



***Cal* OES**

**GOVERNOR'S OFFICE  
OF EMERGENCY SERVICES**

**CDAА 2024-07**  
**Boyles Fire**  
**Applicants' Briefing**



Kent Porter / The Press Democrat

# Authorities

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

# Request for State Assistance



## Gubernatorial Authorization

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

# Boyles Fire

## (CDAA-2024-07)

### Incident Period:

September 8, 2024, through September 11, 2024

### Declared Areas:

City of Clearlake



Kent Porter/The Press Democrat



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

| Date SOE Proclaimed | Counties listed on SOE | Link to SOE on www.Gov.ca.gov     |
|---------------------|------------------------|-----------------------------------|
| September 29, 2024  | Lake                   | <a href="#">09.29.24 Fire SOE</a> |

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



# 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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# **CDAA Overview**

## **(Governor's Proclamation)**

# CDAA Application Process

- Applications due by **December 6, 2024**
- Can be turned in today, via e-mail to [DisasterRecovery@caloes.ca.gov](mailto:DisasterRecovery@caloes.ca.gov), or via USPS to:

Robert Larsen, Public Assistance Officer  
CA Governor's Office of Emergency Services  
3650 Schriever Avenue  
Mather, CA 95655  
ATTN: CDAA-2024-07

# CDAA Application Process (continued)

## Required Forms:

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

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

# Applicant Eligibility

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

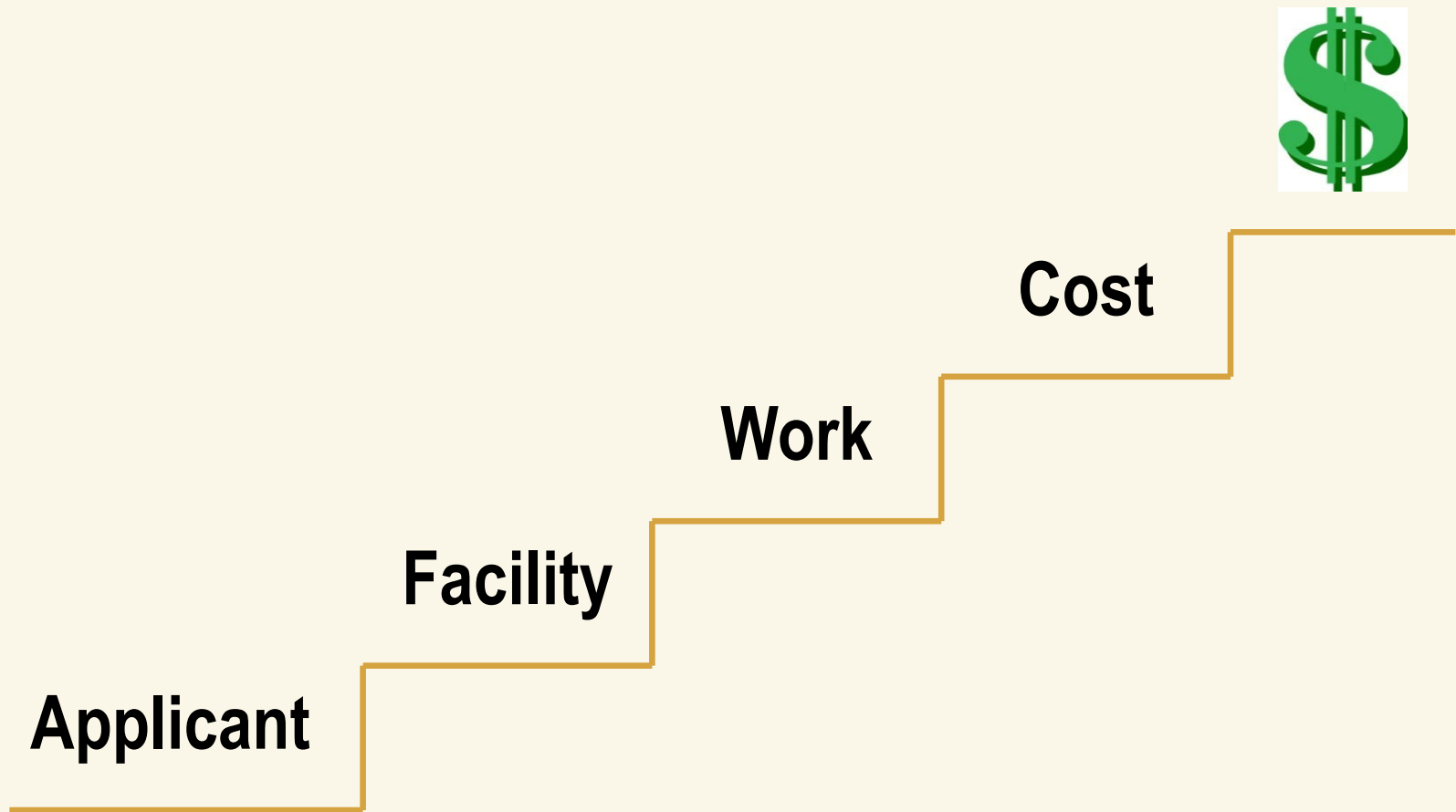


# CDAA Funding

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



# Steps to Determining Eligibility



# Project Formulation

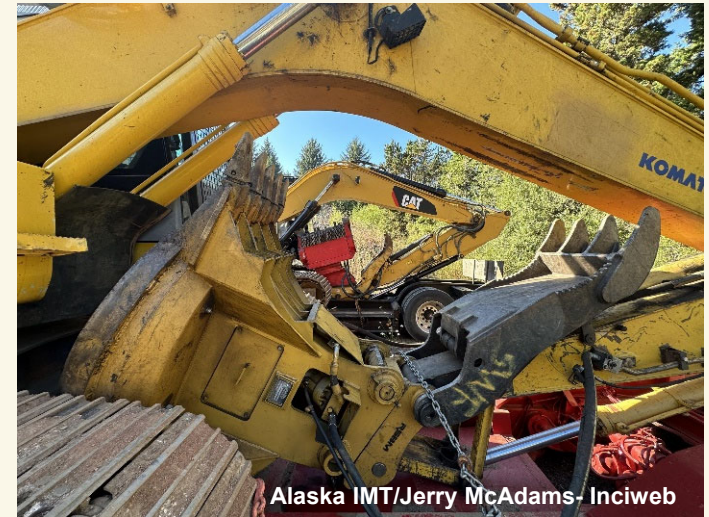
After forms are received by Cal OES:

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



# Eligible Facility Criteria

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



# Categories/Types of Work

A – Debris Removal

B – Emergency Work

C – Roads and Bridges

D – Water Control Facilities

E – Buildings and Equipment

F – Utilities

G – Parks, Recreational, and Other



# Category A – Debris Removal

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

\*Force Account Labor – Overtime Only

# Category A – Debris Removal

## Private Property Debris Removal

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

The Property Owner must:

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

# Damage Caused During Performance of Emergency Work

Typical recommendations for documentation of road damage:

- Pre-Disaster

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



- Post-Disaster, but prior to recovery work (like debris removal)

- Photos or video of proposed haul routes or heavily traversed routes
- Other documents to establish condition of roads (Remaining useful life of the roadway, or the like)

- Post-Disaster, after recovery work has been completed

- Photos or video showing specific damage or road degradation sites
- Other documents to establish the current condition of the road
- Estimated costs and methods of repair



