

60. Approve request for Appropriation Modification No. 183 - \$541,941 increasing estimated revenue and expenditure appropriations in the Office of Emergency Management budget, relating to mitigation actions for Phase 1 of the Highway 35 Hazardous Fuels Reduction Wildfire Mitigation Project. (4/5 vote) (ID# 24-5267)



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. 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

HAZARD MITIGATION GRANT PROGRAM

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)

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

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.

County Of Santa Clara
Request For Appropriation Modification
Fiscal Year = 2024

F - 85 # 183

Line	Fund	Budget Unit	Cost Center	CI	Description	Job Code	Funded Program	CMB Revenues	CMB Expenditures
1	0001	0107	2530	4580100	FED - Other Grants and Aids			541,941.00	
2	0001	0107	2530	5861000	Grant Project				541,941.00
0001					Transfer (From) To Fund Balance:				0.00
					Grand Total:			541,941.00	541,941.00

Form ID# Included:

40097,

Approved: 04/16/2024



24-5267

DATE: April 16, 2024

TO: Board of Supervisors

FROM: James R. Williams, County Executive
Dana Reed, Director, Office of Emergency Management

SUBJECT: Highway 35 Hazardous Fuels Reduction Wildfire Mitigation Project, Phase 1

RECOMMENDED ACTION

Approve request for Appropriation Modification No. 183 - \$541,941 increasing estimated revenue and expenditure appropriations in the Office of Emergency Management budget, relating to mitigation actions for Phase 1 of the Highway 35 Hazardous Fuels Reduction Wildfire Mitigation Project. (4/5 vote)

FISCAL IMPLICATIONS

There is no net impact to the County General Fund as a result of approving the recommended action. The County has been awarded \$541,941 of federal funding from the Hazard Mitigation Grant Program (HMGP), Phase 1. With these funds, the Department is requesting to increase services and supplies budget one-time by \$541,941. The County will be reimbursed for eligible grant expenditures beginning in County Fiscal Year 2023-2024.

REASONS FOR RECOMMENDATION AND BACKGROUND

On May 24, 2023 (Item No. 79), the Board of Supervisors adopted a resolution and delegation of authority for the County Executive to apply for and administer the HMGP. At the time of the authorization, a grant award had not been made so no appropriation modification could be presented to take the necessary budget actions. On November 20, 2023, the Office of Emergency Management (OEM) was notified that the County's grant application detailing proposed expenditures for \$541,941 for the HMGP was approved. The grant requires a local 10% match of \$57,046 that will be met primarily using Central County Fire Protection District (County Fire) staff time towards Phase 1 of the Highway 35 Hazardous Fuels Reduction Wildfire Mitigation Project.

In collaboration with OEM, County Fire submitted an HMGP application to reduce hazardous fuels along a 16-mile corridor on Highway 35, between Black Road and Page Mill Road in Santa Clara County. This corridor has a risk of wildfire spread because of hazardous fuel loads along the rights-of-way. A wildfire in the project area could endanger thousands of lives and property in Santa Clara County, Santa Cruz County, and San Mateo County. This is

Approved: 04/16/2024

a phased project and comprises two distinct phases as outlined in this scope of work. County Fire will be the executive body for this project, while OEM (subapplicant) will be managing the HMGP Grant. Due to this collaboration, specific tasks have been assigned to each organization, and a project planning team will be established upon project initiation.

The goals and expected outcomes of the project are 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 which is cost-effective on a continuous basis.

The project area is defined as a 16-mile section of State Highway 35 (Skyline Blvd) between Black Road in Los Gatos and Page Mill Road in Palo Alto. Highway 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.

Much of Highway 35 in the project area is only 1½ lanes wide. Access roads are typically very narrow. Driveways are long in many areas. Dead ends and few turnarounds further challenge fire risk. Access and egress to the impacted communities are also severely limited to one single roadway. The water supply for fire suppression is very limited (please refer to attached project photos). Parcel-level defensible space alone is inadequate to protect residences in this area. Other values at risk include critical telecommunications infrastructure, domestic water supply watersheds, an elementary school, and two fire stations. Fire history in the area has demonstrated dangerous rates of spread and heavy loss of property. Notable fires include the Lexington Fire (1985), Summit Fire (2002), Croy Fire (2008), and the Loma Fire (2016). Despite this risk, a significant amount of acreage has no recorded fire history.

