear culvert with a 5 FT W x 8 FT H x 24 FT L concrete box culvert...'. The pop-up also includes a table with columns for 'Non Compliant Flag: No', 'EA Draft Date', 'EA Final Date', 'EA Public Notice Date', 'EIS Notice of Intent', 'EIS ROD Date', and 'Level: CATEX'. The bottom of the pop-up contains a note: '***ABOVE COMMENT IS VOID AND NO LONGER APPLICABLE***'.

Grants Portal navigation example

Example of a REC

Where to confirm required EHP project monitoring conditions?

Example REC Report

National Historic Preservation Act (NHPA)	Completed	Applicable executed Programmatic Agreement. Activity meets Programmatic Allowance (enter date and # in comments). - Review concluded	The Undertaking complies with First Tier Programmatic Allowance 1.A.1(b) (Removal of debris from private property provided that buildings are not affected...) (Appendix B) of the Programmatic Agreement among the Federal Emergency Management Agency (FEMA), State Historic Preservation Office (SHPO) and California Office of Emergency Services (Cal OES) signed October 29, 2019. Thus, the Undertaking does not require SHPO review or notification per Stipulation II.A.1. of the Agreement. See conditions. - tconawa1 - 11/30/2021 21:03:54 GMT
Resource Conservation and Recovery Act, aka Solid Waste Disposal Act (RCRA)	Completed	Review concluded	See Conditions. - tconawa1 - 11/30/2021 21:09:06 GMT
Wild and Scenic Rivers Act (WSR)	Completed	Project is not along and does not affect Wild and Scenic River - Review concluded	

CONDITIONS

NOTE: All times are GMT using a 24-hour clock.

- Review the REC to understand the applicable monitoring conditions identified by FEMA EHP
 - Monitoring Required: Yes/No

Special Conditions required on implementation of Projects:

The Subgrantee is responsible for complying with all other applicable subparts of the CAA. Failure to comply with these conditions may jeopardize federal assistance including funding. Any change to the approved scope of work will require re-evaluation for compliance with the Clean Air Act.

Source of condition: Clean Air Act (CAA)

Monitoring Required: No

All debris, including but not limited to: construction and demolition debris, household items, exposed sandbags, sand, mud, silt, gravel, rocks, boulders, vehicle wreckage, and hazardous materials including electrical transformers must be taken to an appropriately licensed/permitted landfill, waste facility or spoil site.

Source of condition: National Historic Preservation Act (NHPA)

Monitoring Required: Yes

In the event that petroleum products, hazardous materials or toxic waste; or equipment, debris or materials contaminated with these products are discovered during implementation of the Undertaking, Documentation will be provided to the State and FEMA, showing that all materials and items were handled, managed, transported and disposed in accordance to the requirements and to the satisfaction of the governing Local, State and Federal agencies.

Source of condition: Resource Conservation and Recovery Act, aka Solid Waste Disposal Act (RCRA)

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.

Demonstrating compliance with EHP monitoring conditions

After my project is obligated, are my EHP responsibilities complete? No!

- Once all project work is complete, SRs are required to demonstrate compliance with all applicable EHP monitoring conditions at closeout.
- Closeout is the final process step to collect all outstanding supporting documentation, validate all project costs, and confirm the work was completed in alignment with the approved SOW.
- Required EHP documentation may include, but is not limited to:
 - Necessary local, state, and federal permits, as well as CEQA documents;
 - Correspondence records with Federal / State Regulatory Agencies; and
 - Final compliance, action, and monitoring Closeout reports



An aerial photograph of a residential neighborhood, showing rows of houses and streets, overlaid with a semi-transparent blue filter. The sky is filled with large, white clouds. The text 'Key Takeaways' is centered in the middle of the image in a white, bold, sans-serif font.

