


California Wildfires and Straight-line Winds
FEMA-4856-DR-CA / CDA 2025-01
 FEMA Public Assistance Grant Program
 Applicant's Briefing





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*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](#)

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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 PAPPGv5, Introduction, Section V, Authorities



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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)


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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/>




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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



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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).



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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
	PERMANENT WORK (C-G, I)	75% of eligible costs outside of designated 180 days	75% of non-federal share	25% of non-federal share
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
	PERMANENT WORK (C-G, I)	75% of eligible costs outside of designated 180 days		25% of eligible costs

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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

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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




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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>)






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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

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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



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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

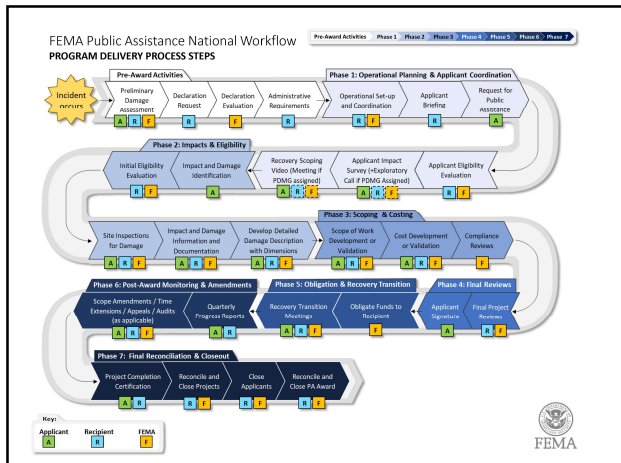


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FEMA Public Assistance Program



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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

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- ### 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

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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

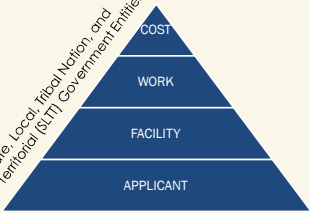



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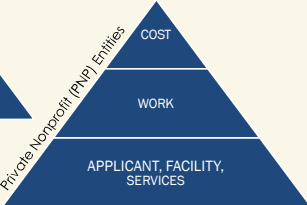
FEMA Public Assistance



Four Basic Components of Eligibility

State, Local, Tribal, Nation and Territorial (SLTT) Government Entities



Private Nonprofit (PNP) Entities








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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.

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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

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PA Eligibility Pyramid: Applicant

State, Local, Tribal Nation and Territorial (SLTT) Government Entities

Private Nonprofit (PNP) Entities

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Eligible Subrecipients/Applicants

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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)

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PNP Application Requirements

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

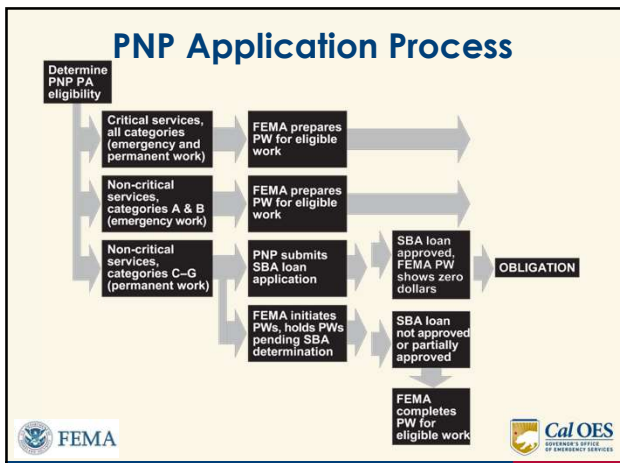
Permanent Work:
Non-critical PNPs seeking FEMA assistance for permanent repairs must first apply to the U.S. Small Business Administration (SBA) for a loan for disaster repairs. Application for FEMA Public Assistance should be made simultaneously.

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.



