

GAVIN NEWSOM
GOVERNOR



NANCY WARD
DIRECTOR

August 26, 2024

Steven Reel
Deputy Program Manager, Engineering & Project Delivery
San Francisco, City and County
Pier 1, the Embarcadero
San Francisco, CA 94111

Subject: **Notification of Subapplication Approval**
Hazard Mitigation Grant Program
FEMA-**4569**-DR-CA, Project #**AP00689**, FIPS #**075-00000**
Supplement #**41**

Dear Mr. Reel:

The California Governor's Office of Emergency Services (Cal OES) received notification that the Federal Emergency Management Agency (FEMA) has approved your organization's subaward application in the amount of **\$2,700,000.00**. A copy of the FEMA award package is enclosed for your records. In order to receive payment as a grant subrecipient, your organization must have the following on file with the Recovery Financial Processing Unit:

- A valid, current (approved within the last 3 years) Governing Body Resolution
- A Project Assurances for Federal Assistance agreement
- A Supplemental Grant Subaward Information sheet
- A current Federal Funding Accountability and Transparency Act (FFATA) Financial Disclosure form. This form must be submitted each fiscal year.
- An active registration with the federal System for Award Management (SAM) website. The registration must remain active for the duration of this grant subaward.

For your convenience, this subapplication approval package includes the required post-obligation documents as well as guides to completing and renewing a SAM registration. Please complete the documents and mail copies to the address listed at the end of this letter, keeping the originals with your records. Alternatively, you may scan and email the completed documents to the Recovery Financial Processing Unit at HMgrantsPayments@CalOES.ca.gov. Electronic copies of the post-obligation documents can also be requested at the same address.



3650 SCHRIEVER AVENUE • MATHER, CA 95655
RECOVERY FINANCIAL PROCESSING UNIT
(916) 845-8110

Mr. Reel
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Payments will be made on a reimbursement basis using the enclosed Hazard Mitigation Reimbursement Request Form. A ten percent (10%) retention will be withheld from all reimbursement payments and will be released as part of the subaward closeout process.

Reimbursements can be made only for items listed on the approved subaward application. Expenditures for any other work should be separately maintained and are the sole responsibility of the subrecipient. Any funds received in excess of current needs or approved amounts, or those found owed as a result of a final inspection or audit, must be refunded to the State within 30 days of receipt of an invoice from Cal OES.

When mailing documents to the Recovery Financial Processing Unit, please use the following address:

California Governor's Office of Emergency Services
Attention: Recovery Financial Processing Unit
3650 Schriever Avenue
Mather, CA 95655

For further assistance regarding post-obligation documents or the reimbursement request process, please contact the Recovery Financial Processing Unit at (916) 845-8110 or at HMGrantsPayments@caloes.ca.gov. For program-related questions, please contact the Hazard Mitigation Grants Program Unit at (916) 328-7450.

Recovery Financial Processing Unit

Enclosures

c: Subrecipient's Project File

*The Recovery Financial Processing Unit has universal Resolution No. 76-23, passed on 2/28/23, on file. A copy of the resolution is included in this package for your review. With the written permission of an Authorized Agent, the resolution can be applied to this project.

**The Recovery Financial Processing Unit has a current FFATA Financial Disclosure form on file for your organization. There is no need to resubmit the document to Cal OES for this fiscal year.



3650 SCHRIEVER AVENUE • MATHER, CA 95655
RECOVERY FINANCIAL PROCESSING UNIT
(916) 845-8110

U.S. Department of Homeland Security
 FEMA Region 9
 1111 Broadway, Suite 1200
 Oakland, CA 94607



FEMA

August 5, 2024

RECEIVED
AUG 5 2024
FINANCIAL PROCESSING UNIT

Robyn Fennig
 Assistant Director, Hazard Mitigation
 Governor’s Authorized Representative
 California Governor’s Office of Emergency Services
 3650 Schriever Avenue
 Mather, California 95655

Reference: Application Approval, HMGP DR-4569-689-009
 City and County of San Francisco
 Advance Assistance - Earthquake Risk Assessment
 FIPS Code: ~~000-UDE6N~~, Supplement 41
075-00000 (AB)

Dear Robyn Fennig:

We approve and issue Hazard Mitigation Grant Program (HMGP) funds for the City and County of San Francisco, DR-4569-689-009, Advance Assistance - Earthquake Risk Assessment.

The total project cost is \$3,600,000.00. As shown in the enclosed Obligation Report - Supplement #41, we are obligating \$2,700,000.00 for the 75 percent Federal share; the 25 percent non-Federal share is \$900,000.00. These funds are available in SmartLink for immediate and eligible disbursements. The following is a summary of the approved funding:

Funding Type:	Federal Share:	Non-Federal Share:	Total Project Cost:
Supplement 41	\$2,700,00.00	\$900,000.00	\$3,600,000.00

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

- 1. Scope of Work (SOW)** – The City and County of San Francisco will fund Advance Assistance activities at Piers 94 and 96 in the City of San Francisco in San Francisco County, California. Project tasks will include an existing conditions assessment including topographic and bathymetric surveys, structures/crane/utility inspections and testing, geotechnical borings, earthquake risk assessment, development and evaluation of earthquake improvement alternatives, completion of a 60 percent level of design on the selected alternative, and completion of the California Environmental Quality Act (CEQA) and regulatory approvals needed for construction of the project.
- 2. Project Completion Date** – The work schedule included with the project application indicates that the project will take 36 months to complete; however, we can only approve a project up to the approved disaster period of performance (POP). Therefore, the project

