



FEMA

July 10, 2018

Charles Rabamad
Governor's Authorized Representative
California Office of Emergency Services
3650 Schriever Avenue
Mather, CA 95655

Reference: Phase One Approval, HMGP #4240-20-27R
City of Calistoga
Calistoga Riverside Ponds and Headworks Project
Supplement #66

Dear Mr. Rabamad:

We reviewed the subapplication for the above-referenced Calistoga Riverside Ponds and Headworks Project from the City of Calistoga (Subrecipient) and our decision is to approve a Phase One funding. We have determined technical and funding resources are necessary for the Subrecipient to provide information for our review of eligibility.

The Phase One cost is \$523,396, based on the proposed cost estimate. As shown in the enclosed Supplement #66, the 75 percent obligation is \$392,547 for the Phase One, and the 25 percent match is \$130,849. The Federal share is now available in Smartlink for eligible disbursements.

This approval is not our final determination, and failure to provide additional requested information may jeopardize funding for the entire project. If we conclude the proposed project is eligible, we will approve funding for Phase Two Construction.

- 1. Phase One Completion Date and Milestones** - The schedule in the subapplication states a seventeen-month timeframe to complete Phase 1. We have annotated December 10, 2019, as the Phase One completion date.
- 2. Phase One Cost Underruns** - Upon completion of the Phase One, all remaining cost underruns must be applied to the Phase Two funding or de-obligated if the proposed project is not eligible.
- 3. Phase Two Construction** - The Subrecipient shall not initiate construction activities until FEMA provides written notification that the review process is completed. The Phase Two approval shall include EHP conditions.

4. **Phase Two Completion Date** – If FEMA awards Phase Two Construction funding for this project, award activities are expected to be completed within the HMGP Period of Performance (POP). The POP completion date for this disaster, 4240-DR-CA, is February 11, 2020. Work completed after this date will not be eligible for federal funding, and federal funds may be de-obligated for work not completed within schedule if there is no approved time extension.
5. This award is subject to the enclosed *Standard Hazard Mitigation Grant Program Conditions*. Federal funds may be de-obligated for work that does not comply with these conditions.

If you have any questions or need further assistance please contact Aaron Lim, Hazard Mitigation Assistance Specialist, at (510) 627-7036 or aaron.lim@fema.dhs.gov.

Sincerely,



Juliette Hayes
Director
Mitigation Division
FEMA, Region IX

Enclosures (4):

Supplement #66 Obligation Report
Project Management Report
Record of Environmental Consideration (REC)
Standard HMGP Conditions

cc: Robin Shepard, Cal OES

07/10/2018
14:43

FEDERAL EMERGENCY MANAGEMENT AGENCY
HAZARD MITIGATION GRANTS PROGRAM
Obligation Report w/ Signatures

HMGP-OB-02

Disaster No	FEMA Project No	Amendment No	State Application ID	Action No	Supplemental No	State	Recipient
4240	27 - R	0	20	1	66	CA	Statewide

Sub-Recipient: Calistoga

Project Title : City of Calistoga - Riverside Ponds & Headworks River Bank Project

Sub-Recipient FIPS Code: 055-09892

Total Amount Previously Allocated	Total Amount Previously Obligated	Total Amount Pending Obligation	Total Amount Available for New Obligation
\$392,547	\$392,547	\$0	\$0

Project Amount	Recipient Admin Est	Sub-Recipient Admin Est	Total Obligation	IFMIS Date	IFMIS Status	FY
\$392,547	\$0	\$0	\$392,547	07/10/2018	Accept	2018

Comments

Date: 07/10/2018 User Id: KMOJICA

Comment: Phase One funding

Authorization

Preparer Name: KAREN MOJICA

Preparation Date: 07/10/2018

HMO Authorization Name: AARON LIM

HMO Authorization Date: 07/10/2018



Authorizing Official Signature



Authorizing Official Title



Authorization Date

Authorizing Official Signature

Authorizing Official Title

Authorization Date

07/10/2018
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FEDERAL EMERGENCY MANAGEMENT AGENCY
HAZARD MITIGATION GRANT PROGRAM