# Category B – Emergency Work

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

\*Force Account Labor – Overtime Only

# Donated Resources

(Categories A and B Only)

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

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

# Category C – Roads & Bridges

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



# Category D – Water Control Facilities

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



# Category E – Buildings & Equipment

Includes:

- Structures
- Content and equipment
- Codes and standards



# Category F – Utilities

- Water treatment
- Power generation
- Communications
- Sewage treatment



# Category G – Parks, Rec & Other

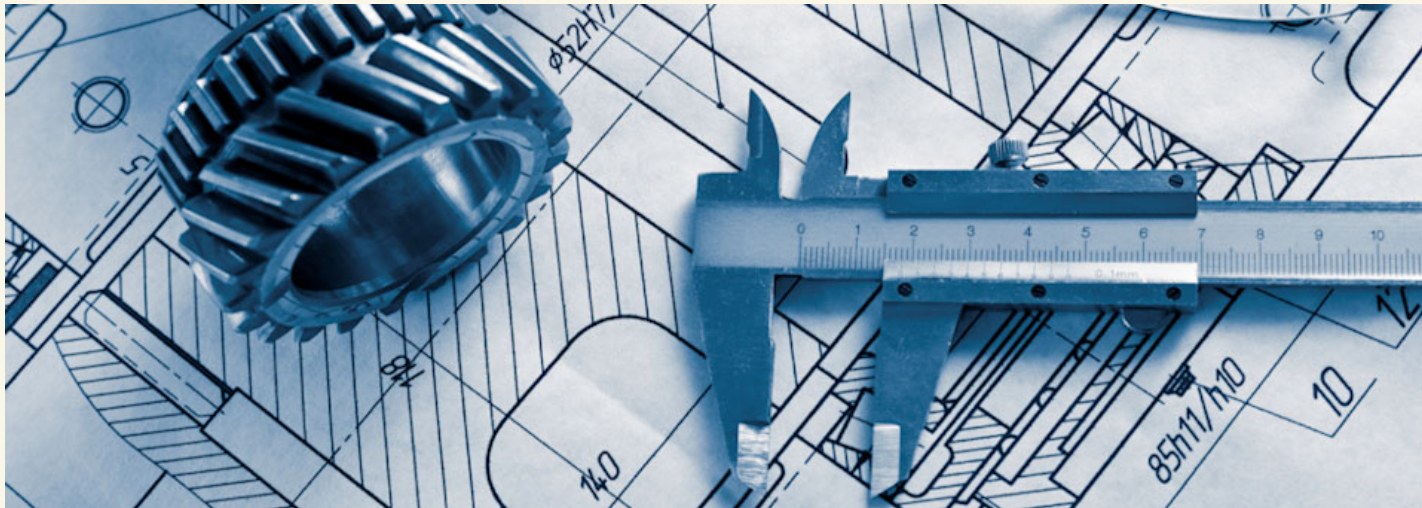
Must fall within the definition of an “*improved and maintained*” facility

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



# Engineering

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



# Codes and Standards

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



# Replacement or Relocation

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

# Trees, Shrubs, and/or Vegetation

- Generally, not eligible unless for engineered purpose:
  - Erosion control
  - Slope stabilization
  - Wind barriers



- Eligibility limited to minimum level necessary



# Hazard Mitigation

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





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Title 19 Mitigation

# CDAA Title 19 Hazard Mitigation

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

# CDAA Title 19 Hazard Mitigation

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

# CDAA Title 19 - Hazard Mitigation

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

# CDAA Title 19 - Hazard Mitigation

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

# CDAA Title 19 Mitigation Examples

## Example 1

- Harden and expand an engineered and maintained culvert damaged by the disaster event into a larger structure. Extend the culvert discharge beyond the toe of embankment to mitigate erosion and scour.



# CDAA Hazard Mitigation Examples

## Example 2

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



## Example 3

- Strengthen windows damaged by a disaster event by replacing glass with tempered glass for heat/fire resistance.

# CDAA Hazard Mitigation Examples

## Example 4

- Replace disaster impacted wood guardrail posts with steel.



## Example 5

- Replace disaster damaged composition roofing with metal and, install cement fiber siding over, or instead of, disaster damaged wood siding on a structure impacted by a disaster event.



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# **CDAA Eligibility Information**

# Statutory Timeline

| TYPES OF WORK  | TIME FROM GOVERNOR'S STATE OF EMERGENCY PROCLAMATION |
|----------------|--|
| Emergency Work | 6 Months   |
| Permanent Work | 18 Months  |

# Time Extensions for Extenuating Circumstances

## Time Extension Request Checklist:

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

# Eligible Costs

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



# Eligible Costs (continued)

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



# Ineligible Costs



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

# Force Account Documentation

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



# Force Account Labor

- Work performed by applicant's employees, including temporary or paid volunteer employees
- Salaries and wages, including:
  - Actual pay
  - Shift differentials
  - Incentive pay
  - Fringe benefits



# Force Account Labor Summary Record



STATE OF CALIFORNIA  
 CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
**FORCE ACCOUNT LABOR SUMMARY RECORD**  
 OES-PA-090 (Rev. 12/2022)

RECOVERY DIRECTORATE  
 PUBLIC ASSISTANCE DIVISION


| Applicant   | GPS N                  | CDA A ID | DSR #    | CDA A Disaster # | FEMA Disaster # |             |             |                 |              |             |
|---|------------------------|----------|----------|------------------|-----------------|-------------|-------------|-----------------|--------------|-------------|
|   |                        |          |          |                  |                 |             |             |                 |              |             |
| Location/Site   | GPS W                  | FEMA ID  | Category | Period Covering  |                 |             |             |                 |              |             |
|   |                        |          |          | to               |                 |             |             |                 |              |             |
| Description of Work Performed:  |                        |          |          |                  |                 |             |             |                 |              |             |
|   |                        |          |          |                  |                 |             |             |                 |              |             |
| Name  | Hours Worked Each Week |          |          |                  |                 | Total Hours | Hourly Rate | Benefit Rate/Hr | Total Hourly | Total Costs |
| Job Title   | Week of                |          |          |                  |                 |             |             |                 |              |             |
| Name  | Reg.                   |          |          |                  |                 |             |             |                 |              |             |
| Job Title   | O.T.                   |          |          |                  |                 |             |             |                 |              |             |
| Name  | Reg.                   |          |          |                  |                 |             |             |                 |              |             |
| Job Title   | O.T.                   |          |          |                  |                 |             |             |                 |              |             |
| Name  | Reg.                   |          |          |                  |                 |             |             |                 |              |             |
| Job Title   | O.T.                   |          |          |                  |                 |             |             |                 |              |             |
| Name  | Reg.                   |          |          |                  |                 |             |             |                 |              |             |
| Job Title   | O.T.                   |          |          |                  |                 |             |             |                 |              |             |
| Name  | Reg.                   |          |          |                  |                 |             |             |                 |              |             |
| Job Title   | O.T.                   |          |          |                  |                 |             |             |                 |              |             |
| Name  | Reg.                   |          |          |                  |                 |             |             |                 |              |             |
| Job Title   | O.T.                   |          |          |                  |                 |             |             |                 |              |             |
| Name  | Reg.                   |          |          |                  |                 |             |             |                 |              |             |
| Job Title   | O.T.                   |          |          |                  |                 |             |             |                 |              |             |
| Name  | Reg.                   |          |          |                  |                 |             |             |                 |              |             |
| Job Title   | O.T.                   |          |          |                  |                 |             |             |                 |              |             |
| <b>This Page Force Account Labor Regular Time</b>   |                        |          |          |                  |                 |             |             |                 | \$           | -           |
| <b>This Page Force Account Labor Overtime</b>   |                        |          |          |                  |                 |             |             |                 | \$           | -           |
| <b>Other Pages Force Account Labor Regular Time</b>   |                        |          |          |                  |                 |             |             |                 | \$           | -           |
| <b>Other Pages Force Account Labor Overtime</b>   |                        |          |          |                  |                 |             |             |                 | \$           | -           |
| <b>Total Cost for Force Account Labor Regular Time</b>  |                        |          |          |                  |                 |             |             |                 | \$           | -           |
| <b>Total Cost for Force Account Labor Overtime</b>  |                        |          |          |                  |                 |             |             |                 | \$           | -           |
| I CERTIFY THAT THE ABOVE INFORMATION WAS TRANSCRIBED FROM PAYROLL RECORDS, VENDOR INVOICES, OR OTHER DOCUMENTS THAT ARE AVAILABLE FOR AUDIT |                        |          |          |                  |                 |             |             |                 |              |             |
| Certified   |                        |          |          | Title            |                 |             |             | Date            |              |             |