Robyn Fennig
August 5, 2024
Page 2 of 3

completion date is August 28, 2026. Please inform the sub-recipient that work completed after the disaster period of performance (POP) 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 90 days of the award period of performance’s expiration, 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 Consideration (REC)** – This 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), A7 (commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature), and N5 (Federal Assistance for Actions in Coastal Areas Subject to Moderate Wave Action or V Zones) 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. Please reference the enclosed REC for further information.
1. **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 Jocelyn Maison-Kelly, Hazard Mitigation Assistance Specialist, by email at jocelyn.madisonkelly@fema.dhs.gov, or phone (202) 717-0135.

Sincerely,

KATHRYN J LIPIECKI

Digitally signed by KATHRYN J
LIPIECKI
Date: 2024.08.05 08:37:30 -07'00'

Kathryn Lipiecki
Director, Mitigation Division
FEMA Region 9

Enclosures (3):

Obligation Report – Supplement 41
Record of Environmental Considerations (REC)
Standard Mitigation Grant (HMGP) Conditions

cc: Ron Miller, Hazard Mitigation Assistance Branch Chief, California Governor’s Office of
Emergency Services

Robyn Fennig
August 5, 2024
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Melissa Boudrye, Resilience Branch Chief, California Governor's Office of Emergency Services

Concepcion Chavez, Technical Assistance Division Chief, California Governor's Office of Emergency Services

Joseph Purvis, Hazard Mitigation Grants Division Chief, California Governor's Office of Emergency Services

Ryan Massello, Hazard Mitigation Quality Assurance 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
4569	9-R	0	689	1	41	CA	Statewide

Subrecipient: CITY AND COUNTY OF SAN FRANCISCO Project Title : POSF Southern Waterfront EQ Risk Assessment Advance Assistance
 Subrecipient FIPS Code: 000-UDE6N

Total Amount Previously Allocated	Total Amount Previously Obligated	Total Amount Pending Obligation	Total Amount Available for New Obligation		
\$2,700,000.00	\$2,700,000.00	\$0.00	\$0.00		

Project Amount	Subrecipient Management Cost Amount	Total Obligation	IFMIS Date	IFMIS Status	FY
\$2,700,000.00	\$0.00	\$2,700,000.00	08/01/2024	Accept	2024

Comments

Date: 08/01/2024 User Id: SSCOTT39

Comment: Approved funding for DR-4569-689-9R - POSF Southern Waterfront EQ Risk Assessment Advance Assistance - \$2,700,000.00 Fed Share.

Authorization

Preparer Name: STEVEN SCOTT

Preparation Date: 08/01/2024

HMO Authorization Name: JARED PERI

HMO Authorization Date: 08/01/2024

05/31/2024

FEDERAL EMERGENCY MANAGEMENT AGENCY

REC-01

20:29:07

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4569-0009-CA (4569-689-09) (1)

Title: Advance Assistance - Earthquake Risk Assessment

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 The Port of San Francisco proposes to implement the Pier 94-96 Earthquake Resilience Project, Advance Assistance at Piers 94 and 96 in the City of San Francisco in San Francisco County, California (37.740612, -122.374138). This project would improve earthquake survivability of Piers 94 and 96. The proposed scope of work for this advance assistance project includes the following: existing conditions assessment including topographic and bathymetric surveys, structures/crane/utility inspections and testing, geotechnical borings, earthquake risk assessment, development and evaluation of earthquake improvement alternatives, completion of a 60 percent level of design on the selected alternative, and completion of the California Environmental Quality Act (CEQA) and regulatory approvals needed for construction of the project. Based on a review of existing data, it is expected that both land and waterside borings would be required to provide information needed for earthquake slope stability analysis. Geotechnical borings are expected to be up to 250 feet deep through fill soils, native soils, and bedrock.

This review does not cover construction actions, which will require separate review. No ground disturbance or structural activities, other than the geotechnical borings, are permitted without prior notice to FEMA.

This 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), A7 (commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature), and N5 (Federal Assistance for Actions in Coastal Areas Subject to Moderate Wave Action or V Zones) 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. - lholm2 - 05/31/2024 19:58:38 GMT

CATEX CATEGORIES

Catex Category Code	Description	Selected
*n5	(*n5) Federal Assistance for Actions in Coastal Areas Subject to Moderate Wave Action or V Zones. Assistance for repair, hazard mitigation, new construction, or restoration actions of less than one-half acre within the following areas: seaward of limit of moderate wave action (LiMWA) (line mapped to delineate inland extent of wave heights of 1.5 feet) during base flood (area with at least one-percent chance of flood in any year); or areas within V zone (coastal area with velocity hazard due to wave action) if LiMWA is not established. Actions must meet the following criteria: (a) Consistent with State or Tribe enforceable policies of approved coastal management programs, (b) Not within or affect a Coastal Barrier Resource System unit, (c) Do not result in man-made alterations of sand dunes, (d) Do not result in permanent removal of vegetation (including mangrove stands, wetlands, and dune vegetation), (e) Applicable Federal requirements and local codes and standards are followed, and (f) If actions involve substantial improvement or new construction of structures, the following criteria also apply: 1. structure must be elevated on open works (e.g. piles and columns), as opposed to fill, such that bottom lowest horizontal structural member is at or above base flood level, 2. foundation must be anchored to resist flotation, collapse, and lateral movement due to effects of wind and water loads, and 3. project siting must conform to applicable State, Tribe, or local setback requirements. Examples of activities covered by this CATEX include but are not limited to: repair and elevation of structures; repair and new construction of jetties and groins; repair, hazard mitigation, and new construction of functionally dependent facilities such as piers,	Yes