Key Takeaways

Key Takeaways

- ✔ Sub-applicants / Sub-recipients are ultimately responsible for obtaining and providing all required EHP permits and accompanying documents.
When in doubt, consult your Cal OES / FEMA Points of Contact early;

- ✔ Project activities / construction can only begin **after** EHP Review is complete, to avoid putting the project / funding at risk;

- ✔ All applicable environmental laws must be addressed in the EHP process **even if** a Statutory / Categorical CEQA Exemptions are obtained; and

- ✔ Communicate all project changes to FEMA / Cal OES. **A change in the SOW will require an additional round of FEMA Review, including EHP.**

Contacts

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EHP Lead

916-531-6554

Melissa.ronan@caloes.ca.gov

Cassandra Green

EHP Advisor

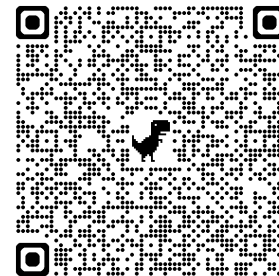
916-279-3815

Cassandra.green@caloes.ca.gov

recoveryehp@caloes.ca.gov

Technical Resources: Environmental Directory and Fact Sheets and this presentation can be found on our website at

<https://www.caloes.ca.gov/ehp>





***Cal* OES**

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**Public Assistance Program
Project Worksheets
Information and Preparation**

Project Worksheet Preparation

- Prepared in FEMA's Grants Portal using estimated or actual costs for repairs
- Sent to Subrecipient/Applicant for concurrence
- Entered into the federal database and obligated by FEMA
- Cal OES processes and manages
- Subrecipient/Applicant notified of PW obligation and pending payments

Small and Large Projects

Federal Fiscal Year **2025 (10/1/2024 – 9/30/2025)**

Small project threshold is **\$4,000** up to **\$1,062,900**

Large project threshold is **\$1,062,900** and greater

Small Projects

- Any eligible work with aggregate costs below the threshold
- Funding is based on estimated costs, if actual costs are not available
- Paid automatically when obligated by FEMA
- Net Small Project Overrun (NSPO) appeal

Large Projects

- Any eligible work with aggregate costs over the threshold
- Payment(s) must be requested unless 100% complete during PW preparation
- Funding initially based on actual or estimated costs
- Final funding based on documented eligible actual costs



Public Assistance Simplified Procedures

([FEMA Policy FP-104-23-001](#))

This policy streamlines application procedure for Small Project funding under the PA program:

- Applies to all PA Small Projects funded under major disasters and emergencies declared on or after date of issuance (August 3, 2022)
 - Does not apply to Management Costs funded under Stafford Act Section 324 or Donated Resources
- FEMA will accept Applicants' self-certified estimates and summary information
 - Must include information to support estimate and certify claimed costs directly correlate to eligible work in the Project Application
- FEMA does not adjust estimated costs to the actual incurred amount
- Applicants must continue to retain all source documentation, including project eligibility records and financial records, for 3 years after the date the Recipient submits to FEMA Certification of completion of the last Small Project
- If requested, Applicants must provide documentation to FEMA and/or Cal OES



Expedited Projects for Emergency Work

- ❑ FEMA may provide expedited funding for Emergency Work Projects (Category A or B) that meet or exceed the Large Project threshold. FEMA funds Expedited Projects at 50 percent of the Federal share of the estimated project cost.
- ❑ Requests for Expedited Projects must be submitted to FEMA within 60 days of the Applicant's Recovery Scoping Meeting. To support its request, the Applicant must provide enough information for FEMA to validate that the work and costs are eligible. FEMA will work to obligate funding within 90 days of receipt of the request.
- ❑ FEMA provides the Federal cost share for the remaining 50 percent of the project cost once the Applicant provides all documentation required to support the estimated project cost for a non-Expedited Project.
- ❑ Cal OES still requires documentation of expenditures to provide funding on a reimbursement basis, even on expedited projects.

