



Midpeninsula Regional  
Open Space District

R-23-82  
Meeting 23-20  
August 9, 2023

## AGENDA ITEM 7

### AGENDA ITEM

Agreements for Federal Emergency Management Agency Public Assistance Program and California Office of Emergency Services California Disaster Assistance Act Funding to Support Storm Recovery

### GENERAL MANAGER'S RECOMMENDATIONS

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Adopt a Resolution authorizing the General Manager to enter into grant funding agreements for Federal Emergency Management Agency Public Assistance Program and California Office of Emergency Services California Disaster Assistance Act funding.

### SUMMARY

The General Manager recommends that the Midpeninsula Regional Open Space District (District) Board of Directors (Board) adopt a resolution (Attachment 1 – Resolution) authorizing the General Manager as a signatory to enter into grant funding agreements for Federal Emergency Management Agency Public Access Program (FEMA PA) funding and California Office of Emergency Services California Disaster Assistance Act (Cal OES CDAA) funding related to the January 2023 Presidential Disaster Declaration for California Severe Winter Storms, Flooding, Landslides and Mudslides.

### DISCUSSION

The District experienced over \$8,000,000 in damages to roads, trails, dams, ponds, culverts and bridges throughout multiple preserves in San Mateo and Santa Clara counties during the severe winter storms in December 2022 and January 2023 (Attachment 3 – Draft Damage Inventory Locations Map). Seeking federal and state funding to help offset repair costs is important to the District.

The Federal Emergency Management Agency (FEMA) announced a Public Assistance Program funding opportunity following the January 2023 Presidential Disaster Declaration for California Severe Winter Storms, Flooding, Landslides and Mudslides (FEMA DR-4683-CA). The notice of funding also included an opportunity to apply for California Disaster Assistance Act (CDAA) funding administered by the California Office of Emergency Services (Cal OES) to serve as match to FEMA PA funding obligated for FEMA DR-4683-CA.

On March 8, 2023, District staff attended a San Mateo County Winter Storm Disaster Cost Recovery Applicant Briefing on the process and instructions for Requests for Public Assistance grant funding. On March 15, 2023, District staff submitted the FEMA PA request and application for Cal OES CDAA funding with required forms and a supporting list of damages

including cost estimates by the deadline set by FEMA and Cal OES. With technical assistance provided by a FEMA Program Delivery Manager (PDMG) assigned to the District, the District anticipates securing grant funding to reimburse costs for a portion of approximately \$8,000,000 in damages to be considered by FEMA and Cal OES. Emergency work completed earlier this year and permanent work not yet completed will be evaluated for reimbursement with state and federal funding, depending on meeting additional funding process deadlines and requirements detailed by Cal OES and FEMA.

Federal funds will be obligated for projects upon approval by FEMA on a project-by-project basis as the District completes all required FEMA site inspections and submissions for additional data via FEMA's Grants Portal. CDAA funds will be allocated based on the total federal funds approved by FEMA. Cal OES will administer the approved state and federal grant funds.

Contingent upon Board authorization and funder approvals, the District will review the final grant terms when they are provided by the funding agency, and enter into a funding agreement(s) with Cal OES and begin implementation for projects upon notice to proceed. If the terms of the funding agreement(s) are not in the District's and the public's best interest, the General Manager will inform the Board of any changes to this proposed course of action.

### **FISCAL IMPACT**

This funding opportunity would have a positive impact of up to \$8,000,000 depending on FEMA and Cal OES final approval of damages eligible for state and federal disaster assistance funding.

### **BOARD AND COMMITTEE REVIEW**

The proposed action has not been previously reviewed by the Board or a Committee.

### **PUBLIC NOTICE**

Public notice was provided as required by the Brown Act.

### **CEQA COMPLIANCE**

The application for and acceptance of grant funding is not a project subject to the California Environmental Quality Act (CEQA). FEMA funding requires compliance with CEQA and National Environmental Policy Act (NEPA). The District will be the lead agency for the CEQA process. FEMA will be the lead agency for the NEPA process, with assistance from Cal OES who will provide technical assistance for federal environmental review. All activities receiving compensatory FEMA funding are required to fulfill environmental review requirements.

### **NEXT STEPS**

If approved by the Board, the General Manager will execute funding agreements with Cal OES and/or FEMA.

Attachments:

1. Federal Emergency Management Agency Public Assistance Funding Resolution.
2. Draft Damage Inventory Locations Maps.

Responsible Department Head:

Stefan Jaskulak, Chief Financial Officer, Administrative Services

Prepared by:

Deborah Hirst, Grants Program Manager, Administrative Services

RESOLUTION NO. 23-\_\_\_

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT APPROVING THE APPLICATION FOR FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) PUBLIC ASSISTANCE AND CALIFORNIA OFFICE OF EMERGENCY SERVICES (CAL OES) FUNDING FOR FEMA DR-4683-CA**

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**WHEREAS**, a funding opportunity was made available by the Federal Emergency Management Agency (“FEMA”) Public Assistance Program for FEMA DR-4683-CA following the January 2023 Presidential Disaster Declaration for California Severe Winter Storms, Flooding, Landslides and Mudslides, including San Mateo and Santa Clara counties; and

**WHEREAS**, a matching funding opportunity was made available by the California Office of Emergency Services (“Cal OES”) from the California Disaster Assistance Act for California Severe Winter Storms, Flooding, Landslides and Mudslides, including San Mateo and Santa Clara counties;

**WHEREAS**, Midpeninsula Regional Open Space District (“District”) intends to submit a Request for Public Assistance and apply for FEMA Public Assistance Program funding and matching Cal OES California Disaster Assistance Act funding for FEMA DR-4683-CA for emergency debris removal, emergency services and storm damage recovery projects for multiple bridges, culverts, roads and trails impacted by the December 2022 – January 2023 winter storms across multiple District open space preserves.

**NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT HEREBY:**

1. Approves the submittal of a Request for Public Assistance and related Federal Emergency Management Agency Public Assistance Program and California Office of Emergency Services California Disaster Assistance Act funding applications for FEMA DR-4683-CA.
2. Certifies the District will comply with all federal, state and local environmental, public health, and other appropriate laws and regulations applicable to the projects and will obtain or will ensure that the other project partners obtain all appropriate permits applicable to the projects.
3. Authorizes the General Manager or designee as a representative of the District to conduct negotiations, execute, submit and sign all documents including but not limited to applications, agreements, amendments, payment requests, and other documents which may be necessary to administer grant funding for the proposed project.

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PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on \_\_\_\_\_, 2023, at a regular meeting thereof, by the following roll call vote:

**ATTEST:**

**APPROVED:**

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Craig Gleason, Secretary  
Board of Directors

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Yoriko Kishimoto, President  
Board of Directors

**APPROVED AS TO FORM:**

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Hilary Stevenson, General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

\_\_\_\_\_  
Maria Soria, District Clerk