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FEDERAL EMERGENCY MANAGEMENT AGENCY

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RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4569-0009-CA (4569-689-09) (1)

Title: Advance Assistance - Earthquake Risk Assessment

Catex Category Code	Description	Selected
	marinas, boat ramps, bathrooms, and port facility structures; and beach restoration projects except projects that result in man-made alteration of dunes and wetlands such as beach nourishment projects.	
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 Baseline Surveys, and (d) Vulnerability, risk, and structural integrity assessments of infrastructure.	Yes

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 is located in a non-attainment area	The project is in San Francisco County and is within a nonattainment area for PM-2.5 (2006) 8-hour ozone (2008, 2015) according to the U.S. Environmental Protection Agency (USEPA). Based on the scope of work, the potential emissions from project activities are clearly below de minimis thresholds for the General Conformity Rule. Thus, the project is exempt from a conformity determination. See Condition. - lholm2 - 05/31/2024 19:42:52 GMT
	Completed	Coordination required with applicable state administering agency - Review concluded	

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RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4569-0009-CA (4569-689-09) (1)

Title: Advance Assistance - Earthquake Risk Assessment

Environmental Law/ Executive Order	Status	Description	Comment
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 affect waters, including wetlands, of the U.S.	The scope of work associated with this project has the potential to affect waters of the U.S. This project may require Section 404/401 Clean Water Act (CWA) or Section 9/10 (Rivers and Harbors Act) Permit(s), including qualification under Nationwide Permits. The Subrecipient is required to contact USACE to determine whether project activities require USACE permits under the CWA. See Condition. - lholm2 - 05/31/2024 19:40:56 GMT
	Completed	Project may require Section 404/401 or Section 9/10 (Rivers and Harbors Act) permit, including qualification under Nationwide Permits - Review concluded	
Coastal Zone Management Act (CZMA)	Completed	Project is located in a coastal zone area and/or affects the coastal zone	The project occurs within the coastal zone and is an activity that may have a reasonably foreseeable effect on a coastal use or resource, therefore administering agency requires consistency review. See Condition. - lholm2 - 05/31/2024 19:41:38 GMT
	Completed	State administering agency requires consistency review - Review concluded	
Executive Order 11988 - Floodplains	Completed	Located in floodplain or effects on floodplain/flood levels	The project is located within zones AE and VE, areas of Special Flood Hazard Area (100-year floodplain, base floodplain), per Flood Insurance Rate Map (FIRM) panel 0602980251A, dated 03/23/2021. The proposed action is not likely to result in any potential direct impacts that would adversely affect the natural values and function of floodplains, nor is it likely to increase the risk of flood loss. The Initial Disaster Public Notice was published on 10/31/2020. Per 44 CFR 9.5(d)(4), the 8-step Process was completed, and the determination was the project is the only practicable alternative. Floodplain Management 8-Step Checklist is attached. See Condition. See attached map. - lholm2 - 05/31/2024 19:51:45 GMT
	Completed	Possible adverse effects associated with investment in floodplain, occupancy or modification of floodplain environment	
	Completed	8 Step Process Complete - documentation attached - Review	

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RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4569-0009-CA (4569-689-09) (1)

Title: Advance Assistance - Earthquake Risk Assessment

Environmental Law/ Executive Order	Status	Description	Comment
		concluded	
Executive Order 11990 - Wetlands	Completed	Located in wetlands or effects on wetlands	Per the U.S. Fish and Wildlife Service Wetland Mapper viewed on 07/06/2022, the project is within estuarine and marine deepwater habitat. The proposed action is not likely to result in any potential direct impacts that will adversely affect the natural values and function of wetlands. Initial Disaster Public Notice was published on 10/31/2020. See Conditions. See attached. - lholm2 - 05/31/2024 19:54:49 GMT
	Completed	Possible adverse effect associated with constructing in or near wetland	
	Completed	Review completed as part of floodplain review - Review concluded	
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 the area around Pier 94 and 96. Review of the project scope of work revealed no adverse effects on these populations. Therefore, no additional review for potential EJ concerns is required. - lholm2 - 05/31/2024 19:55:08 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	Informal Consultation with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act was concluded on 05/02/2024, and informal consultation with the National Marine Fisheries Service (NMFS) under Section 7 of the Endangered Species Act was concluded on 05/20/2024. Per the Letters of Concurrence, the proposed action May Affect but is Not Likely to Adversely Affect Federally Listed Species and/or designated Critical Habitat. See attached. See Condition(s). - lholm2 - 05/31/2024 19:36:14 GMT
	Completed	May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence attached) - Review concluded	

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RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4569-0009-CA (4569-689-09) (1)