HMGP-AP-01

Project Management Report

Disaster Number: 4240
FEMA Project Number: 27-R
Amendment Number: 0
App ID: 20
State: CA
Recipient: Statewide

Sub-Recipient: Calistoga
FIPS Code: 055-09892

Project Title : City of Calistoga - Riverside Ponds & Headworks River Bank Project

Mitigation Project Description

Amendment Status : Approved

Approval Status: Approved

Project Title : City of Calistoga - Riverside Ponds & Headworks River Bank Project

Recipient : Statewide

Sub-Recipient : Calistoga

Recipient County Name : Napa

Sub-Recipient County Name : Napa

Recipient County Code : 55

Sub-Recipient County Code : 55

Recipient Place Name : Calistoga

Sub-Recipient Place Name : Calistoga

Recipient Place Code : 0

Sub-Recipient Place Code : 9892

Project Closeout Date : 00/00/0000

Work Schedule Status

Amend #	Description	Time Frame	Due Date	Revised Date	Completion Date
0	Engineering and Design, Preparation of Plans and	9 months	00/00/0000	00/00/0000	00/00/0000
0	Environmental Approvals and Permits	12 months	00/00/0000	00/00/0000	00/00/0000
0	Agency Approvals	9 months	00/00/0000	00/00/0000	00/00/0000
0	Public Bid/Bid Opening	2 months	00/00/0000	00/00/0000	00/00/0000
0	Construction Contract Award	1 months	00/00/0000	00/00/0000	00/00/0000
0	Construction Mobilization	2 months	00/00/0000	00/00/0000	00/00/0000
0	Construction	13 months	00/00/0000	00/00/0000	00/00/0000
0	Construction De-mobilization	2 months	00/00/0000	00/00/0000	00/00/0000
0	Construction Management and Inspection	13 months	00/00/0000	00/00/0000	00/00/0000
0	Project Close-out	2 months	00/00/0000	00/00/0000	00/00/0000

Approved Amounts

Total Approved Net Eligible	Federal Share Percent	Total Approved Federal Share Amount	Non-Federal Share Percent	Total Approved Non-Fed Share Amount
\$523,396	75.00000000	\$392,547	25.00000000	\$130,849

Allocations

Allocation Number	IFMIS Status	IFMIS Date	Submission Date	FY	ES Support Req ID	ES Amend Number	Proj Alloc Amount Fed Share	Recipient Admin Amount	Sub-Recipient Admin Amount	Total Alloc Amount
44	A	07/10/2018	07/10/2018	2018	2699432	14	\$392,547	\$0	\$0	\$392,547
Total							\$392,547	\$0	\$0	\$392,547

Obligations

Action Nr	IFMIS Status	IFMIS Date	Submission Date	FY	ES Support Req ID	ES Amend Number	Suppl Nr	Project Obligated Amt - Fed Share	Recipient Admin Amount	Sub-Recipient Admin Amount	Total Obligated Amount
1	A	07/10/2018	07/10/2018	2018	2767459	0	66	\$392,547	\$0	\$0	\$392,547
Total								\$392,547	\$0	\$0	\$392,547

FEDERAL EMERGENCY MANAGEMENT AGENCY

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: HMGP 4240-20-27 (Phase 1)

Title: Riverside Ponds and Headworks Project (Phase 1)

NEPA DETERMINATION

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

Comments: This REC applies to the geotechnical testing phase of the larger Calistoga Riverside Ponds and Headworks project (4240-20-27). The proposed testing involves drilling exploratory bores of about 8 inches in diameter and up to 30 feet deep at four locations. - jbock - 05/14/2018 23:21:22 GMT

