



FEMA

November 20, 2023

Nancy Ward, Director
Governor's Authorized Representative
California Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655

Reference: Application Approval, HMGP DR-4482-630-77R
Santa Clara County
Highway 35 Hazardous Fuels Reduction Wildfire Mitigation Project, Phase 1
FIPS Code: 085-99085, Supplement 20

Dear Nancy Ward:

We approve and issue Hazard Mitigation Grant Program (HMGP) funds for the Santa Clara County (Sub-recipient), DR-4482-630-77R, Highway 35 Hazardous Fuels Reduction Wildfire Mitigation Project, Phase 1.

The total project cost for phase one is \$570,464.00. As shown in the enclosed Obligation Report - Supplement 20, we are obligating \$513,417.60 for the 90 percent Federal share; the 10 percent non-Federal share is \$57,046.40. We are obligating \$28,523.20 for the 100% Federal share Subrecipient Management Costs. These funds are available in SmartLink for immediate and eligible disbursements. The following is a summary of the approved funding:

Project Phase:	Federal Share:	Non-Federal Share:	Total Project Cost:
Phase One, Supplement 20	\$513,417.60	\$57,046.40	\$570,464.00
Management Costs	\$28,523.20	\$0	\$28,523.20

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

- 1. Scope of Work (SOW)** – Phase 1 of this project will include hiring a contractor to develop an operations plan, conducting public meetings, and coordinating with partners as well as developing a feasibility study. The feasibility study will include technical and environmental information, design and engineering, and permitting. The applicant will also initiate the CEQA and permitting process, devise a private property permissions strategy, and complete environmental studies consistent with state and federal law. If the Phase 1 project scope of work changes to include ground disturbing activity, additional environmental review by FEMA will be required.

The following Phase 1 activities and deliverables are expected:

Phase 1 Activity	Estimated Timeline
Studies, Permitting & Private Property Permissions	3 Months
Environmental/CEQA	6 Months
Outreach	3 Months
Updated BCA & Maintenance Plan	1 Month

Please provide the above-referenced deliverables once completed to the assigned FEMA Hazard Mitigation Assistant (HMA) Specialist for review and inclusion within the official grant file.

2. **Project Completion Date** – The work schedule included with the project application indicates that phase one will take 13 months to complete; therefore, the activity completion date is December 20, 2024. Please inform the sub-recipient that work completed after this date is not eligible for federal funding, and that federal funds may be de-obligated for work completed outside the completion date when there is no approved time extension.
3. **Project Closeout** – Within 120 days of project completion, all project funds must be liquidated and final closeout documentation for the project must be submitted to FEMA. Please note the project must comply with Code of Federal Regulations Title 2, Part 200 reporting requirements at the time of closeout.
4. **Record of Environmental Considerations (REC)** – This Phase 1 project has been determined to be Categorically Excluded from the need to prepare either an Environmental Impact Statement or Environmental Assessment in accordance with FEMA Instruction 108-1-1 and FEMA Directive 108-1-1 as authorized by DHS Instruction Manual 023-01-001-01, Revision 1. Categorical Exclusion(s) a4 (information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents) and a7 (the commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature) has been applied has been applied. Particular attention should be given to the project conditions before and during project implementation. Failure to comply with these conditions may jeopardize federal assistance including funding.
5. **Standard Conditions** – This project approval is subject to the enclosed *Standard Mitigation Grant Program (HMGP) Conditions*, amended August 2018. Please note that federal funds may be de-obligated for work that does not comply with these conditions.

If you have any questions, please contact Jared Peri, Grants Management Specialist, by email Jared.Peri@fema.dhs.gov, or phone (202) 374-4957.

Sincerely,

KATHRYN J LIPIECKI

Digitally signed by KATHRYN J
LIPIECKI
Date: 2023.11.20 13:35:45 -08'00'

Kathryn Lipiecki
Director, Mitigation Division
FEMA Region 9

Enclosures (3):

Obligation Report – Supplement 20
Record of Environmental Considerations (REC)
Standard Mitigation Grant (HMGP) Conditions

cc: Ron Miller, Acting State Hazard Mitigation Officer, California Governor's Office of
Emergency Services
Robyn Fennig, Acting State Hazard Mitigation Officer, California Governor's Office
of Emergency Services
Joseph Purvis, Division Chief, California Governor's Office of Emergency Services
Robert McCord, Chief, Hazard Mitigation Assistance Branch, FEMA Region 9

Obligation							
Disaster No	FEMA Project No	Amendment No	State Application ID	Action No	Supplemental No	State	Recipient
4482	77 -R	0	630	1	20	CA	Statewide
Subrecipient: Santa Clara (County)				Project Title : Santa Clara County Highway 35 Hazardous Fuels Reduction Wildfire Mitigation Pro			
Subrecipient FIPS Code: 085-99085							