Title: Advance Assistance - Earthquake Risk Assessment

Environmental Law/ Executive Order	Status	Description	Comment
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	
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 located in or near Essential Fish Habitat	Per consultation with NMFS; recommendations were provided. See NMFS Letter of Concurrence reference number WCRO-2024-01019. See Condition. - lholm2 - 05/31/2024 19:44:41 GMT
	Completed	Project adversely affects Essential Fish Habitat (FEMA determination/USFWS/NMFS concurrence attached)	
	Completed	NOAA Fisheries provided recommendation(s)	
	Completed	Written reply to NOAA Fisheries recommendations completed - Review concluded	
National Historic Preservation Act (NHPA)	Completed	Applicable executed Programmatic Agreement (enter date in comments).	Consultation with the appropriate tribes was conducted per 36 CFR 800.2(c)(2)(ii) and 36 CFR 800.2(c)(5). Consultation was concluded on 05/26/2023. The tribes did not provide comments within 30 days or declined to comment. FEMA has determined that the proposed project would not adversely affect traditional, religious, or culturally significant sites. See attached. FEMA consulted with the State Historic Preservation Officer (SHPO) on 10/24/2023 and made a finding of no historic properties affected in accordance with Stipulation II.C 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, signed 10/29/2019. SHPO had no objection to FEMA's finding by letter dated 11/27/2023. See attached. - lholm2 - 05/31/2024 19:31:51 GMT

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FEDERAL EMERGENCY MANAGEMENT AGENCY

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RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4569-0009-CA (4569-689-09) (1)

Title: Advance Assistance - Earthquake Risk Assessment

Environmental Law/ Executive Order	Status	Description	Comment
	Completed	Building or structure 50 years or older or listed on the National Register in the project area and activity not exempt from review	
	Completed	Determination of No Historic Properties Affected (FEMA finding/SHPO/THPO concurrence attached) - Review concluded	
	Completed	Project affects undisturbed ground	
	Completed	Project area has potential for presence of archeological resources	
	Completed	Determination of no historic properties affected (FEMA finding/SHPO/THPO concurrence attached) - Review concluded	
OTHER (enter specifics in comments)	Completed	Review concluded	Marine Mammal Protection Act (MMPA)According to the NMFS Species List Tool, the project area has the potential to support marine mammals protected under the Marine Mammal Protection Act (MMPA). Although no marine mammal haul-out locations are present within the project area, the proposed geotechnical activities could impact marine mammals through noise disturbance, decreased water quality, and/or vessel strikes. Effects from noise disturbance and decreased water quality would be temporary and localized and would not be expected to permanently degrade marine habitats used by marine mammals. See Condition. - lholm2 - 05/31/2024 19:50:18 GMT
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:

The Subrecipient must coordinate with the local floodplain administrator and obtain any required permits prior to initiating work. Coordination correspondence with the Floodplain administrator, including any required permits, and implementation documentation to any permit conditions need to be forwarded to the State and FEMA for inclusion in the permanent project files.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

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Project HMGP-4569-0009-CA (4569-689-09) (1)

Title: Advance Assistance - Earthquake Risk Assessment

The Subrecipient must coordinate with the local floodplain administrator and obtain any required permits prior to initiating work. Coordination correspondence with the Floodplain administrator, including any required permits, and implementation documentation to any permit conditions need to be forwarded to the State and FEMA for inclusion in the permanent project files.

Source of condition: Executive Order 11988 - Floodplains Monitoring Required: Yes

Best Management Practices: The Subrecipient shall ensure that best management practices are implemented to prevent erosion and sedimentation to surrounding, nearby or adjacent wetlands. This includes equipment storage and staging of construction to prevent erosion and sedimentation to ensure that wetlands are not adversely impacted per the Clean Water Act and Executive Order 11990.

Source of condition: Executive Order 11990 - Wetlands Monitoring Required: Yes

Permitting: The Subrecipient is responsible for proper identification of wetlands. Under EO11990 - Protection of Wetlands, the Subrecipient is responsible for coordinating with and obtaining any required Section 404 Permit(s) from the USACE prior to initiating work. The Subrecipient shall comply with all conditions of the required permit. All coordination pertaining to these activities shall be documented and copies forwarded to the State and FEMA as part of the permanent project files.

Source of condition: Executive Order 11990 - Wetlands Monitoring Required: Yes

The Subrecipient is responsible for complying with all applicable subparts of the Clean Air Act. Copies of any permits/authorizations, or consultation documentation should be forwarded to FEMA for inclusion in the administrative record. Failure to comply with these conditions may jeopardize the receipt of federal funding.

Source of condition: Clean Air Act (CAA) Monitoring Required: No

This project may impact Waters of the U.S., and the Subrecipient is required to contact the USACE to determine whether project activities require a USACE permit under Section 404 of the Clean Water Act (CWA). All documentation pertaining to coordination and permitting must be attached to the project file. Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance will be required at project closeout.

Source of condition: Clean Water Act (CWA) Monitoring Required: Yes

In compliance with the Coastal Zone Management Act (CZMA), prior to initiation of any work the Subrecipient is responsible for coordinating with the San Francisco Bay Conservation and Development Commission (BCDC) to obtain Federal Consistency Certification. Subrecipient will need to implement any conditions associated with Federal Consistency Certification from BCDC. Any changes to the scope of work must be resubmitted to FEMA and the BCDC for Federal Consistency Certification review prior to initiation of any work. Noncompliance with these requirements may jeopardize federal funding.