CATEX CATEGORIES

Catex Category Code	Description	Selected
*n8	(*n8) Federal Assistance for New Construction Activities of Less Than One Acre in Undisturbed or Undeveloped Areas. Federal assistance for new construction and associated site preparation activities in undisturbed or undeveloped areas when the activities comprise less than one acre and follow best management practices to control noise, water, and air pollution. This category does not apply to new construction in undisturbed or undeveloped floodplains, wetlands, or seaward of the limit of moderate wave action (or V zone when the limit of moderate wave action has not been identified). This CATEX covers the range of activities typically necessary for new construction, including field work (e.g. borings, site inspection) and temporary staging and use of construction equipment and vehicles.	Yes

EXTRAORDINARY CIRCUMSTANCES

Extraordinary Circumstance Code	Description	Selected ?
	No Extraordinary Circumstances were selected	

ENVIRONMENTAL LAW / EXECUTIVE ORDER

Environmental Law/ Executive Order	Status	Description	Comments
Clean Air Act (CAA)	Completed	Project will not result in permanent air emissions - Review concluded	The project is in Napa County, a non-attainment area for the fine particulate matter (PM 2.5) and the 8-hour ozone standards according to the USEPA (https://www3.epa.gov/airquality/greenbook/anc13.html , data current as of April 30, 2018). Based on the nature of the proposed activities, the potential emissions are below the minimum thresholds for the General Conformity Rule. Thus, the project is exempt from a conformity determination. - jbock - 05/14/2018 23:12:33 GMT
Coastal Barrier Resources Act (CBRA)	Completed	Project is not on or connected to CBRA Unit or otherwise protected area - Review concluded	

FEDERAL EMERGENCY MANAGEMENT AGENCY

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: HMGP 4240-20-27 (Phase 1)

Title: Riverside Ponds and Headworks Project (Phase 1)

Environmental Law/ Executive Order	Status	Description	Comments
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	Located in floodplain or effects on floodplain/flood levels	All four locations are in Zone AE, and one is in the floodway, as shown on FIRM panels 06055C0229E (effective 9/26/2008) and 06055C0235E (effective 9/26/2008) - jbock - 05/14/2018 23:15:14 GMT
	Completed	No adverse effect on floodplain and not adversely affected by the floodplain - Review concluded	
Executive Order 11990 - Wetlands	Completed	No effects on wetlands and project outside wetlands - Review concluded	The project is not in a wetland (according to the USFWS NWI Wetlands Mapper) and would not result in impacts to wetlands. - jbock - 05/14/2018 23:16:58 GMT
Executive Order 12898 - Environmental Justice for Low Income and Minority Populations	Completed	Low income or minority population in or near project area	The proposed activities associated with this project will result in no impacts to all populations. - jbock - 05/14/2018 23:17:47 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	Geotechnical testing activities would occur within four limited areas of an active wastewater treatment property. Based on the location and nature of the proposed activities, the project does not have the potential to affect listed or proposed species or critical habitat. Formal consultation with the US Fish and Wildlife Service under Section 7 of the Endangered Species Act is not required. See attached No Effect memorandum. - jbock - 05/14/2018 23:09:30 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	
Fish and Wildlife Coordination Act (FWCA)	Completed	Project does not affect, control, or modify a waterway/body of water - Review concluded	

FEDERAL EMERGENCY MANAGEMENT AGENCY

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: HMGP 4240-20-27 (Phase 1)

Title: Riverside Ponds and Headworks Project (Phase 1)

Environmental Law/ Executive Order	Status	Description	Comments
Migratory Bird Treaty Act (MBTA)	Completed	Project located within a flyway zone	
	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	Applicable executed Programmatic Agreement (enter date in comments).	Programmatic Agreement was executed on October 30, 2014. Consultation with the State Historic Preservation Office was initiated on April 9, 2018. The SHPO response letter was received on May 8, 2018. - jbock - 05/14/2018 23:08:44 GMT
	Completed	No properties in the project area are 50 years or older or listed on the National Register - Review concluded	
	Completed	Project affects undisturbed ground	
	Completed	Project area has potential for presence of archeological resources	
	Completed	Determination of historic properties affected	
	Completed	NR eligible resources present in project area. (FEMA finding/ SHPO/THPO concurrence attached)	
	Completed	No Adverse Effect Determination. (FEMA finding/ SHPO/THPO concurrence attached) - Review concluded	
Wild and Scenic Rivers Act (WSR)	Completed	Project is not along and does not affect Wild and Scenic River - Review concluded	