Flexible Restoration (Capped Projects)

- ❑ FEMA offers flexible options that allow applicants to use PA funding for permanent work in ways other than restoring a facility to its pre-disaster design and function.
- ❑ FEMA limits (or “caps”) the PA funding to the amount it would cost to repair or rebuild the facility as it was before the disaster.
- ❑ The three capped project options are:
 - ❑ Alternative Procedures Projects
 - ❑ Improved Projects
 - ❑ Alternate Projects



Flexible Restoration

Section 428 Alternative Procedures Projects

- Is the first option considered for all Large Permanent Work projects

Benefits of the program:

- No requirement to rebuild communities back to what existed prior to the disaster.
- Applicants can share funds across all Permanent Work Pilot Projects.
- Excess funds may be used to reduce risk and improve future disaster operations.
- Hazard mitigation funding may be added to Replacement Projects.



Section 428 Alternative Procedures

- FEMA transmits a **fixed cost estimate** via Grants Portal for applicant consideration
 - based on the estimated amount to rebuild to pre-disaster design and function
 - Applicant must respond within 30 days of transmittal
 - disagreement on damage, SOW, or cost must be resolved prior to acceptance
- Applicant must accept fixed-cost estimate within 18 months from the disaster declaration for the project to be considered an Alternative Procedures project
 - any project that does not have a fixed cost accepted within this timeframe will be processed using standard PA policies (based on actual costs)
 - FEMA will consider time extensions on a case-by-case basis
- **FEMA will not adjust fixed-cost amount after acceptance of the offer (except for insurance reductions, non-compliance, result of audit)**
- FEMA will not consider Appeals on Alternative Procedures projects



Flexible Restoration

Improved Projects

- ❑ Projects with improvements to the disaster-related scope of work
- ❑ May be requested for both small and large projects
- ❑ Permanent work projects only
- ❑ Must be approved by Cal OES and reviewed by FEMA **PRIOR** to construction
- ❑ **Federal funding is capped at federal share of estimated costs of the original PW, or actual costs of the improved project, whichever is less**



Flexible Restoration

Alternate Projects

- ❑ Occurs when Subrecipient/Applicant determines public welfare would not be best served by restoring the damaged facility
- ❑ May be requested for both small and large permanent projects
- ❑ As a result of the Disaster Recovery Reform Act, there is no longer a 10% reduction
- ❑ Insurance must be obtained/maintained on:
 - Contents in an amount equal to the alternate project funding, Vehicles, Buildings
- ❑ **Funding is limited to the lesser of the federal share of the approved estimate to restore to pre-disaster design, or actual costs of the improve project.**

FEMA PA Management Costs (Interim) (Category Z)

Management Costs are identified as indirect, direct, and other administrative labor costs related to developing eligible Public Assistance projects and receiving reimbursement. Activities may include, but are not limited to:

- Preliminary Damage Assessments
- Meetings regarding PA Program and overall PA damage claim
- Organizing PA damage sites into logical groups
- Preparing correspondence
- Site inspections
- Travel expenses
- Developing the detailed site-specific damage description
- Evaluating Section 406 hazard mitigation measures
- Preparing Small and Large Projects
- Collecting, copying, filing, or submitting documents to support a claim
- Reviewing Project Worksheets
- Requesting disbursement of PA funds



FEMA PA

Management Costs

- ❑ FEMA awards Management Costs up to five percent of actual eligible Public Assistance project costs, including the non-federal share, after insurance and any other deductions. Management Costs are funded at 100 percent federal share via Category Z PWs.
- ❑ Category B Donated Resources PWs are not included in the calculation, since not considered project awards.