Source of condition: Coastal Zone Management Act (CZMA) Monitoring Required: Yes

The Subrecipient is responsible for implementing Avoidance and Minimization Measures and Conservation Measures in the attached Letters of Concurrence reference number(s) 2023-0042025-S7-001 and WCRO-2024-01019. Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance will be required at project closeout.

Source of condition: Endangered Species Act (ESA) Monitoring Required: Yes

The Subrecipient must return the completed Post-construction Notification Reporting Form to FEMA-PCNR@fema.dhs.gov and the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) within 45 days of project completion.

Source of condition: Endangered Species Act (ESA) Monitoring Required: Yes

The Subrecipient is responsible for implementing all conditions in the attached documentation per National Marine Fisheries Service (NMFS). Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance will be required at project closeout.

Source of condition: Magnuson-Stevens Fishery Conservation and Management Act (MSA) Monitoring Required: Yes

05/31/2024

FEDERAL EMERGENCY MANAGEMENT AGENCY

REC-01

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RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4569-0009-CA (4569-689-09) (1)

Title: Advance Assistance - Earthquake Risk Assessment

MMPA: Compliance and permitting requirements related to the Marine Mammal Protection Act is the sole responsibility of the Subrecipient. Should it be determined that the proposed activities could harass or harm marine mammals, an Incidental Harassment Authorization from NMFS would be required. The Incidental Harassment Authorization to conduct the proposed activities would need to be obtained by the Subrecipient from the NMFS prior to commencing the proposed activities within San Francisco Bay.

Source of condition: OTHER (enter specifics in comments)

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 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 302.
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, subpplication, 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.

U.S. Department of Homeland Security
 FEMA Region 9
 1111 Broadway, Suite 1200
 Oakland, CA 94607



FEMA

August 5, 2024

Robyn Fennig
 Assistant Director, Hazard Mitigation
 Governor’s Authorized Representative
 California Governor’s Office of Emergency Services
 3650 Schriever Avenue
 Mather, California 95655

Reference: Application Approval, HMGP DR-4569-689-009
 City and County of San Francisco
 Advance Assistance - Earthquake Risk Assessment
 FIPS Code: 000-UDE6N, Supplement 41

Dear Robyn Fennig:

We approve and issue Hazard Mitigation Grant Program (HMGP) funds for the City and County of San Francisco, DR-4569-689-009, Advance Assistance - Earthquake Risk Assessment.

The total project cost is \$3,600,000.00. As shown in the enclosed Obligation Report - Supplement #41, we are obligating \$2,700,000.00 for the 75 percent Federal share; the 25 percent non-Federal share is \$900,000.00. These funds are available in SmartLink for immediate and eligible disbursements. The following is a summary of the approved funding:

Funding Type:	Federal Share:	Non-Federal Share:	Total Project Cost:
Supplement 41	\$2,700,00.00	\$900,000.00	\$3,600,000.00

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

- 1. Scope of Work (SOW)** – The City and County of San Francisco will fund Advance Assistance activities at Piers 94 and 96 in the City of San Francisco in San Francisco County, California. Project tasks will include an existing conditions assessment including topographic and bathymetric surveys, structures/crane/utility inspections and testing, geotechnical borings, earthquake risk assessment, development and evaluation of earthquake improvement alternatives, completion of a 60 percent level of design on the selected alternative, and completion of the California Environmental Quality Act (CEQA) and regulatory approvals needed for construction of the project.
- 2. Project Completion Date** – The work schedule included with the project application indicates that the project will take 36 months to complete; however, we can only approve a project up to the approved disaster period of performance (POP). Therefore, the project

Robyn Fennig
August 5, 2024
Page 2 of 3

completion date is August 28, 2026. Please inform the sub-recipient that work completed after the disaster period of performance (POP) 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 90 days of the award period of performance’s expiration, 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 Consideration (REC)** – This 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), A7 (commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature), and N5 (Federal Assistance for Actions in Coastal Areas Subject to Moderate Wave Action or V Zones) 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. Please reference the enclosed REC for further information.
1. **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 Jocelyn Maison-Kelly, Hazard Mitigation Assistance Specialist, by email at jocelyn.madisonkelly@fema.dhs.gov, or phone (202) 717-0135.

Sincerely,

KATHRYN J LIPIECKI

Digitally signed by KATHRYN J
LIPIECKI
Date: 2024.08.05 08:37:30 -07'00'

Kathryn Lipiecki
Director, Mitigation Division
FEMA Region 9

Enclosures (3):

Obligation Report – Supplement 41
Record of Environmental Considerations (REC)
Standard Mitigation Grant (HMGP) Conditions

cc: Ron Miller, Hazard Mitigation Assistance Branch Chief, California Governor’s Office of
Emergency Services

Robyn Fennig
August 5, 2024
Page 3 of 3

Melissa Boudrye, Resilience Branch Chief, California Governor's Office of Emergency Services

Concepcion Chavez, Technical Assistance Division Chief, California Governor's Office of Emergency Services

Joseph Purvis, Hazard Mitigation Grants Division Chief, California Governor's Office of Emergency Services

Ryan Massello, Hazard Mitigation Quality Assurance 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
4569	9-R	0	689	1	41	CA	Statewide