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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

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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

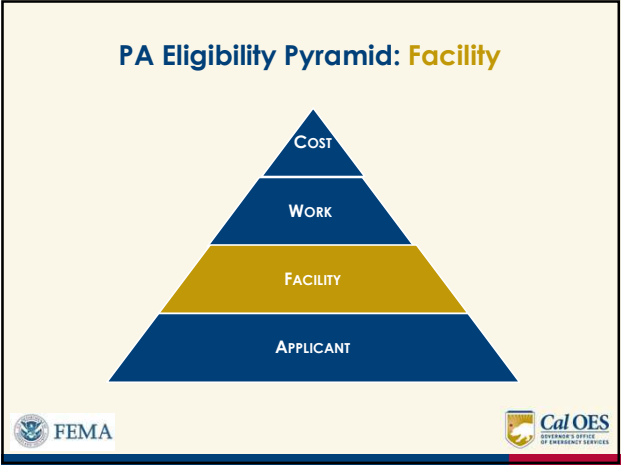
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Site Inspections

- 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.

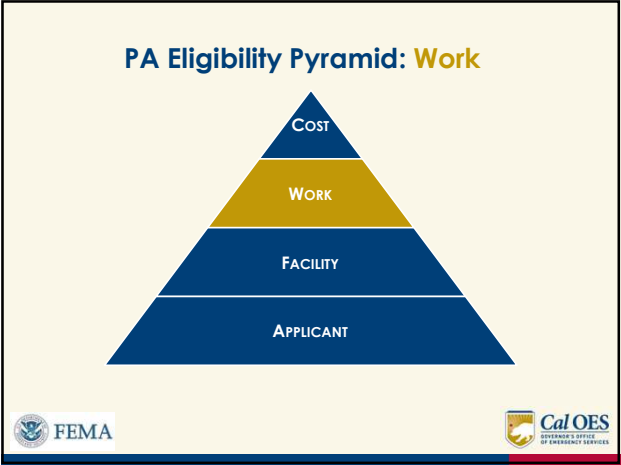
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- Eligible Facilities**
- Buildings, systems, or equipment, built or manufactured; or improved and maintained natural features
 - Legal responsibility of an eligible Subrecipient/Applicant
 - Located in a designated disaster area
 - Not under the authority of another federal agency
 - In active use at the time of disaster
- FEMA logo on the left and Cal OES logo on the right.

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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

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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)






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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




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

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Emergency Work: Categories A & B



A— Debris Removal	B— Emergency Protective Measures
<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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

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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.**



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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.

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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).



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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.



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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.



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Law Enforcement Mutual Aid (LEMA) Assistance Fund

Cal OES LEMA

Honey 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
OFFICE OF EMERGENCY SERVICES
Period: 8/27/2018

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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



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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 cost.
✓ 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.

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CONTACT US
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Law Enforcement Branch
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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






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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






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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.

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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.**





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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](#)

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Special Considerations



INSURANCE



ENVIRONMENTAL COMPLIANCE



HISTORIC PRESERVATION



**RESILIENCY
(406 HAZARD MITIGATION)**




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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

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.

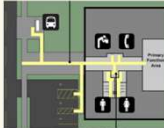




Figure 17. Path of Travel

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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.













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**Event Highlight:
406 Mitigation**

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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

  *Recent change in PAPPG V5.0



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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

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PAPPGv5.0 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

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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


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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



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406 Mitigation Examples

Example 2

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









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406 Mitigation Examples

Example 3

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



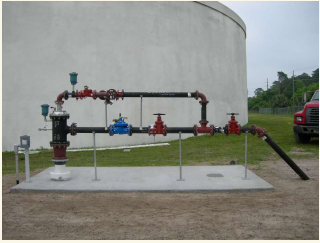





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406 Mitigation Examples

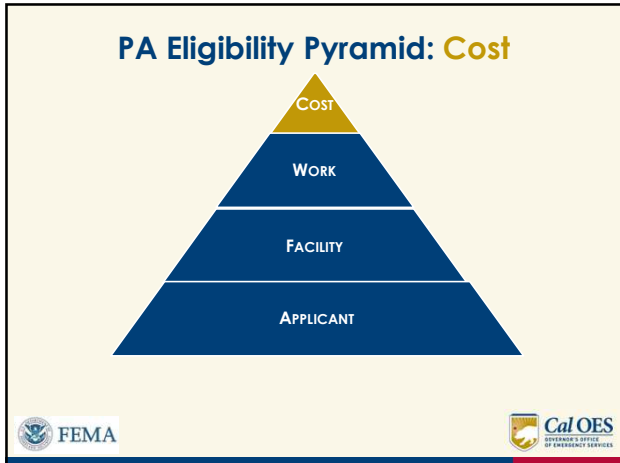
Example 4

- Elevate vulnerable equipment above base flood elevation



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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)