Statutory Timeline

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

Time Extensions for Extenuating Circumstances

Time Extension requests for obligated projects must be submitted in writing via email to DisasterRecovery@caloes.ca.gov and must contain:

- Project Worksheet Number (PW #)
- Category of Work
- Status or progress on permitting for project
- Anticipated completion date
- Percentage of work completed
- Construction schedule
- Reason for the delay
(beyond control of Subrecipient/Applicant)
- Dates of previous time extension

PW Version Requests

PW Version requests must be submitted in writing via email to DisasterRecovery@caloes.ca.gov and must contain:

- Detailed changes to the Scope of Work (SOW) and/or Cost
- Reason for changes
 - If more cost-effective repair: both cost estimates
 - If original SOW not feasible: supporting documentation such as technical reports
 - If hidden damage (must be found during performance of eligible work):
 - Documentation substantiating the damage is related to the declared incident;
 - Photographs documenting damage; and
 - Change orders
- Construction timeline / project schedule
 - Time extension, if necessary



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Payments & VAYGo

Required Documents for Payment

Cal OES' Financial Processing Unit (Previously Grants Processing Unit) is required to have the following forms on file for each event to process all payments:

- ❑ Designation of Applicant's Agent Resolution (OES-FPD-130/130SA)
- ❑ Project Assurances for Federal Assistance (OES-FPD-089)
- ❑ Unique Entity ID number registered with SAM.gov (System for Award Management ([SAM.gov](https://www.sam.gov) | [Entity Registrations](https://www.sam.gov))). Please make sure one of the addresses you use for your SAM.gov Registration matches the address on your STD 204.

Questions? Please contact Cal OES' Financial Processing Unit (FPU) at
(Previously Grants Processing Unit)

RecoveryPayments@caloes.ca.gov



Required Documents for Large Project Reimbursement

Submit the following documentation to Cal OES' Financial Processing Unit **to request payments (draw down) on Large Projects written at less than 100% complete:**

- Large Project Reimbursement Request (OES-FPD-132)
- All supporting cost documentation for the request uploaded to Grants Portal. (Invoices, timecards, activity logs (214s), equipment logs, etc.)

Questions? Please contact Cal OES' Financial Processing Unit (FPU) at
(Previously Grants Processing Unit)

RecoveryPayments@caloes.ca.gov



Validate As You Go (VAYGo)

- ❑ The Cal OES VAYGo process is the concurrent validation of project cost-supporting documentation to ensure expenditures are accurate, appropriate, and accounted for *before* the recipient (Cal OES) disburses funding to the subrecipient, thus improving payment integrity and reducing the likelihood of improper payments
- ❑ Subrecipients must submit all cost documentation and proof of payment in Grants Portal to allow the Recipient to validate the request and associated costs prior to draw down
- ❑ VAYGo validation allows correction of issues instead of waiting until the closeout process to identify and remedy errors



Documents VAYGo Requests:

- If claiming Force Account (FA) Labor:
 - Pay Policy/Fringe Benefit Calculations
 - Timecards to match Cost Summary spreadsheet
- If claiming FA Equipment
 - Equipment used
 - Rates
 - Timecards matching Cost Summary spreadsheet
- If claiming FA Materials
 - Invoicing matching Cost Summary spreadsheet
 - Proof of Payments
- If claiming Contract work/materials:
 - Bids
 - Contracts/Change Orders
 - Invoicing matching Cost Summary spreadsheet
 - Proof of Payments



Payment Notification

- ❑ Cal OES' Financial Processing Unit (Previously Grants Processing Unit) sends a notification letter via email to the Authorized Agents (AA) and Authorized Contacts identified on the AA Names form (OES-FPD-012) before a State Warrant is issued
- ❑ All funding disbursements are issued on State Warrants
- ❑ State Warrants are prepared and mailed by State Controller's Office
Note: ACH (Automatic Clearing House) disbursements, and electronic fund transfers are not available

Quarterly Reports, Closeout, Appeals, and Audits

Quarterly Progress Reports

A tool for FEMA and the Cal OES to track the progress of open Large Projects on a quarterly basis.

Project Reconciliation and Closeout

The purpose of closeout is for the Applicant and Cal OES to certify that all work has been completed.

Appeals

Applicants may appeal any FEMA determination related to an application for, or the provision of, assistance under the PA Program.

Audits

Recipients and Subrecipients are subject to Federal and non-Federal audits.