Subrecipient: CITY AND COUNTY OF SAN FRANCISCO Project Title : POSF Southern Waterfront EQ Risk Assessment Advance Assistance
 Subrecipient FIPS Code: 000-UDE6N

Total Amount Previously Allocated	Total Amount Previously Obligated	Total Amount Pending Obligation	Total Amount Available for New Obligation		
\$2,700,000.00	\$2,700,000.00	\$0.00	\$0.00		

Project Amount	Subrecipient Management Cost Amount	Total Obligation	IFMIS Date	IFMIS Status	FY
\$2,700,000.00	\$0.00	\$2,700,000.00	08/01/2024	Accept	2024

Comments

Date: 08/01/2024 User Id: SSCOTT39

Comment: Approved funding for DR-4569-689-9R - POSF Southern Waterfront EQ Risk Assessment Advance Assistance - \$2,700,000.00 Fed Share.

Authorization

Preparer Name: STEVEN SCOTT

Preparation Date: 08/01/2024

HMO Authorization Name: JARED PERI

HMO Authorization Date: 08/01/2024

05/31/2024

FEDERAL EMERGENCY MANAGEMENT AGENCY

REC-01

20:29:07

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4569-0009-CA (4569-689-09) (1)

Title: Advance Assistance - Earthquake Risk Assessment

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 The Port of San Francisco proposes to implement the Pier 94-96 Earthquake Resilience Project, Advance Assistance at Piers 94 and 96 in the City of San Francisco in San Francisco County, California (37.740612, -122.374138). This project would improve earthquake survivability of Piers 94 and 96. The proposed scope of work for this advance assistance project includes the following: existing conditions assessment including topographic and bathymetric surveys, structures/crane/utility inspections and testing, geotechnical borings, earthquake risk assessment, development and evaluation of earthquake improvement alternatives, completion of a 60 percent level of design on the selected alternative, and completion of the California Environmental Quality Act (CEQA) and regulatory approvals needed for construction of the project. Based on a review of existing data, it is expected that both land and waterside borings would be required to provide information needed for earthquake slope stability analysis. Geotechnical borings are expected to be up to 250 feet deep through fill soils, native soils, and bedrock.

This review does not cover construction actions, which will require separate review. No ground disturbance or structural activities, other than the geotechnical borings, are permitted without prior notice to FEMA.

This 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), A7 (commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature), and N5 (Federal Assistance for Actions in Coastal Areas Subject to Moderate Wave Action or V Zones) 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. - lholm2 - 05/31/2024 19:58:38 GMT

CATEX CATEGORIES

Catex Category Code	Description	Selected
*n5	(*n5) Federal Assistance for Actions in Coastal Areas Subject to Moderate Wave Action or V Zones. Assistance for repair, hazard mitigation, new construction, or restoration actions of less than one-half acre within the following areas: seaward of limit of moderate wave action (LiMWA) (line mapped to delineate inland extent of wave heights of 1.5 feet) during base flood (area with at least one-percent chance of flood in any year); or areas within V zone (coastal area with velocity hazard due to wave action) if LiMWA is not established. Actions must meet the following criteria: (a) Consistent with State or Tribe enforceable policies of approved coastal management programs, (b) Not within or affect a Coastal Barrier Resource System unit, (c) Do not result in man-made alterations of sand dunes, (d) Do not result in permanent removal of vegetation (including mangrove stands, wetlands, and dune vegetation), (e) Applicable Federal requirements and local codes and standards are followed, and (f) If actions involve substantial improvement or new construction of structures, the following criteria also apply: 1. structure must be elevated on open works (e.g. piles and columns), as opposed to fill, such that bottom lowest horizontal structural member is at or above base flood level, 2. foundation must be anchored to resist flotation, collapse, and lateral movement due to effects of wind and water loads, and 3. project siting must conform to applicable State, Tribe, or local setback requirements. Examples of activities covered by this CATEX include but are not limited to: repair and elevation of structures; repair and new construction of jetties and groins; repair, hazard mitigation, and new construction of functionally dependent facilities such as piers,	Yes

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FEDERAL EMERGENCY MANAGEMENT AGENCY

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RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4569-0009-CA (4569-689-09) (1)

Title: Advance Assistance - Earthquake Risk Assessment

Catex Category Code	Description	Selected
	marinas, boat ramps, bathrooms, and port facility structures; and beach restoration projects except projects that result in man-made alteration of dunes and wetlands such as beach nourishment projects.	
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 Baseline Surveys, and (d) Vulnerability, risk, and structural integrity assessments of infrastructure.	Yes

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 is located in a non-attainment area	The project is in San Francisco County and is within a nonattainment area for PM-2.5 (2006) 8-hour ozone (2008, 2015) according to the U.S. Environmental Protection Agency (USEPA). Based on the scope of work, the potential emissions from project activities are clearly below de minimis thresholds for the General Conformity Rule. Thus, the project is exempt from a conformity determination. See Condition. - lholm2 - 05/31/2024 19:42:52 GMT
	Completed	Coordination required with applicable state administering agency - Review concluded	

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RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4569-0009-CA (4569-689-09) (1)