# Force Account Equipment

- Costs of applicant owned equipment
- Regular and overtime are eligible, standby time is not eligible
- Rate types used (State/Caltrans or Local)  
Includes:
  - Cost of operation
  - Insurance and depreciation
  - Maintenance and fuel

# Force Account Equipment Summary Record

Add header

|   |                       |  |                      |          |                       |            |  |       |             |            |
|---|-----------------------|--|----------------------|----------|-----------------------|------------|--|-------|-------------|------------|
|  STATE OF CALIFORNIA<br>CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES<br><b>FORCE ACCOUNT EQUIPMENT SUMMARY RECORD</b><br>OES-PA-090 (Rev. 12/2022) |                       | RECOVERY DIRECTORATE<br>PUBLIC ASSISTANCE DIVISION |                      |          |                       |            |  |       |             |            |
| Applicant   |                       | GPS N  | CDAА ID              | DSR #    | CDAА Disaster #       | Disaster # |  |       |             |            |
| Location/Site   |                       | GPS W  | FEMA ID              | Category | Period Covering<br>to |            |  |       |             |            |
| Description of Work Performed:  |                       |  |                      |          |                       |            |  |       |             |            |
| Type of Equipment   |                       | Operator's Name                                    | Hours Used Each Week |          |                       |            |  | Costs |             |            |
| Indicate size, capacity, horsepower, make, and model as appropriate   | Equipment Code Number |  | Week of              |          |                       |            |  |       | Total Hours | Equip Rate |
|   |                       |  | Hour s               |          |                       |            |  |       |             |            |
|   |                       |  | Hour s               |          |                       |            |  |       |             |            |
|   |                       |  | Hour s               |          |                       |            |  |       |             |            |
|   |                       |  | Hour s               |          |                       |            |  |       |             |            |
|   |                       |  | Hour s               |          |                       |            |  |       |             |            |
|   |                       |  | Hour s               |          |                       |            |  |       |             |            |
|   |                       |  | Hour s               |          |                       |            |  |       |             |            |
|   |                       |  | Hour s               |          |                       |            |  |       |             |            |
|   |                       |  | Hour s               |          |                       |            |  |       |             |            |
| <b>This Page Totals</b>   |                       |  |                      |          |                       |            |  |       |             | \$ -       |
| <b>Other Page Totals</b>  |                       |  |                      |          |                       |            |  |       |             | \$ -       |
| <b>GRAND TOTALS</b>   |                       |  |                      |          |                       |            |  |       |             | \$ -       |
| I CERTIFY THAT THE ABOVE INFORMATION WAS TRANSCRIBED FROM PAYROLL RECORDS, VENDOR INVOICES, OR OTHER DOCUMENTS THAT ARE AVAILABLE FOR AUDIT   |                       |  |                      |          |                       |            |  |       |             |            |
| Certified   |                       |  | Title                |          |                       |            |  | Date  |             |            |

# Force Account Materials

Costs of supplies:

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





# Rental Equipment

Applicant must identify:

- What was done
- When
- Where
- How long
- What type of equipment was used
- Charges per project



# Rented Equipment Summary Form

STATE OF CALIFORNIA  
 CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
**RENTAL EQUIPMENT SUMMARY RECORD**  
 OES-PA-090 (Rev. 12/2022)

RECOVERY DIRECTORATE  
 PUBLIC ASSISTANCE DIVISION

| <b>Applicant</b>   |                      | <b>GPS N</b>  | <b>CDA A ID</b> | <b>DSR #</b>    | <b>CDA A Disaster #</b> | <b>Disaster #</b> |                      |         |
|--|----------------------|---------------|-----------------|-----------------|-------------------------|-------------------|----------------------|---------|
| <b>Location/Site</b>   |                      | <b>GPS W</b>  | <b>FEMA ID</b>  | <b>Category</b> | <b>Period Covering</b>  |                   |                      |         |
|  |                      |               |                 |                 | to                      |                   |                      |         |
| <b>Description of Work Performed:</b>  |                      |               |                 |                 |                         |                   |                      |         |
|  |                      |               |                 |                 |                         |                   |                      |         |
| Type of Equipment<br>Indicate size, capacity, horsepower, make, and model as appropriate | Dates and Hours used | Rate Per Hour |                 | Total Cost      | Vendor                  | Invoice #         | Date and Amount Paid | Check # |
|  |                      | W/Op r        | W/Out Opr       |                 |                         |                   |                      |         |
|  |                      |               |                 |                 |                         |                   | \$ -                 |         |
|  |                      |               |                 |                 |                         |                   | \$ -                 |         |
|  |                      |               |                 |                 |                         |                   | \$ -                 |         |
|  |                      |               |                 |                 |                         |                   | \$ -                 |         |
|  |                      |               |                 |                 |                         |                   | \$ -                 |         |
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|  |                      |               |                 |                 |                         |                   | \$ -                 |         |
|  |                      |               |                 |                 |                         |                   | \$ -                 |         |
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|  |                      |               |                 |                 |                         |                   | \$ -                 |         |
|  |                      |               |                 |                 |                         |                   | \$ -                 |         |
|  |                      |               |                 |                 |                         |                   | \$ -                 |         |
|  |                      |               |                 |                 |                         |                   | \$ -                 |         |
|  |                      |               |                 |                 |                         |                   | \$ -                 |         |
|  |                      |               |                 |                 |                         |                   | \$ -                 |         |
| <b>This Page Total</b>   |                      |               |                 |                 |                         |                   | \$ -                 |         |


# Contracts

- Reasonable / competitively bid
- Prevailing wage
- Comply with current procurement standards
- Not contingent on State funding
- Time and Materials Contracts should be avoided
- Payment bond required when expenditures exceed \$25,000