FEMA Cal OES

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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.

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Material

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



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Equipment

Force Account	Rental
Costs of Applicant owned equipment: <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 Rates include: <input type="checkbox"/> Cost of operation (Operator costs covered under FA labor) <input type="checkbox"/> Insurance and depreciation <input type="checkbox"/> Maintenance and fuel	Subrecipients/Applicants must identify: <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>



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Engineering/Design Services


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



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Sole-Source Procurement Under E&E

Situations that demand immediate aid or action



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



Emergency

Need to alleviate a threat to life, public health or safety, or improved property

Exigency


Need to avoid, prevent or alleviate serious harm or injury, financial or otherwise

★ FEMA Procurement under Emergency and Exigent Conditions Fact Sheet

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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



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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.

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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.






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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.

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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.

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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.

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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.

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Contracts and Procurement

Non-State Subrecipients

Additional Resources:

[FEMA Procurement Disaster Assistance Team \(PDAT\) Guidance and Tools](https://www.fema.gov/grants/procurement)
https://www.fema.gov/grants/procurement



[Resource Library: Purchasing Under a FEMA Award](https://www.fema.gov/grants/procurement/resource-library)
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)
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)
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)
https://www.fema.gov/sites/default/files/documents/fema_contract-provisions-guide_fy24.pdf

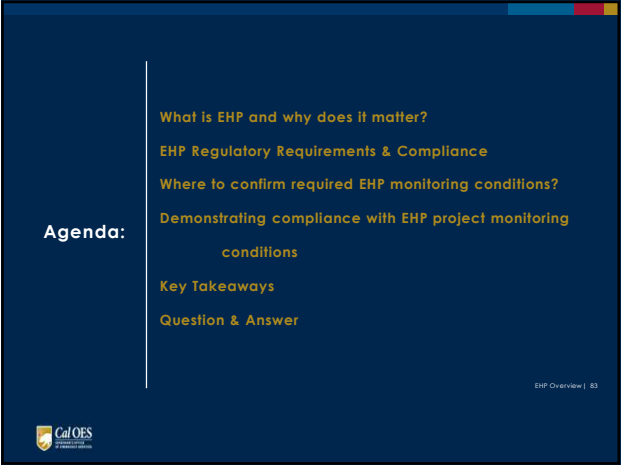
[Procurement Under Grants Training Schedule](https://www.fema.gov/grants/procurement/training)
https://www.fema.gov/grants/procurement/training

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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



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Series of horizontal lines for handwritten notes.

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)



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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. Includes a table with columns for Law/Requirement, Description, and Agency/Contact. Also includes a 'Contents' section listing various topics covered in the Greensheet.



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Series of horizontal lines for handwritten notes.

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




Technical Assistance Program
California Governor's Office of
Emergency Services
July 2022



QR Code to Cal OES EHP resources page

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EHP Regulatory Requirements & Compliance



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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 CEQA form



QR Code to EPA NEPA page

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EHP Regulatory Requirements & Compliance

California Environmental Quality Act (CEQA)

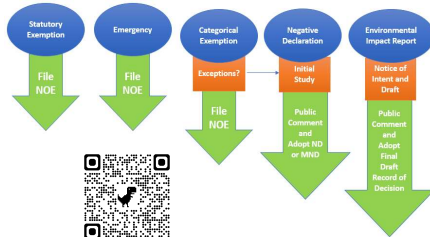
What is CEQA / Notice Of Exemption?

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.