Title: Advance Assistance - Earthquake Risk Assessment

Environmental Law/ Executive Order	Status	Description	Comment
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 affect waters, including wetlands, of the U.S.	The scope of work associated with this project has the potential to affect waters of the U.S. This project may require Section 404/401 Clean Water Act (CWA) or Section 9/10 (Rivers and Harbors Act) Permit(s), including qualification under Nationwide Permits. The Subrecipient is required to contact USACE to determine whether project activities require USACE permits under the CWA. See Condition. - lholm2 - 05/31/2024 19:40:56 GMT
	Completed	Project may require Section 404/401 or Section 9/10 (Rivers and Harbors Act) permit, including qualification under Nationwide Permits - Review concluded	
Coastal Zone Management Act (CZMA)	Completed	Project is located in a coastal zone area and/or affects the coastal zone	The project occurs within the coastal zone and is an activity that may have a reasonably foreseeable effect on a coastal use or resource, therefore administering agency requires consistency review. See Condition. - lholm2 - 05/31/2024 19:41:38 GMT
	Completed	State administering agency requires consistency review - Review concluded	
Executive Order 11988 - Floodplains	Completed	Located in floodplain or effects on floodplain/flood levels	The project is located within zones AE and VE, areas of Special Flood Hazard Area (100-year floodplain, base floodplain), per Flood Insurance Rate Map (FIRM) panel 0602980251A, dated 03/23/2021. The proposed action is not likely to result in any potential direct impacts that would adversely affect the natural values and function of floodplains, nor is it likely to increase the risk of flood loss. The Initial Disaster Public Notice was published on 10/31/2020. Per 44 CFR 9.5(d)(4), the 8-step Process was completed, and the determination was the project is the only practicable alternative. Floodplain Management 8-Step Checklist is attached. See Condition. See attached map. - lholm2 - 05/31/2024 19:51:45 GMT
	Completed	Possible adverse effects associated with investment in floodplain, occupancy or modification of floodplain environment	
	Completed	8 Step Process Complete - documentation attached - Review	

05/31/2024

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RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4569-0009-CA (4569-689-09) (1)

Title: Advance Assistance - Earthquake Risk Assessment

Environmental Law/ Executive Order	Status	Description concluded	Comment
Executive Order 11990 - Wetlands	Completed	Located in wetlands or effects on wetlands	Per the U.S. Fish and Wildlife Service Wetland Mapper viewed on 07/06/2022, the project is within estuarine and marine deepwater habitat. The proposed action is not likely to result in any potential direct impacts that will adversely affect the natural values and function of wetlands. Initial Disaster Public Notice was published on 10/31/2020. See Conditions. See attached. - lholm2 - 05/31/2024 19:54:49 GMT
	Completed	Possible adverse effect associated with constructing in or near wetland	
	Completed	Review completed as part of floodplain review - Review concluded	
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 the area around Pier 94 and 96. Review of the project scope of work revealed no adverse effects on these populations. Therefore, no additional review for potential EJ concerns is required. - lholm2 - 05/31/2024 19:55:08 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	Informal Consultation with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act was concluded on 05/02/2024, and informal consultation with the National Marine Fisheries Service (NMFS) under Section 7 of the Endangered Species Act was concluded on 05/20/2024. Per the Letters of Concurrence, the proposed action May Affect but is Not Likely to Adversely Affect Federally Listed Species and/or designated Critical Habitat. See attached. See Condition(s). - lholm2 - 05/31/2024 19:36:14 GMT
	Completed	May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence attached) - Review concluded	

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FEDERAL EMERGENCY MANAGEMENT AGENCY

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RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4569-0009-CA (4569-689-09) (1)

Title: Advance Assistance - Earthquake Risk Assessment

Environmental Law/ Executive Order	Status	Description	Comment
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	
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 located in or near Essential Fish Habitat	Per consultation with NMFS; recommendations were provided. See NMFS Letter of Concurrence reference number WCRO-2024-01019. See Condition. - lholm2 - 05/31/2024 19:44:41 GMT
	Completed	Project adversely affects Essential Fish Habitat (FEMA determination/USFWS/NMFS concurrence attached)	
	Completed	NOAA Fisheries provided recommendation(s)	
	Completed	Written reply to NOAA Fisheries recommendations completed - Review concluded	
National Historic Preservation Act (NHPA)	Completed	Applicable executed Programmatic Agreement (enter date in comments).	Consultation with the appropriate tribes was conducted per 36 CFR 800.2(c)(2)(ii) and 36 CFR 800.2(c)(5). Consultation was concluded on 05/26/2023. The tribes did not provide comments within 30 days or declined to comment. FEMA has determined that the proposed project would not adversely affect traditional, religious, or culturally significant sites. See attached. FEMA consulted with the State Historic Preservation Officer (SHPO) on 10/24/2023 and made a finding of no historic properties affected in accordance with Stipulation II.C 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, signed 10/29/2019. SHPO had no objection to FEMA's finding by letter dated 11/27/2023. See attached. - lholm2 - 05/31/2024 19:31:51 GMT

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FEDERAL EMERGENCY MANAGEMENT AGENCY

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RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4569-0009-CA (4569-689-09) (1)