# Contract Work Summary Form

Add header

|   |  |  |                               |                 |                         |                   |
|---|--|--|-------------------------------|-----------------|-------------------------|-------------------|
|  STATE OF CALIFORNIA<br>CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES<br><b>CONTRACT WORK SUMMARY RECORD</b><br>OES-PA-090 (Rev. 12/2022) |  | RECOVERY DIRECTORATE<br>PUBLIC ASSISTANCE DIVISION |                               |                 |                         |                   |
| <b>Applicant</b>  |  | <b>GPS N</b>                                       | <b>CDAА ID</b>                | <b>DSR #</b>    | <b>CDAА Disaster #</b>  | <b>Disaster #</b> |
| <b>Location/Site</b>  |  | <b>GPS W</b>                                       | <b>FEMA ID</b>                | <b>Category</b> | <b>Period Covering</b>  |                   |
|   |  |  |                               |                 | to                      |                   |
| <b>Description of Work Performed:</b>   |  |  |                               |                 |                         |                   |
| <b>Dates Worked</b>   |  | <b>Contractor</b>                                  | <b>Billing/Invoice Number</b> | <b>Amount</b>   | <b>Comments - Scope</b> |                   |
| to  |  |  |                               |                 |                         |                   |
| to  |  |  |                               |                 |                         |                   |
| to  |  |  |                               |                 |                         |                   |
| to  |  |  |                               |                 |                         |                   |
| to  |  |  |                               |                 |                         |                   |
| to  |  |  |                               |                 |                         |                   |
| to  |  |  |                               |                 |                         |                   |
| to  |  |  |                               |                 |                         |                   |
| to  |  |  |                               |                 |                         |                   |
| to  |  |  |                               |                 |                         |                   |
| to  |  |  |                               |                 |                         |                   |
| <b>GRAND TOTAL</b>  |  |  |                               | <b>\$</b>       | <b>-</b>                |                   |
| <b>I CERTIFY THAT THE ABOVE INFORMATION WAS TRANSCRIBED FROM PAYROLL RECORDS, VENDOR INVOICES, OR OTHER</b>   |  |  |                               |                 |                         |                   |
| Certified   |  |  | Title                         |                 | Date                    |                   |

# CDAA Cost Summary Worksheets

The CDAA Cost Summary Worksheets shown in the previous slides are located on the Cal OES Website under the **Public Assistance Forms, Documents, and Reference Materials Page**:

[Cal OES Website – Forms Page](https://www.caloes.ca.gov/PADocs)

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

(Expand the General Applicants' Briefing Documents section)



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# **Environmental and Historic Preservation (EHP) Compliance**

# Cal. Code Regs. Title 19, § 2966

## **Environmental Compliance State Regulations Compare General provisions for compliance with CEQA and permitting responsibilities:**

(a) Prior to commencing work on a project, other than engineering, design or environmental assessment<sup>1</sup> work necessary to determine the scope of work or funding eligibility, each applicant shall, if required by CEQA, prepare, adopt, certify or file, the appropriate CEQA document(s);

(b) Prior to commencing work on a project, other than engineering, design or environmental assessment work necessary to determine the scope of work or funding eligibility, each applicant shall be responsible for obtaining the permits, clearances and necessary approvals from [tribal](#), [federal](#), state and local agencies; and,

(c) Applicants shall maintain adequate documentation that demonstrates their compliance with this Section and, upon request, shall furnish the documentation to Cal OES

<sup>1</sup>Engineering and Environmental Assessment work that does not require ground disturbance, or scientific collection, i.e. research and non-intrusive field studies.

Words in Blue are in legislative review.