Large Project Quarterly Reporting

Each quarter, subrecipients will be contacted by Cal OES to provide the following information for all open (obligated) large projects:

- Expenditures to date
- Approved Completion Date
- Is there a current Time Extension on file (if the original completion deadline has passed)?
- Projected Completion Date
- Percent of Work Complete
- Actual Completion Date (if work is 100% complete)



Appeal and Arbitration Process

Any determination related to Federal Assistance may be appealed.

There are two opportunities for appeal (or possibly arbitrate in lieu of appeal):

- 1st Appeal to the FEMA Regional Administrator, Region IX
- 2nd Appeal to the FEMA Assistant Administrator, Disaster Assistance Directorate

The appeal must be submitted in writing via Grants Portal within 60 days from issuance of FEMA's determination (in Grants Portal) of the action being appealed.

The State has 120 days from FEMA's determination to forward Appeals to FEMA who has 90 days to render a decision.

*All correspondence for determinations and appeals will be sent through Grants Portal.



Appeal and Arbitration Process

Appeal Letter Requirements

All appeals must:

- Contain all documented justification supporting the applicant or recipient's position;
- Specify the amount in dispute, as applicable; and
- Specify the provisions in Federal law, regulation, or policy with which the applicant or recipient believes the FEMA determination was inconsistent.



Appeal and Arbitration Process

As amended in Section 1219 of the DRRRA, to be eligible for Section 423 arbitration, a Public Assistance Applicant's request must meet all three of the following conditions:

[FEMA Arbitration Fact Sheet](#)

[CBCA Arbitration Fact Sheet](#)

1. The dispute arises from a disaster declared after January 1, 2016;
2. The disputed amount exceeds \$500,000 (or \$100,000 if the Applicant is in a "rural area," defined as having a population of less than 200,000 living outside an urbanized area; and
3. The Applicant filed a first level appeal with FEMA pursuant to the time requirements in 44 CFR 206.206



Appeal and Arbitration Process

Public Assistance Applicants who seek to challenge a FEMA first level appeal decision have two options, but also a deadline.

- ❑ Applicants must file a second appeal in writing via Grants Portal within 60 days after FEMA transmits the first appeal decision in Grants Portal. If the Applicant takes neither action, the first level appeal becomes the final agency determination.
- ❑ Public Assistance Applicants may request arbitration by emailing the request to the Civilian Board of Contract Appeals (CBCA) at **cbca.efile@cbca.gov**; an applicant must submit its request for arbitration in writing simultaneously to the recipient, the FEMA Regional Administrator, and the arbitration administrator (the CBCA).
- ❑ If the Applicant does not receive a first level appeal decision within 180 days of submission, they may withdraw the first level appeal and request arbitration.
- ❑ The results of arbitration becomes the final determination.



Final Claim (Closeout) Requirements

Final Inspection requirements:

- All supporting documentation must be uploaded to project documents section in Grants Portal.
- Closeout for **All Projects** must be initiated within **90 days of work completion**
 - If work is completed prior to obligation, 90-day timeline begins at obligation
- Small Projects are closed in aggregate (after work is completed on last small project)
 - **Net Small Project Overrun (NSPO) Appeal** request must be submitted within **60 days** of work completion, or obligation, if work is completed prior to obligation



Final Claim (Closeout) Process

- Initiate the Closeout process by requesting a P.4 *Project Completion and Certification Report* from the Closeout team or your assigned State POC.
- Return the completed P.4, signed by an Authorized Agent, to the Closeout team or your assigned State POC.
- Cal OES will review supporting documentation, generate a federal Final Inspection Report (FIR), and transmit to FEMA.
- FEMA responds to FIR with final approved costs.
 - Adjustment(s) made to actual costs for large projects.
- If applicant received CDAA cost share, State FIR is generated.
 - CDAA Cost-share requires full documentation
- Financial Processing Division (FPD) performs a final reconciliation after all PWs are closed.
- Retention released after Cal OES Audit Waiver Letter is issued by FPD.