Total Amount Previously Allocated	Total Amount Previously Obligated	Total Amount Pending Obligation	Total Amount Available for New Obligation			
\$513,417.60	\$513,417.60	\$0.00	\$0.00			
Project Amount	Subrecipient Management Cost Amount	Total Obligation	IFMIS Date	IFMIS Status	FY	
\$513,417.60	\$28,523.20	\$541,940.80	10/05/2023	Accept	2024	

Comments

Date: 10/05/2023 User Id: SSCOTT39

Comment: HMGP 4482-630-77R-Phase One-Santa Clara County- Highway 35 Hazardous Fuels Reduction Wildfire Mitigation Project- Fed Share-\$513,417.60 and SRMC-\$28,523.20

Authorization

Preparer Name: STEVEN SCOTT Preparation Date: 10/05/2023

HMO Authorization Name: JOCELYN MADISON-KELLY HMO Authorization Date: 10/05/2023

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4482-0077-CA (4482-630-077) (1)

Title: Santa Clara County Highway 35 Hazardous Fuels Reduction Wildfire Mitigation Project (Phase 1)

NEPA DETERMINATION

Non Compliant Flag: No	EA Draft Date:	EA Final Date:
EA Public Notice Date:	EA Fonsi	Level: CATEX
EIS Notice of Intent	EIS ROD Date:	

Comment Santa Clara County proposes to develop a feasibility study to address reducing wildfire risk in the area that separates Santa Clara and Santa Cruz counties. The project will create a hardened, shaded fuel break along a 16-mile section of State Highway 35 (Skyline Blvd) between Black Road in Los Gatos (37.205521, -122.04834) and Page Mill Road in Palo Alto (37.314958, -122.187221). Hwy 35 serves a rural mountain community of approximately 2,703 structures and a population of approximately 5,000 residents, including the South Skyline community. It also serves as a major commute route between San Mateo County and Santa Clara County. The County aims to (1) reduce fire hazards in the project area and within the wildland-urban interface to an acceptable level of risk; (2) maintain and enhance ecological values for plant and wildlife habitats consistent with fire reduction goals; (3) preserve aesthetic landscape values for park users and neighboring communities; and (4) provide a vegetation management plan that is cost-effective on a continuous basis.

Phase 1 of this project consists of hiring a contractor to develop an operations plan, conduct public meetings, and coordinate with partners as well as developing a feasibility study. The feasibility study will include technical and environmental information, design and engineering, and permitting. The applicant will also initiate the CEQA and permitting process, devise a private property permissions strategy, and complete environmental studies consistent with state and federal law. If the Phase 1 project scope of work changes to include ground disturbing activity, additional environmental review by FEMA will be required; a separate review also will be required for Phase 2 project implementation, which is expected to rely on mechanical equipment as well as goat grazing.

This Phase 1 project has been determined to be Categorically Excluded from the need to prepare either an Environmental Impact Statement or Environmental Assessment in accordance with FEMA Instruction 108-1-1 and FEMA Directive 108-1-1 as authorized by DHS Instruction Manual 023-01-001-01, Revision 1. Categorical Exclusions A4 (information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents) and A7 (the commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature) have been applied. Particular attention should be given to the project conditions before and during project implementation. Failure to comply with these conditions may jeopardize federal assistance including funding. - jhelder - 09/08/2023 22:00:55 GMT

CATEX CATEGORIES

Catex Category Code	Description	Selected
a4	(a4) Information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents. If any of these activities result in proposals for further action, those proposals must be covered by an appropriate CATEX. Examples include but are not limited to: (a) Document mailings, publication and distribution, training and information programs, historical and cultural demonstrations, and public affairs actions. (b) Studies, reports, proposals, analyses, literature reviews; computer modeling; and non-intrusive intelligence gathering activities.	Yes
a7	(a7) The commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature. If any of these commitments result in proposals for further action, those proposals must be covered by an appropriate CATEX. Examples include, but are not limited to: (a) Activities designed to support the improvement or upgrade management of natural resources, such as surveys for threatened and endangered species, wildlife and wildlife habitat, historic properties, and archeological sites; wetland delineations; timber stand examination; minimal water, air, waste, material and soil sampling; audits, photography, and interpretation. (b) Minimally-intrusive geological, geophysical, and geo-technical activities, including mapping and engineering surveys. (c) Conducting Facility Audits, Environmental Site Assessments and Environmental	Yes

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4482-0077-CA (4482-630-077) (1)

Title: Santa Clara County Highway 35 Hazardous Fuels Reduction Wildfire Mitigation Project (Phase 1)

Catex Category Code	Description	Selected
	Baseline Surveys, and (d) Vulnerability, risk, and structural integrity assessments of infrastructure.	