The objectives of the project are to reduce wildfire threat to life and property, and to reduce or eliminate damages in case of a wildfire. Mitigating wildfire threats to life and property will be accomplished by removing hazardous trees, reducing ladder fuels, dead, dying, and diseased fuels, and brush and exposed (refuse) trash in the project areas. Furthermore, the objectives of the project are to improve the safety in neighborhoods within the project area. This project will add to Santa Clara County's developing wildfire hazardous fuel reduction line system, which provides the increased probability of wildfire control and increases life-safety for the people in the project area.

The project implementation will serve to create life-safety by reducing hazardous vegetation fuel (fuel or fuels) along Highway 35. A continuous line of hazardous fuel reduction for approximately 16 miles will serve to mitigate the threat of wildfire to life and property adjacent to Highway 35 and the surrounding communities exposed to fire behavior that originates around the road and might cross the highway. Best management practices will be identified during the Phase 1 process by the contractor hired to complete the work in coordination with the environmental consultant hired for the project.

This project will enhance an already robust fuels reduction project network created in this mountain community and as an ancillary benefit will harden a heavily traveled ridgeline road. Although this project is being proposed by Santa Clara County, its benefits are multi-jurisdictional and will save lives and property in Santa Cruz and San Mateo County as well because fires do not respect jurisdictional boundaries. Please see attached project map for a visualization of the scope, location, and impacts of the project.

Agencies Having Jurisdiction and Funding:

Santa Clara County Fire Department, Santa Clara County Office of Emergency Management, Caltrans, City of Palo Alto, County Parks, the Midpeninsula Regional Open Space District, and all other applicable land management agencies.

Ninety percent of funding is from the Federal Emergency Management Agency through the California Governor’s Office of Emergency Services, with 10% local match funding provided by County Fire staff hours.

Project End State Objectives:

The project will clear hazardous vegetation and hazard trees from the road edge to create a hazardous fuels reduction area to mitigate the threat to life and property in the event of a wildfire. In areas with the roadside elevation above the pavement, vegetation fuel type and density may increase the treatment. Any extreme cases of slope and topography will be identified and may result in isolated treatment at further distances if potential fire behavior threat warrants. All treatment distances will be limited to Caltrans and City of Palo Alto easements and adjacent managed lands. This completed fuel reduction will reduce the risk of a roadside fire escaping and threatening life and property along Highway 35 and growing into a larger conflagration that would threaten the surrounding communities. It will reduce the possibility of a fire crossing the highway and spreading dangerous conditions into Santa Cruz County or vice versa. This project will reduce the damage in the event of a major Wildlife Urban Interface disaster.

CHILD IMPACT

The recommended action will have a positive impact on children and youth by increasing preparedness for an emergency.

SENIOR IMPACT

The recommended action will have a positive impact on seniors by increasing preparedness for an emergency.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

CONSEQUENCES OF NEGATIVE ACTION

The project area contains high-hazard fuels that have significant potential to produce or conduct a devastating wildfire, and action is needed to reduce the risk of a fast-moving wildland fire emerging from or moving through the parklands and igniting residential neighborhoods and other structures and facilities adjacent to the parks. Similarly, the

potential exists for fires starting on and moving from adjacent non-park lands through high-hazard fuels and causing unacceptable damage to residences and critical facilities. If no action is taken, hazardous fuels build up in the three-county project area will continue to endanger lives and property in case of future fires.

STEPS FOLLOWING APPROVAL

Upon approval, the Clerk of the Board is requested to send notification to Parastou Najaf in the Office of Emergency Management.

ATTACHMENTS:

- DR 4482 630 77R Phase One Award Package
- F85 183 FEMA Grant for Highway 35