# State and Federal Environmental and Historic Preservation (EHP) Compliance Laws

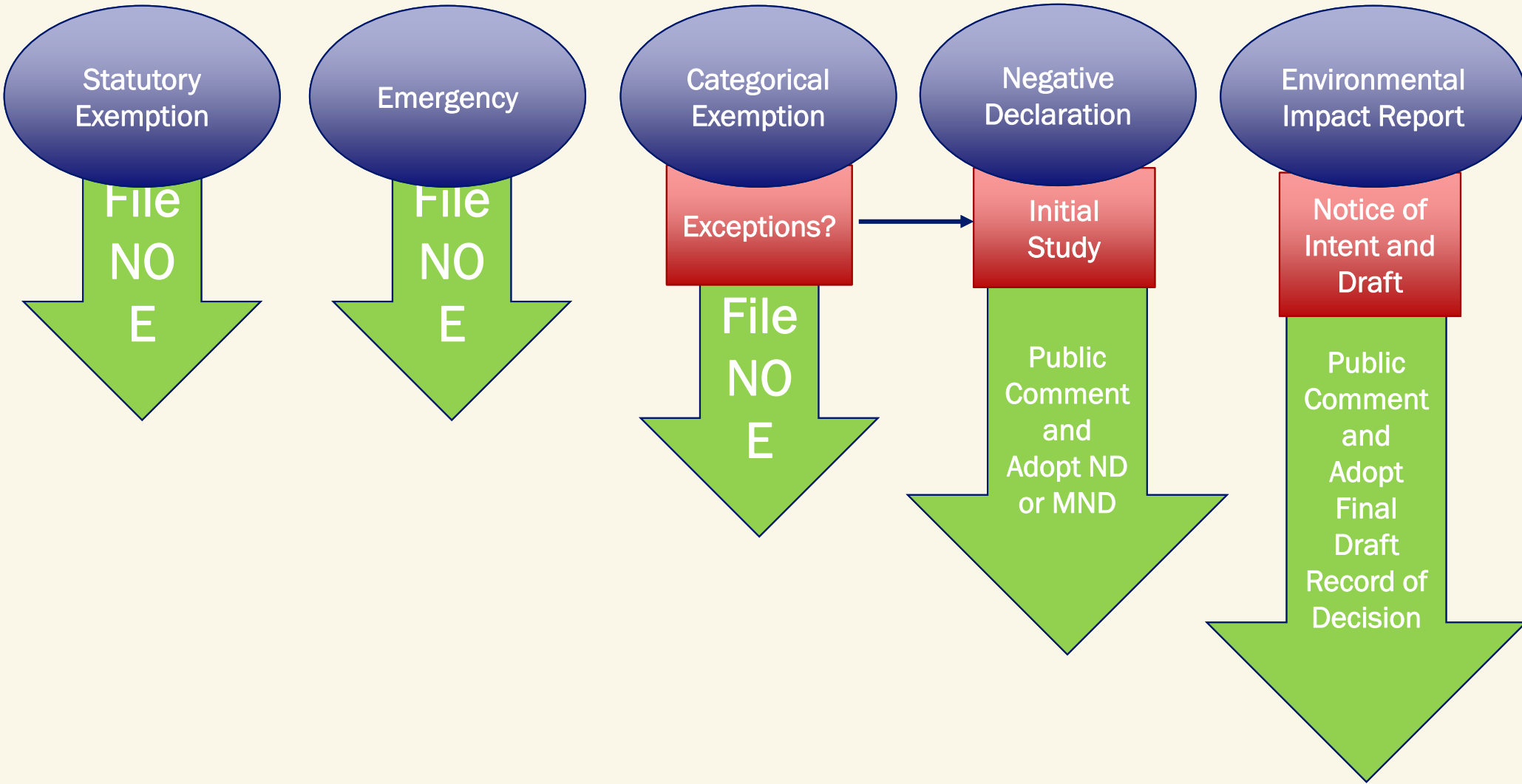
## “Umbrella” Environmental Laws

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

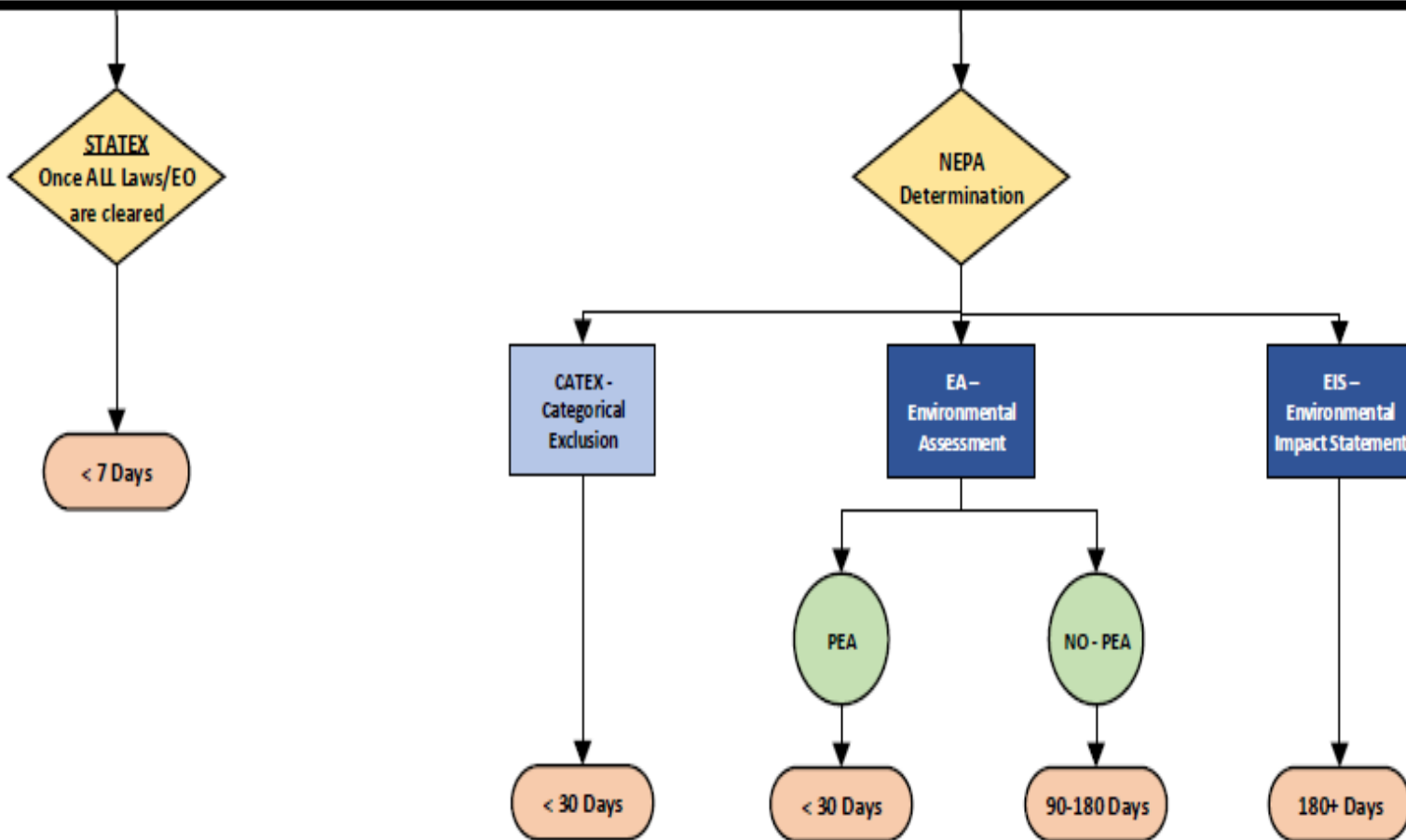


**Note:** For obligation of Public Assistance Grant funding via CDAA and Stafford Act, documentation of CEQA and NEPA compliance is required.

# CEQA



NEPA Determination is conducted concurrently with above Laws/EO review



COMPLEXITY SCALE

EHP Generalist

Technical Expert

12/9/2019

# NEPA REVIEW PROCESS - SIMPLIFIED DECISION TREE

# Key Environmental Laws Considered under CEQA and NEPA

## State

1. California Endangered Species Act (CDFW)
2. California Native American Historic Resource Protection Act (SHPO)
- 3a. Porter Cologne Water Quality Control Act (Water Boards, RWQCB)
- 3b. California Fish and Game Code (CDFW)
4. California Clean Air Act (CARB)
5. California Migratory Bird Protection Act (CDFW)
6. Other State Laws
7. Executive Orders

## Federal

1. Endangered Species Act (USFWS)
2. National Historic Preservation Act (SHPO)
3. Clean Water Act (USEPA, USACE)
  - Sections 401 and 402 administered by the Water Boards
  - Section 404 administered by USEPA and USACE
4. Clean Air Act (USEPA)
5. Migratory Bird Treaty Act (USFWS)
6. Other Federal Laws
7. Executive Orders