For questions regarding the Closeout process, contact the Closeout team at DisasterCloseouts@caloes.ca.gov



Documentation and Record Keeping

Stafford Act Section 705 - Imposes a three (3) year limit on FEMA's authority to recover payments made to State, Tribal Nations, or local government Recipients and Subrecipients unless there is evidence of fraud.

- The Applicant must maintain all original documentation supporting project costs claimed.
- The Recipient and the Applicant must keep all financial and program documentation for 3 years after the date identified in the Recipient's Audit Waiver Letter.
- Records are subject to audit by State auditors, FEMA, the U.S. Department of Homeland Security Office of Inspector General, and the U.S. Government Accountability Office.



OIG Audits

The Office of the Inspector General (OIG), at the Department of Homeland Security (DHS), determines whether Subrecipients can account for expended FEMA grant funding, per federal regulations and guidelines.



The OIG typically audits:

- Costs related to the FEMA-approved scope of work
- Procurement procedures: Federal, State, and local requirements
- Contract costs
- Force Account Labor, Materials, and Equipment costs
- Insurance recovery costs/duplicative costs
- Other

****Procurement Training Schedule Available:***

<https://www.fema.gov/grants/procurement/training>



Other Federal Programs

- Natural Resources Conservation Service (NRCS) (<http://www.ca.nrcs.usda.gov>)
 - Emergency Watershed Protection Program
- Federal Highway Administration (FHWA) (<https://www.fhwa.dot.gov/programadmin/erelief.cfm>)
 - Emergency Relief Program Administered by Caltrans



Cal OES

GOVERNOR'S OFFICE
OF EMERGENCY SERVICES

Hazard Mitigation Assistance Overview

What is Hazard Mitigation?

Any sustained action taken to reduce or eliminate long-term risk to people and property from natural hazard events and their effects.

The long-term impact of hazard mitigation actions can be distinguished from those actions that are more closely associated with immediate preparedness, response and recovery activities, as hazard mitigation is the only emergency management phase specifically dedicated to breaking the cycle of damage, reconstruction and repeated damage.

MITIGATE HAZARDS



Hazard Mitigation Assistance (HMA) Programs



HMGP (aka 404 Mitigation)

Post-disaster - available within the State after a Presidentially declared disaster, reduces risks from natural hazards (undamaged assets – see 406 Mitigation for damaged assets)



HMGP Post-Fire

Post-disaster – prioritizes FMAG declared communities impacted by wildfire to mitigate fire and post-fire hazards



FMA

Pre-disaster annual program – nationally competitive funding to reduce or eliminate risk of repetitive flood damage to buildings and structures insured under NFIP



BRIC

Pre-disaster annual program - nationally competitive funding for high impact critical infrastructure projects that reduce risks from natural hazards

Acronym Reference:

Hazard Mitigation Grant Program (HMGP)

Flood Mitigation Assistance (FMA)

Building Resilient Infrastructure & Communities (BRIC)



Who's Eligible?

- State Agencies
- Local Governments: Counties, Cities, Towns, etc.
- Special Districts
- Federally Recognized Tribes
- Private Nonprofit Organizations (PNPs) (not eligible for BRIC/FMA)

The entity must have a FEMA-approved and locally adopted LHMP

- PNPs in HMGP are exempt from this requirement



HMGP Eligible Activities

- **Mitigation planning:** new plan creation or plan updates that result in a mitigation plan adopted by the jurisdiction and approved by FEMA (5-year cycle for updates)
- **Planning-related activities:** update or improvement to sections of the current hazard mitigation plan (HMP); risk and vulnerability assessment, strengthening the hazard mitigation strategy, and integrating other planning efforts – must result in a clearly defined product that informs the HMP
- **5 percent initiative:** warning systems that alert people about natural hazards such as earthquakes, tornadoes, wildfire, tsunami and flash floods, mitigation public awareness campaigns, and mitigation-related hazard identification / mapping (including flood after fire)
- **5 percent codes and standards:** evaluation of the adoption / implementation of codes, enhancements to existing adopted codes, development of professional workforce, evaluation of land use and zoning ordinances, and post-disaster code enforcement (track / enforcement of disaster damaged properties and technical assistance for disaster-damaged structures)