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CEQA



Governor's Office of Planning and Research (OPR) CEQA 101



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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) • 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 Protection Act (CDFW)	Migratory Bird Treaty Act (USFWS)
	• Other State Laws (e.g., California Coastal Act) • Executive Orders (e.g., wetlands/floodplains)	• Other Federal Laws (e.g., Coastal Zone Management Act) • Executive Orders (e.g., wetlands/floodplains)



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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.ecospace.fws.gov/>




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EHP Regulatory Requirements & Compliance

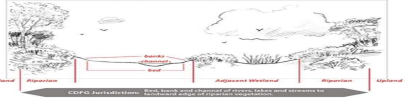
California Department of Fish & Wildlife (CDFW) Jurisdiction

- 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. CNDDb)
 - Contact CDFW
 - Incidental Take Permits
 - Best Management Practices and Species-Specific Measures





CDFW Lake and Streambed Alteration page



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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!




Over 45 years

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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!



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Where to confirm required EHP project monitoring conditions?



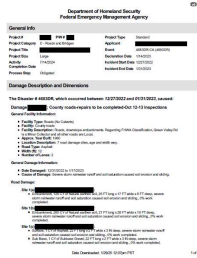
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Where to confirm required EHP project monitoring conditions?

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

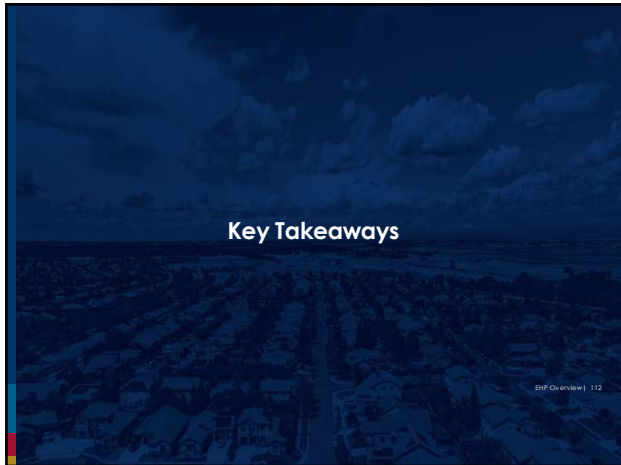
- FEMA GP enables sub-applicants to access, manage, and track FEMA PA projects
- The GP Project Report details the status and outlines key project information including:
 - General Information;
 - Damage, Description, and Dimensions;
 - Scope of Work (SOW)
 - Project Costs / Award Information; and
 -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



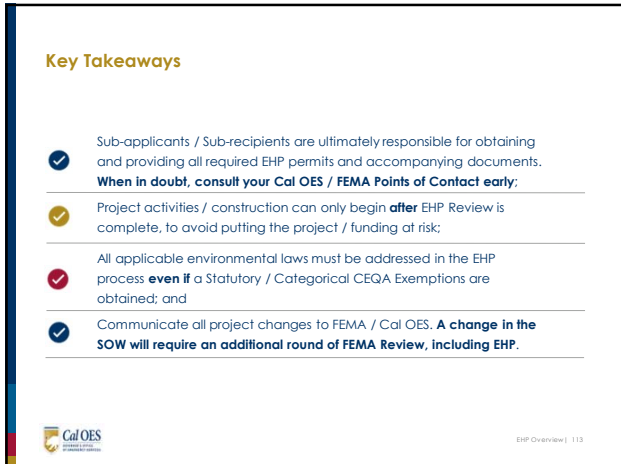
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**Public Assistance Program
Project Worksheets
Information and Preparation**

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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

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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

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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



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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.



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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





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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.

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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

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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**

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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.**



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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



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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.



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Statutory Timeline

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






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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






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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

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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](#))). 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

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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

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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



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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



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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



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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.






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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)

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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.

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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.



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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



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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.



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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



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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



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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.



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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>

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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




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Hazard Mitigation Assistance Overview

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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



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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)



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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



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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)

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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

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Program Prioritization

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 1


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.

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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






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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

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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

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Thank You

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download
fillable PDFs



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