Title: Advance Assistance - Earthquake Risk Assessment

Environmental Law/ Executive Order	Status	Description	Comment
	Completed	Building or structure 50 years or older or listed on the National Register in the project area and activity not exempt from review	
	Completed	Determination of No Historic Properties Affected (FEMA finding/SHPO/THPO concurrence attached) - Review concluded	
	Completed	Project affects undisturbed ground	
	Completed	Project area has potential for presence of archeological resources	
	Completed	Determination of no historic properties affected (FEMA finding/SHPO/THPO concurrence attached) - Review concluded	
OTHER (enter specifics in comments)	Completed	Review concluded	Marine Mammal Protection Act (MMPA)According to the NMFS Species List Tool, the project area has the potential to support marine mammals protected under the Marine Mammal Protection Act (MMPA). Although no marine mammal haul-out locations are present within the project area, the proposed geotechnical activities could impact marine mammals through noise disturbance, decreased water quality, and/or vessel strikes. Effects from noise disturbance and decreased water quality would be temporary and localized and would not be expected to permanently degrade marine habitats used by marine mammals. See Condition. - lholm2 - 05/31/2024 19:50:18 GMT
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:

The Subrecipient must coordinate with the local floodplain administrator and obtain any required permits prior to initiating work. Coordination correspondence with the Floodplain administrator, including any required permits, and implementation documentation to any permit conditions need to be forwarded to the State and FEMA for inclusion in the permanent project files.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

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RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4569-0009-CA (4569-689-09) (1)

Title: Advance Assistance - Earthquake Risk Assessment

The Subrecipient must coordinate with the local floodplain administrator and obtain any required permits prior to initiating work. Coordination correspondence with the Floodplain administrator, including any required permits, and implementation documentation to any permit conditions need to be forwarded to the State and FEMA for inclusion in the permanent project files.

Source of condition: Executive Order 11988 - Floodplains Monitoring Required: Yes

Best Management Practices: The Subrecipient shall ensure that best management practices are implemented to prevent erosion and sedimentation to surrounding, nearby or adjacent wetlands. This includes equipment storage and staging of construction to prevent erosion and sedimentation to ensure that wetlands are not adversely impacted per the Clean Water Act and Executive Order 11990.

Source of condition: Executive Order 11990 - Wetlands Monitoring Required: Yes

Permitting: The Subrecipient is responsible for proper identification of wetlands. Under EO11990 - Protection of Wetlands, the Subrecipient is responsible for coordinating with and obtaining any required Section 404 Permit(s) from the USACE prior to initiating work. The Subrecipient shall comply with all conditions of the required permit. All coordination pertaining to these activities shall be documented and copies forwarded to the State and FEMA as part of the permanent project files.

Source of condition: Executive Order 11990 - Wetlands Monitoring Required: Yes

The Subrecipient is responsible for complying with all applicable subparts of the Clean Air Act. Copies of any permits/authorizations, or consultation documentation should be forwarded to FEMA for inclusion in the administrative record. Failure to comply with these conditions may jeopardize the receipt of federal funding.

Source of condition: Clean Air Act (CAA) Monitoring Required: No

This project may impact Waters of the U.S., and the Subrecipient is required to contact the USACE to determine whether project activities require a USACE permit under Section 404 of the Clean Water Act (CWA). All documentation pertaining to coordination and permitting must be attached to the project file. Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance will be required at project closeout.

Source of condition: Clean Water Act (CWA) Monitoring Required: Yes

In compliance with the Coastal Zone Management Act (CZMA), prior to initiation of any work the Subrecipient is responsible for coordinating with the San Francisco Bay Conservation and Development Commission (BCDC) to obtain Federal Consistency Certification. Subrecipient will need to implement any conditions associated with Federal Consistency Certification from BCDC. Any changes to the scope of work must be resubmitted to FEMA and the BCDC for Federal Consistency Certification review prior to initiation of any work. Noncompliance with these requirements may jeopardize federal funding.

Source of condition: Coastal Zone Management Act (CZMA) Monitoring Required: Yes

The Subrecipient is responsible for implementing Avoidance and Minimization Measures and Conservation Measures in the attached Letters of Concurrence reference number(s) 2023-0042025-S7-001 and WCRO-2024-01019. Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance will be required at project closeout.

Source of condition: Endangered Species Act (ESA) Monitoring Required: Yes

The Subrecipient must return the completed Post-construction Notification Reporting Form to FEMA-PCNR@fema.dhs.gov and the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) within 45 days of project completion.

Source of condition: Endangered Species Act (ESA) Monitoring Required: Yes

The Subrecipient is responsible for implementing all conditions in the attached documentation per National Marine Fisheries Service (NMFS). Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance will be required at project closeout.

Source of condition: Magnuson-Stevens Fishery Conservation and Management Act (MSA) Monitoring Required: Yes

05/31/2024

FEDERAL EMERGENCY MANAGEMENT AGENCY

REC-01

20:29:07

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4569-0009-CA (4569-689-09) (1)

Title: Advance Assistance - Earthquake Risk Assessment

MMPA: Compliance and permitting requirements related to the Marine Mammal Protection Act is the sole responsibility of the Subrecipient. Should it be determined that the proposed activities could harass or harm marine mammals, an Incidental Harassment Authorization from NMFS would be required. The Incidental Harassment Authorization to conduct the proposed activities would need to be obtained by the Subrecipient from the NMFS prior to commencing the proposed activities within San Francisco Bay.

Source of condition: OTHER (enter specifics in comments)

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 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 302.
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.