HMGP Eligible Activities (con't)

- **Advance Assistance:** seed funding to bridge the gap between hazard mitigation plans and project subapplications; common deliverables include technical studies, alternative analyses, selection of a preferred alternative, design work, Environmental Historic Preservation (EHP), cost estimates, Benefit Cost Analysis (BCA), and development of a future project subapplication
- **Hazard mitigation projects (construction):** projects can be phased (Phase I is design, Phase II is construction) or shovel ready (construction only); property acquisition / demo, mitigation reconstruction, structure elevation, stabilization, flood risk reduction, tsunami vertical evacuation refuge, safe room, wildfire mitigation, retrofits (seismic, wind, wildfire, snow, extreme temp, and air quality), secondary power sources, aquifer recharge storage and recovery, and natural based-solutions
 - Wildfire eligible projects include defensible space, ignition-resistant building materials / infrastructure (homes, utility poles, water systems), fuel reduction / vegetation management, post-wildfire flooding prevention and sediment reduction measures, reforestation / soil stabilization, seeding and mulching, erosion control, and flash flood prevention measures



Program Prioritization

Step 1

Codes and Standards: PA funding for eligible facilities must be in conformity with the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant design provisions.

Step 2

406 PA Mitigation: Provides funding to protect damaged public infrastructure within declared counties from future events (i.e., beyond code and standard requirements).

Step 3

404 HMGP: Provides protection to undamaged portions of public infrastructure within declared or undeclared counties after a Presidentially-declared disaster to protect reduce damages from future events.



Contact HMA



HMA / 404 Inquiries

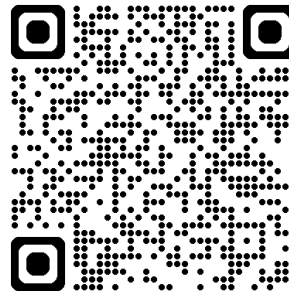
resilientca@caloes.ca.gov



Grant Information
& Timelines

[HMA Opportunities & Timelines](#)

Scan to sign up for
Hazard Mitigation
Program Updates &
Notifications



Helpful Information

FEMA-4856-DR-CA

Incident Period: January 7, 2025 – January 31, 2025

RPA DEADLINE

March 9, 2025, for Los Angeles County

Have Questions?

Email: DisasterRecovery@caloes.ca.gov

Other Recommended Resources

- FEMA PA Grants Portal - Grants Manager YouTube Channel: [FEMA's Grants Portal Video Series](#)
- Technical and training support at FEMA's PA Grants Portal Hotline: **(866) 337-8448**
- Grants Portal inbox: FEMA-Recovery-PA-Grants@fema.dhs.gov

Request for FEMA Public Assistance

RPA Deadlines

Submit all RPAs via Grants Portal

No Later Than

March 9, 2025

All Other Correspondence:

Mr. Robert Larsen, State Public Assistance Officer

Cal OES, Public Assistance Division

3650 Schriever Avenue

Mather, CA 95655

ATTN: FEMA-4856-DR-CA

Email:

DisasterRecovery@caloes.ca.gov

Request for California Disaster Assistance Act

Application Deadline

Submit Cal OES Form 126

No Later Than

March 9, 2025

Send paper applications and all other Correspondence:

Mr. Robert Larsen, State Public Assistance Officer

Cal OES, Public Assistance Division

3650 Schriever Avenue

Mather, CA 95655

ATTN: CDAA 2025-01

Email:

DisasterRecovery@caloes.ca.gov

Questions?

Email: DisasterRecovery@caloes.ca.gov



Thank You

Scan to
download
fillable PDFS



(<https://www.caloes.ca.gov/PADocs>)