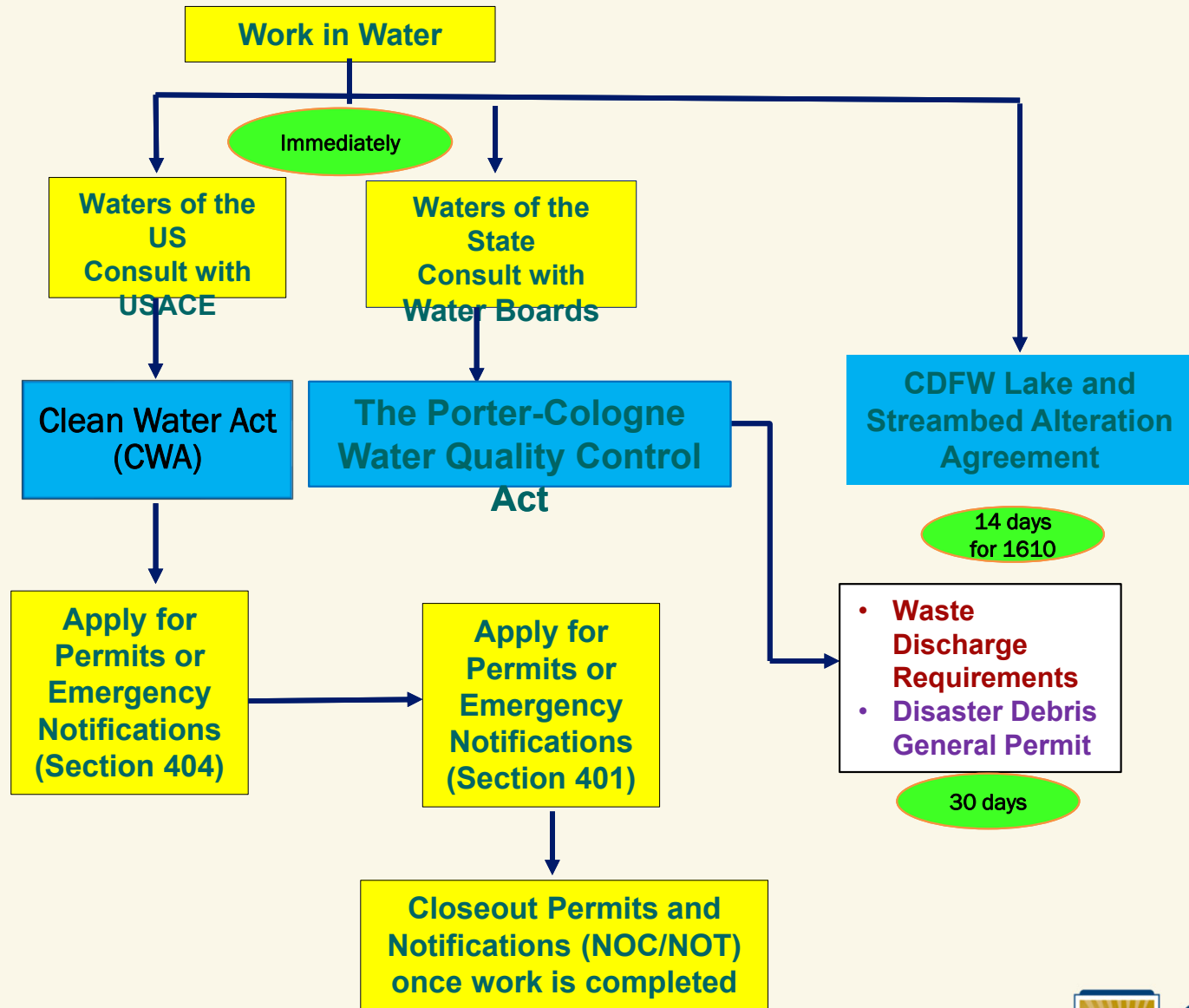
# Work in-or-near Water

## Examples:

- Culverts
- Wetlands
- Banks
- Watercourses

## Concepts:

- Perennial
- Intermittent
- Ephemeral
- Man made



Applicant Permit Due



# USACE/Water Boards Jurisdiction

The United States Army Corps of Engineers (USACE) includes two broad categories of water:

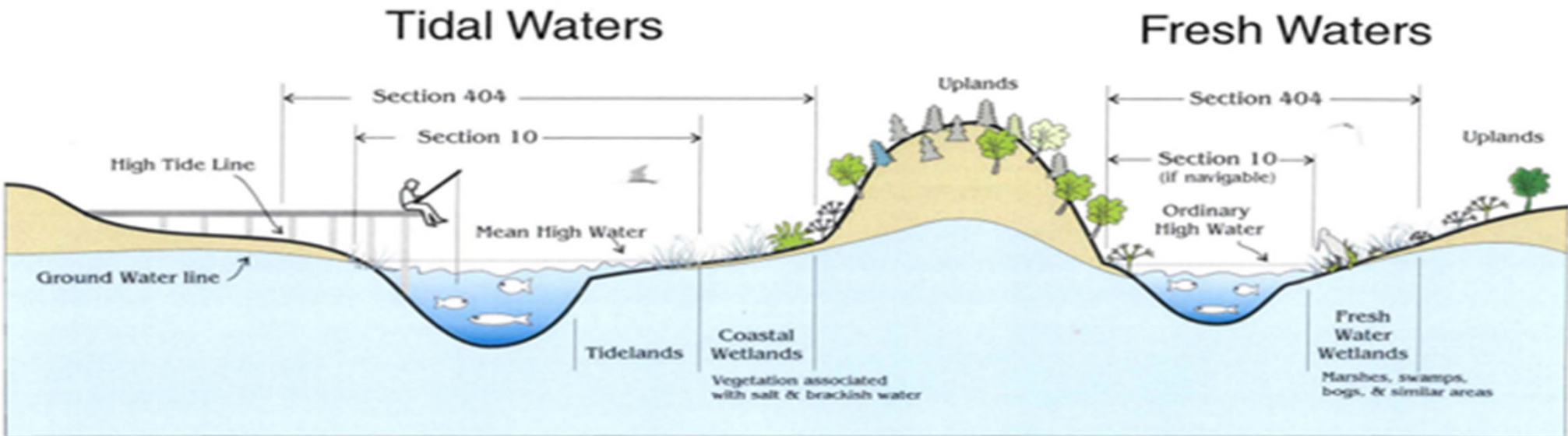
- Navigable Waters of the United States
- Waters of the United States

Without such categories the Water Boards take on the category:

- Waters of the State

- Culverts
- Bridges
- Bank erosion

## CORPS OF ENGINEERS REGULATORY JURISDICTION



Typical examples of regulated activities

**Section 103**  
Ocean Discharge of Dredged Material  
Ocean discharges of dredged material

**Section 404**  
Disposal of Dredged or Fill Material (all waters of the U.S.)  
All filling activities, utility lines, outfall structures, road crossings, beach nourishment, riprap, jetties, some excavation activities, etc.

**Section 10**  
All Structures and Work (navigable waters)  
Dredging, marinas, piers, wharves, floats, intake / outtake pipes, pilings, bulkheads, ramps, fills, overhead transmission lines, etc.

# 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**



**A Field Guide to the Identification of the Ordinary High-Water Mark (OHWM) in the Western Mountains, Valleys, and Coast Region of the United States**

# Water Boards Jurisdiction

- STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2020-0004-DWQ GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISASTER-RELATED WASTES
- 401 WATER QUALITY CERTIFICATION/WASTE DISCHARGE REQUIREMENTS
- NPDES STORM WATER PERMITS (Clean Water Act 402)