EXTRAORDINARY

Extraordinary Circumstance Code	Description	Selected ?
	No Extraordinary Circumstances were selected	

ENVIRONMENTAL LAW / EXECUTIVE ORDER

Environmental Law/ Executive Order	Status	Description	Comment
Clean Air Act (CAA)	Completed	Project will not result in permanent air emissions - Review concluded	
Coastal Barrier Resources Act (CBRA)	Completed	Project is not on or connected to CBRA Unit or otherwise protected area - Review concluded	
Clean Water Act (CWA)	Completed	Project would not affect any water of the U.S. - Review concluded	
Coastal Zone Management Act (CZMA)	Completed	Project is not located in a coastal zone area and does not affect a coastal zone area - Review concluded	
Executive Order 11988 - Floodplains	Completed	No effect on floodplain/flood levels and project outside floodplain - Review concluded	The project is for non-ground disturbing Phase 1 feasibility/design activities and environmental studies only, which do not involve potential impacts to the floodplain. See Attached Map. - jhelder - 09/08/2023 22:07:21 GMT
Executive Order 11990 - Wetlands	Completed	No effects on wetlands and project outside wetlands - Review concluded	The project is for non-ground disturbing Phase 1 feasibility/design activities and environmental studies only, which do not involve potential impacts to wetlands. See Attached Map. - jhelder - 09/08/2023 22:09:03 GMT
Executive Order 12898 - Environmental Justice for Low Income and Minority Populations	Completed	Low income or minority population in or near project area	Minority or low-income populations were identified through program coordination and public involvement, state EJ community lists or maps, or EJSCREEN reports for State Highway 35 from Black Road (37.205521, -122.04834) to Page Mill Road (37.314958, -122.187221). Review of the project scope of work revealed no adverse effects on these populations. Therefore, no additional review for potential EJ concerns is required. The

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4482-0077-CA (4482-630-077) (1)

Title: Santa Clara County Highway 35 Hazardous Fuels Reduction Wildfire Mitigation Project (Phase 1)

Environmental Law/ Executive Order	Status	Description	Comment
			maps, reports, and other information are saved to the project files. - jhelder - 09/08/2023 22:10:22 GMT
	Completed	No disproportionately high and adverse impact on low income or minority population - Review concluded	
Endangered Species Act (ESA)	Completed	Listed species and/or designated critical habitat present in areas affected directly or indirectly by the federal action	A No Effect Memorandum has been prepared as it has been determined that the proposed actions would result in No Effect to federally listed species or designated critical habitat. Consultation with the US Fish and Wildlife Service and/or the National Marine Fisheries Service is not required. See attached No Effect Memorandum. - jhelder - 09/08/2023 22:02:09 GMT
	Completed	No effect to species or designated critical habitat (See comments for justification) - Review concluded	
Farmland Protection Policy Act (FPPA)	Completed	Project does not affect designated prime or unique farmland - Review concluded	
Migratory Bird Treaty Act (MBTA)	Completed	Project located within a flyway zone	The project is in the Flyway, however, based on the project scope of work there is no potential for take of migratory birds. - jhelder - 09/08/2023 22:06:29 GMT
	Completed	Project does not have potential to take migratory birds - Review concluded	
Magnuson-Stevens Fishery Conservation and Management Act (MSA)	Completed	Project not located in or near Essential Fish Habitat - Review concluded	
National Historic Preservation Act (NHPA)	Completed	Not type of activity with potential to affect historic properties - Review concluded	Pursuant to Stipulation I.A.7.f (assistance provided for planning, studies, design and engineering costs that involve no commitment of resources other than staffing and associated funding) of the Programmatic Agreement among the Federal Emergency Management Agency (FEMA), the California State Historic Preservation Officer (SHPO), and the California Governor's Office of Emergency Services (Cal OES), signed October 29, 2019, FEMA has determined that the undertaking as described will have no potential to effect historic properties. Thus, the Undertaking does not require SHPO review, and FEMA has no further Section 106 responsibilities in accordance with 36 CFR § 800.3(a)(1). - jhelder - 09/08/2023 22:01:48 GMT

FEDERAL EMERGENCY MANAGEMENT AGENCY
RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4482-0077-CA (4482-630-077) (1)
Title: Santa Clara County Highway 35 Hazardous Fuels Reduction Wildfire Mitigation Project (Phase 1)

Environmental Law/ Executive Order	Status	Description	Comment
Wild and Scenic Rivers Act (WSR)	Completed	Project is not along and does not affect Wild and Scenic River - Review concluded	

CONDITIONS

Standard Conditions:

Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

Standard Mitigation Grant Program (HMGP) Conditions

FEMA Region IX, August, 2018

The following list applies to Recipients and Subrecipients accepting HMGP funds from the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security (DHS):