CONDITIONS

Special Conditions required on Implementation of Projects:

Unexpected Discoveries, Previously Unidentified Properties, or Unexpected Effects & Stipulation III.B.1 of the 2014 Programmatic Agreement will be implemented

Source of condition: National Historic Preservation Act (NHPA)

Monitoring Required: No

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FEDERAL EMERGENCY MANAGEMENT AGENCY

REC-01

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: HMGP 4240-20-27 (Phase 1)

Title: Riverside Ponds and Headworks Project (Phase 1)

Education/Training prior to construction of the Project, a qualified archaeologist will deliver to all Project personnel a briefing that includes all applicable laws and penalties pertaining to disturbing cultural resources, a brief discussion of the prehistoric and historic regional context and archaeological sensitivity of the area, types of cultural resources found in the area, instruction that Project workers will halt construction if a cultural resource is inadvertently discovered during construction, and procedures to follow in the event an inadvertent discovery is encountered, including appropriate treatment and respectful behavior of a discovery (e.g., no posting to social media or photographs). If requested, a local tribal representative(s) shall be invited to participate in the environmental training to discuss or provide text from a tribal cultural perspective regarding the cultural resources within the region.

Source of condition: National Historic Preservation Act (NHPA)

Monitoring Required: No

Archeological and Native American Monitoring the geotechnical boring will be monitored at each bore location by a qualified archaeological monitor and Native American monitor. The monitors will be present on-site during ground-disturbing activities. In addition, the monitors will walk equipment in to bore location 3. Soils from the hand augers at each bore location will be screened through a quarter-inch mesh screen for each 20-centimeter segment by the archaeological monitor to a depth of 5 feet (maximum depth of the hand auger). If intact cultural deposits are encountered within non-disturbed native soils, the resource will be treated as an inadvertent discovery, and the protocols outlined in the Unexpected Discoveries, Previously Unidentified Properties, or Unexpected Effects measure will be followed.

Source of condition: National Historic Preservation Act (NHPA)

Monitoring Required: Yes

Standard Conditions:

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

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 Hazard Mitigation Grant Program (HMGP) Conditions
Prepared by FEMA Region IX, Updated February, 2005

The following standard requirements apply to grantees and subgrantees accepting funds from the Federal Emergency Management Agency (FEMA) HMGP:

1. **Applicable Federal, State and Local Laws and Regulations.** The grantee and subgrantee must comply with all applicable Federal, State and Local laws and regulations, regardless of whether they are specifically identified in this list or other project documents.
2. **Standards for Financial Management Systems.** Grantees and subgrantees must maintain financial management systems to account for and track grant funds, in compliance with the Code of Federal Regulations, Title 44 (44 CFR) Section 13.20.
3. **Allowable Costs.** Grant funds may only be used for allowable costs, in compliance with 44 CFR Section 13.22, and in compliance with the approved grant project scope of work and any agreements among the subgrantee, the grantee, and FEMA.
4. **Subgrantee Indirect Costs.** No indirect costs of a subgrantee are separately eligible for HMGP reimbursement, in compliance with 44 CFR Section 206.439(c)(2). Such costs are covered by the Subgrantee Administrative Cost allowance formula provided by 44 CFR Section 206.439(b)(I)(ii).
5. **Matching or Cost Sharing.** Non-federal matching or cost sharing must be in accordance with 44 CFR Section 13.24, the approved grant project scope of work, and any agreements among the subgrantee, the grantee, and FEMA.
6. **Non-Federal Audit.** The grantee and subgrantee are responsible for obtaining audits in accordance with the Single Audit Act of 1984, in compliance with 44 CFR Section 13.26.
7. **NEPA Reviews for Scope of Work Amendments.** To comply with the National Environmental Policy Act (NEPA), additions or amendments to a HMGP subgrantee statement of work (SOW) shall be reviewed by all state and federal agencies participating in the NEPA process. NEPA compliance for all SOW additions or amendments is essential before the revised SOW can be approved by FEMA or implemented by the HMGP subgrantee. Any construction activities associated with a SOW change, prior to FEMA approval, may be ineligible for reimbursement or match.
8. **Cost Overruns.** Subgrantees should be referred to the state HMGP administrative plan for project cost overrun regulations. If project costs exceed the approved federal share, the subgrantee must contact the Governor's Authorized Representative. The GAR will evaluate requests for cost overruns. Written determination of cost overrun eligibility in accordance with 44 CFR 206.438(b) shall be submitted by the GAR to the FEMA Regional Director.
9. **Real Property (Land).** If real property (land) is acquired under an HMGP grant, the use and disposition of the property shall be in compliance with 44 CFR Section 13.31 and Section 206.434(d).
10. **Equipment.** If equipment is acquired under an HMGP grant, the use and disposition of the equipment shall be in compliance with 44 CFR Section 13.32.

11. **Supplies.** If there is a residual inventory of unused supplies exceeding \$5,000 in total fair market value upon completion of the HMGP grant, and if the supplies are not needed for any other federally sponsored programs or projects, the grantee or subgrantee shall compensate the awarding agency for its share (44 CFR Section 13.33).
12. **Copyrights.** In accord with 44 CFR Section 13.34, FEMA reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for Federal Government purposes:
 - (a) The copyright in any work developed under a grant, subgrant, or contract under a grant or subgrant; and
 - (b) Any rights of copyright to which a grantee, subgrantee or a contractor purchases ownership with grant support.
13. **Subawards to debarred and suspended parties.** In accordance with 44 CFR Section 13.35, the grantee and subgrantees must not make any award or permit any award (subgrant or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension."
14. **Procurement.** Procurement procedures shall be in conformance with 44 CFR Section 13.36.
15. **Monitoring and Reporting Program Performance.** The grantee and subgrantees must submit quarterly progress reports, in accord with 44 CFR Section 13.40 and the State HMGP Administrative Plan.
16. **Retention and Access Requirements for Records.** In accordance with 44 CFR Section 13.42, financial and programmatic records related to expenditure of funds on grant-supported projects shall be maintained at least 3 years following the date the grantee submits its final expenditure report on the project.
17. **Enforcement.** If a grantee or subgrantee materially fails to comply with any term of an award, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, FEMA may take one or more of the actions outlined in 44 CFR Section 13.43, including termination of the grant.
18. **Termination for Convenience.** Grant awards may be terminated for convenience through the procedures outlined in 44 CFR Section 13.44.
19. **Discovery of Historic Properties and Cultural Resources.** In accordance with 36 CFR Part 800, in the event a potential historic property or cultural resource is discovered during construction activities, the subgrantee must cease work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the discovered property/resource. Construction activities in the area of the discovery shall not resume until FEMA concludes consultation with the State Historic Preservation Officer (SHPO) for treatment of the discovery.
20. **Equipment Rates.** Rates claimed for use of applicant-owned equipment that are 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 State to include only those costs attributable to equipment usage less any fixed overhead and/or profit."
21. **Duplication of Funding between PA and HMGP.** It is permissible to use PA and 404 HMGP funds on the same facility/location, but the scopes of work identified under each program must be distinct and the funds accounted for separately. At the time of closeout, FEMA will adjust the funding if necessary to ensure that the subgrantee has been reimbursed for eligible scope from only one funding source.