- Debris
  - Vegetative
  - Hazardous

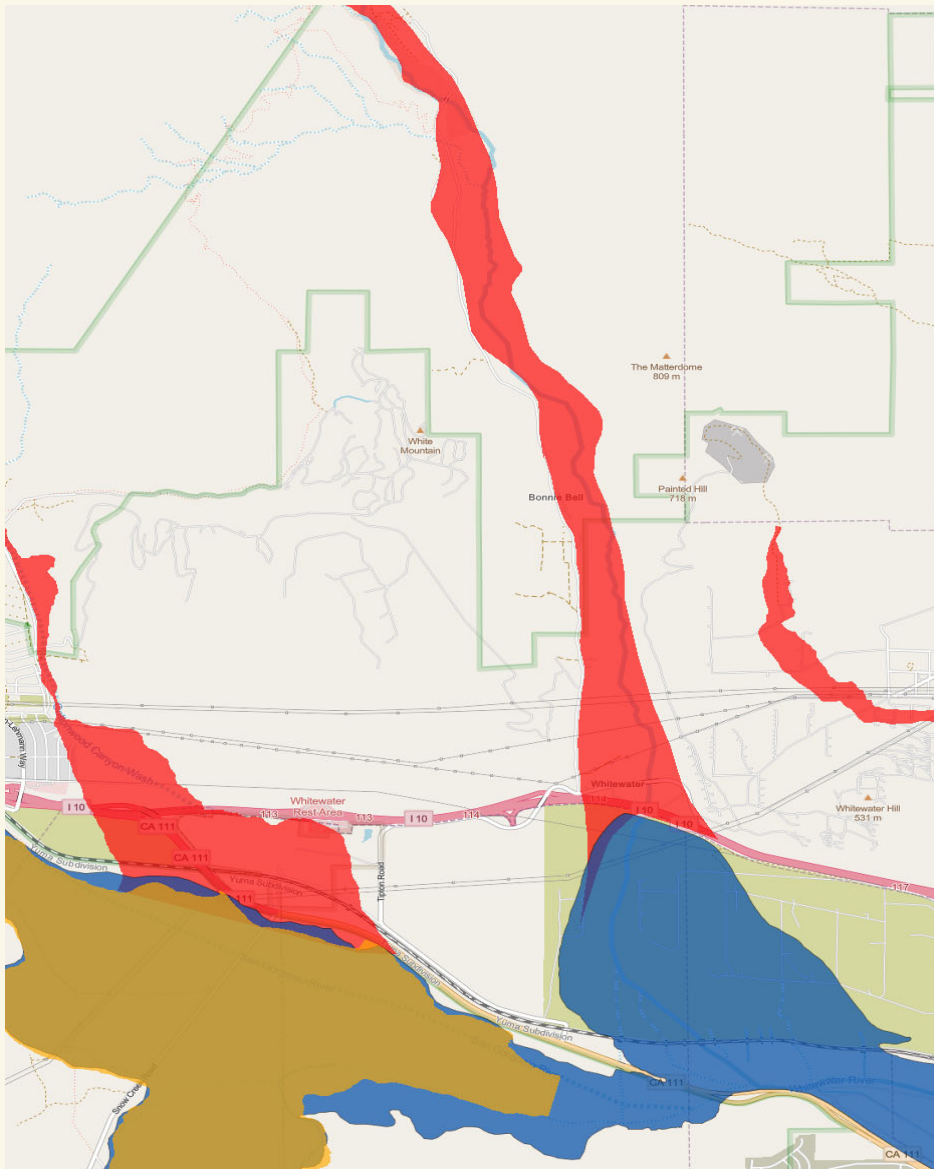


[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2020/wqo2020\\_0004\\_dwq.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2020/wqo2020_0004_dwq.pdf)



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# Floodplains and Wetlands



USA Flood Hazard

<https://msc.fema.gov/portal/home>



National Wetland Inventory

<https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>

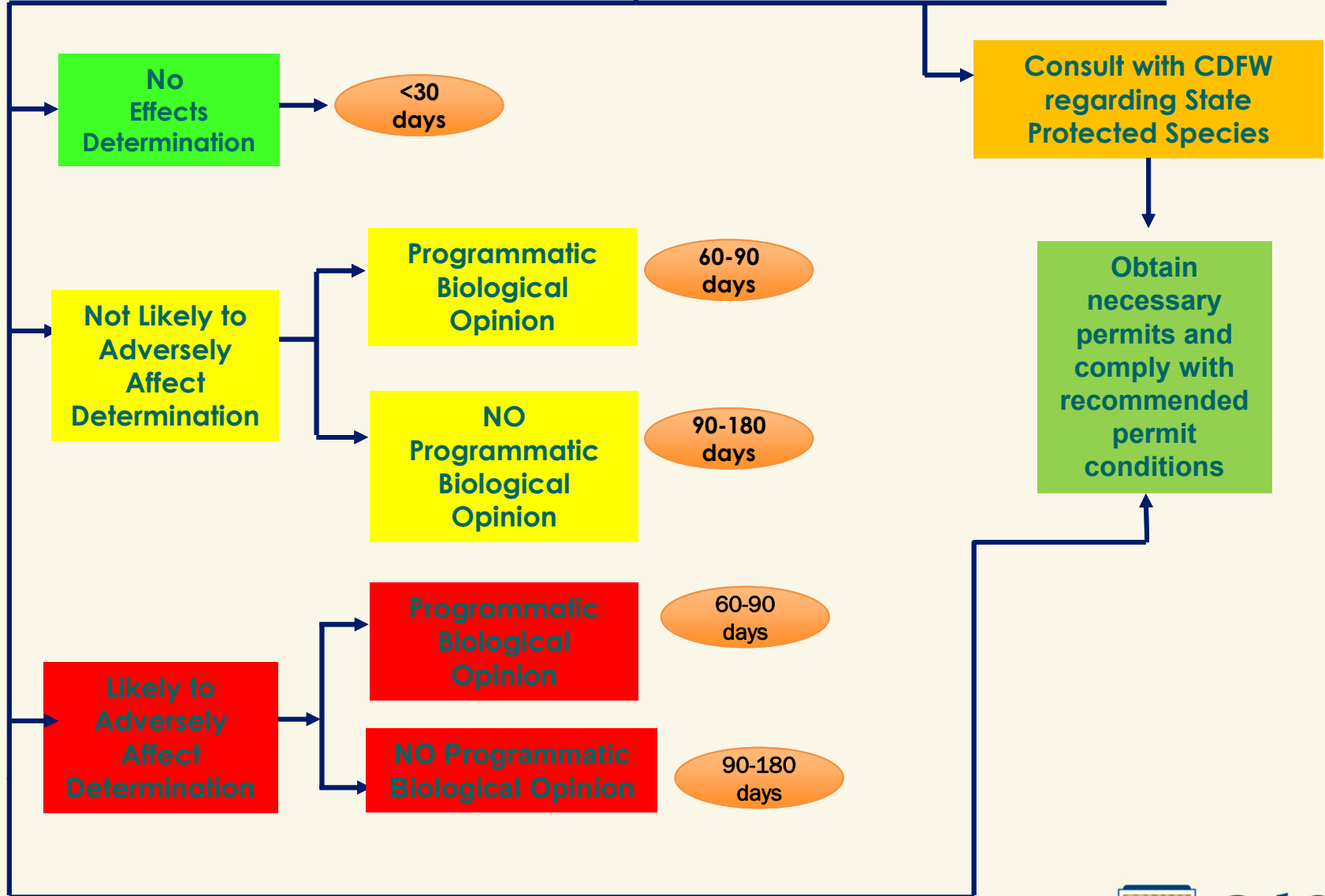


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# Endangered Species Act

## FEDERAL

## STATE



# USFWS and 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 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  
<https://ipac.ecosphere.fws.gov/>



# CDFW Jurisdiction

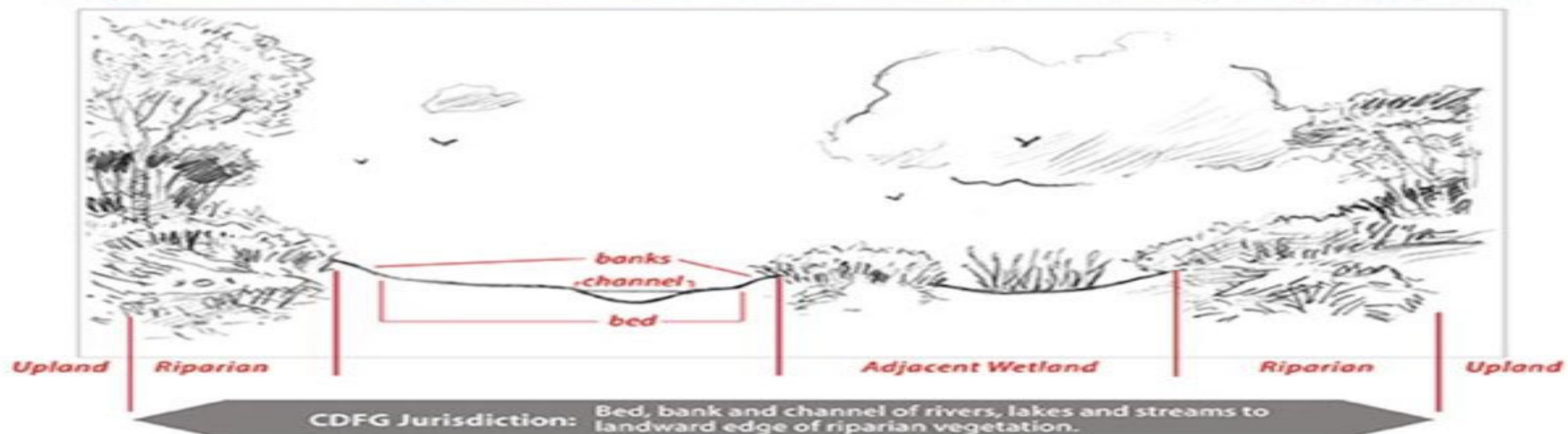
- Fish and Game Code Section 1600
  - 1602 Permanent Projects
  - 1610 Emergency Notification
- CA Endangered Species Act and CA Migratory Bird Protection Act
  - Biological Surveys– Desktop/Field (e.g. CNDDDB)
  - Contact CDFW
    - Incidental Take Permits
    - Best Management Practices and Species-Specific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