1. **Applicable Federal, State, and Local Laws and Regulations.** The Recipient/Subrecipient must comply with all applicable Federal, State, and Local laws and regulations, regardless of whether they are on this list or other project documents. DHS financial assistance Recipients and Subrecipients are required to follow the provisions of the State HMGP Administrative Plan, applicable Hazard Mitigation Assistance Uniform Guidance, and Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located in Title 2 of the Code of Federal Regulations (CFR) Part 200, adopted by DHS in 2 CFR 3002.
2. **Financial Management Systems.** The Recipient and Subrecipient must maintain financial management systems to account for and track funds, as referenced in 2 CFR 200.302.
3. **Match or Cost Share.** Non-federal match or cost share must comply with 2 CFR 200.306, the scope of work (SOW), and any agreements among the Subrecipient, the Recipient, and FEMA.
4. **Budget Changes.** Unanticipated adjustments are permitted within the approved total cost. However, if costs exceed the federal share, the Subrecipient must notify the Governor's Authorized Representative (GAR) of overruns before implementation. The GAR shall submit a written request for approval to FEMA Region IX. The subaward must continue to meet HMGP requirements, including cost effectiveness and cost share. Refer to 2 CFR 200.308 for additional information.
5. **Real Property and Land.** The acquisition, use, and disposition must comply with 2 CFR 200.311.
6. **Equipment.** The acquisition, use, and disposition must comply with 2 CFR 200.313.
7. **Supplies.** Upon project completion, FEMA must be compensated for unused supplies, exceeding \$5,000 (fair market value), and not needed for other federal programs. Refer to 2 CFR 200.314.
8. **Procurement.** Procurement procedures must be in conformance with 2 CFR 200.318-320.
9. **Monitoring and Reporting Program Performance.** The Recipient and Subrecipient must submit quarterly progress reports, as referenced in the 2 CFR 200.328 and State HMGP Administrative Plan.
10. **Records Retention.** In accordance with 2 CFR 200.333, financial/ programmatic records related to expenditures must be maintained at least 3 years after the date of Recipient's final expenditure report.
11. **Enforcement and Termination.** If the Recipient or Subrecipient fails to comply with the award or subaward terms, whether stated in a Federal statute or regulation, the State HMGP Administrative Plan, subapplication, a notice of award, an assurance, or elsewhere, FEMA may take one or more of the actions outlined in 2 CFR 200.338, including termination or partial termination of the award or subaward outlined in 2 CFR 200.339.
12. **Allowable Costs.** Funds are to be used for allowable costs in compliance with 2 CFR 200.403, the approved SOW, and any agreements among the Subrecipient, Recipient, and FEMA.

13. **Non-Federal Audit.** The Recipient and Subrecipient are responsible for obtaining audits in accordance with the Single Audit Act of 1984, in compliance with 2 CFR 200.501.
14. **Debarred and Suspended Parties.** Recipients and Subrecipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, and 2 CFR 180. These regulations restrict federal financial assistance awards, subawards, and contracts with parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in the federal assistance programs or activities.
15. **Equipment Rates.** Rates claimed for use of Subrecipient-owned equipment in excess of the FEMA-approved rates must be approved under State guidelines issued by the State Comptroller's Office or must be certified by the Recipient to include only those costs attributable to equipment usage less any fixed overhead and/or profit.
16. **Duplication of Funding between Public Assistance (PA) and HMGP.** Funding for PA Section 406 and HMGP Section 404 are permitted on the same facility/location, but the activities identified under each program must be distinct with separately accounted funds. At closeout, FEMA may adjust the funding to ensure the Subrecipient was reimbursed for eligible work from only one funding source.
17. **Historic Properties and Cultural Resources.** In compliance with 2 CFR 800, if a potential historic property or cultural resource is discovered during construction, the Subrecipient must cease work in the area and take all reasonable measures to avoid or minimize harm to the discovered property/resource. During construction, the Subrecipient will monitor ground disturbance activity, and if any potential archeological resources are discovered, will immediately cease work in that area, and notify the Recipient and FEMA. Construction in the area may resume with FEMA's written approval after FEMA's consultation, if applicable, with the State Historic Preservation Officer (SHPO).
18. **NEPA and Changes to the Scope of Work (SOW).** To comply with the National Environmental Policy Act (NEPA), and other Laws and Executive Orders, any change to the approved SOW shall be re-evaluated before implementation. Construction associated with a SOW change, prior to FEMA approval, may be ineligible for funding. Acceptance of federal funding requires environmental permits and clearances in compliance with all appropriate federal, state and local laws, and failure to comply may jeopardize funding.

Within their authority, the Recipient and Subrecipient must use of all practicable means, consistent with other essential policies, to create and maintain productive harmony for people and nature, and fulfill the social, economic, and other needs of present and future generations of Americans.