Willow Flycatcher

Image credit: [Gdylg#Dohq#Wleoh|1](#)

*CDFG jurisdiction includes the bed, banks and channel of lakes, rivers and streams and includes adjacent riparian vegetation.*



# National Historic Preservation Act/Cultural Resource Protections

**Disaster Event**

**Federal Jurisdiction**

**State Declaration**

**NEPA Process**

**CEQA Process**

**Do NOT start work until FEMA review done**

**No Potential to Effect**

Lead agency or Contractor Should complete a review completed by qualified archaeologists.

Obtaining all necessary SHPO and Tribal Consultations

**Programmatic Allowance**

**No Adverse Effect to Historic Properties**

**No Historic Properties Affected**

**Potential to impact historic or precontact resources**

**Tribal Consultation AB-52**

**Outreach to the Native American Heritage Commission**

**Write contact letters**

**Consult**

# Cultural Resources

## Precontact Resources



## Historic Resources



# Example – What Applies?

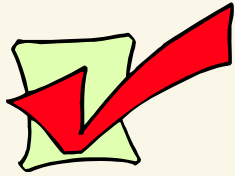
- Clean Water Act?
- Porter Cologne Act?
- Fish and Game Code?
- Endangered Species?
- National Historic Preservation Act?
- Floodplains or Wetlands?
- Other laws?



# Project Description

- **Site-Specific Plan, which includes:**
  - Address/Location
  - Aerial map,
  - A description of the site, access to it, and damages,
  - Ground Disturbing Activities, Location, Depth and Dimensions
  - A description of pre-disaster uses and impacts,
  - A description of temporary facilities and equipment stored,
  - A description of necessary construction mitigation Best Management Practices
  - Construction Dates
  - Land Ownership
  - Lead NEPA and CEQA agency
  - National Pollution Discharge Elimination coverage, if applicable
- Encroachment/Use Permit
  - CalTrans, County or Municipal
- Site assessment by a qualified biologist for Endangered Species Act and California Endangered Species Act
- Site assessment by a qualified Archaeologist for National Historic Preservation Act, or general cultural/tribal resource protections (AB52, CalFire, etc.)
- Section 404 and 401 of the Clean Water Act permit, Fish and Game Code Section 1600 Lake and Streambed Alteration Agreement, compliance with Executive Order 11990 Protection of Wetlands, and Executive Order 11988 - Floodplain Management
- Documentation that the site is not on the Hazardous Waste and Substances sites





# Important Points

1. **Identify and contact the responsible state and federal resource agencies** before work can begin;
2. **Only when EHP process is complete with those agencies and documented**, can project activities or construction begin without putting obligation of funding at risk;
3. **Sub-Applicants and Sub-Recipients are responsible** for all EHP compliance requirements;
4. **All applicable environmental laws must be addressed** in the EHP process **even if** a Statutory or a Categorical CEQA Exemption, or, a Statutory or Categorical NEPA Exclusion (e.g., STATEX or CATEX) is obtained;
5. **A change in a project scope will require the process to restart** to address the modification which may delay project start;
6. **Contact CalOES PA, HMGP, and EHP** to help identify appropriate Federal and State Agency Representatives that need to be consulted with on your projects; and
7. **Keep copies of** all correspondence and other documents.

# Questions?

Patricia Nelson,  
Environmental Officer,  
916-823-1945

[patricia.nelson@caloes.ca.gov](mailto:patricia.nelson@caloes.ca.gov)

Melissa Ronan,  
Environmental Scientist  
916-834-6493

[melissa.ronan@caloes.ca.gov](mailto:melissa.ronan@caloes.ca.gov)

[recoveryehp@caloes.ca.gov](mailto:recoveryehp@caloes.ca.gov)

- Technical Resources: Environmental Directory and Fact Sheets



**Cal OES website - Environmental-Historic Preservation webpage**

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

**Jurisdictions Map**

**<http://tinyurl.com/ycbxth3w>**



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# **CDAA Funding and Other information**

# Administrative Allowance

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



# Payment Notification

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

# Final Closeout Process

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



# Project Accounting

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

DETAILS,  
DETAILS,  
DETAILS



# Record Retention Requirement

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



# Fair Hearing Process (Appeal)

Two Levels:

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



# Other Federal Programs

Cal OES cost shares with the following:

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



# NRCS Contact



Direct NRCS questions to:

Mr. Ernesto De La Riva  
State Conservation Engineer  
(530) 792-5680

[Ernesto.DeLaRiva@usda.gov](mailto:Ernesto.DeLaRiva@usda.gov)

# FHWA Contact

Direct FHWA ER Program questions to:

Mr. Bob Baca, PE

Emergency Relief Program Manager

Office of Federal Programs

Caltrans Division of Local Assistance

(916) 653-9151

[Bob.Baca@dot.ca.gov](mailto:Bob.Baca@dot.ca.gov)



# Questions

**CALIFORNIA GOVERNOR'S OFFICE OF  
EMERGENCY SERVICES RECOVERY TEAM**

**(916) 845-8200**

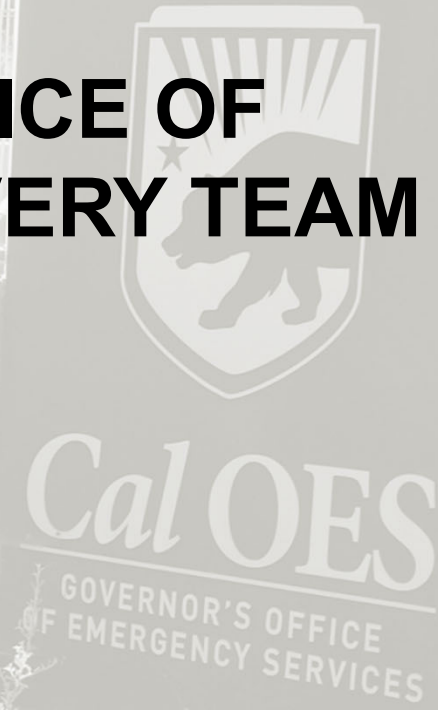
**[DisasterRecovery@caloes.ca.gov](mailto:DisasterRecovery@caloes.ca.gov)**

**ROBERT LARSEN**

**State Public Assistance Officer**

**(916) 600-3126**

**[Robert.Larsen@caloes.ca.gov](mailto:Robert.Larsen@caloes.ca.gov)**



# CDAA Application Required Forms

Applications are due by: **December 6, 2024**

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

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





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# Hazard Mitigation Assistance Overview

# Contact HMA



General Inquiries

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[HMA@caloes.ca.gov](mailto:HMA@caloes.ca.gov)



Grant Information  
& Timelines

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[www.caloes.ca.gov/hmgrp](http://www.caloes.ca.gov/hmgrp)

# Thank You

