

SUB-RECIPIENT AGREEMENT CHECKLIST
DIVISION OF EMERGENCY MANAGEMENT
MITIGATION BUREAU
FISCAL OPERATIONS UNIT

REQUEST FOR REVIEW AND APPROVAL	
SUB-RECIPIENT:	Indian River County
PROJECT #:	4283-95-R
PROJECT TITLE:	Indian River County, Countywide Wildfire
CONTRACT #:	H0259
MODIFICATION #:	2

SUB-RECIPIENT REPRESENTATIVE (POINT OF CONTACT)	
	Wendy Swindell Conservation Lands Manager 1590 9th St SW Vero Beach, Florida 32962

Enclosed is your copy of the proposed contract/modification between **Indian River County** and the Florida Division of Emergency Management (FDEM).

	COMPLETE
<input type="checkbox"/>	This form is required to be included with all Reviews, Approvals, and Submittals
<input type="checkbox"/>	Reviewed and Approved
<input type="checkbox"/>	Signed & Dated Electronic Copy by Official Representative
<input type="checkbox"/>	Copy of the organization's resolution or charter that specifically identifies the person or position that is authorized to sign, if not Chairman, Mayor, or Chief
<input type="checkbox"/>	Attachment I - Federal Funding Accountability and Transparency Act (FFATA) - completed, signed, and dated <input checked="" type="checkbox"/> N/A for Modifications or State Funded Agreements
<input type="checkbox"/>	Attachment K – Certification Regarding Lobbying - completed, signed, and dated <input checked="" type="checkbox"/> N/A for Modifications or State Funded Agreements
<input type="checkbox"/>	Attachment L – Contracts with Non-Profit Organizations - completed, signed, and dated <input checked="" type="checkbox"/> N/A for sub-recipients other than Non-Profits
<input type="checkbox"/>	Electronic Submittal to the Grant Specialist Samantha Chaganis on

If you have any questions regarding this contract, or who is authorized to sign it, please contact your Project Manager at (850) 359-9349 or email me at Liliana.Hernandez@em.myflorida.com.

Contract Number: H0259

Project Number: 4283-95-R

**MODIFICATION TO SUBGRANT AGREEMENT BETWEEN
THE DIVISION OF EMERGENCY MANAGEMENT AND
INDIAN RIVER COUNTY**

This Modification Number Two made and entered into by and between the State of Florida, Division of Emergency Management ("the Division"), and Indian River County ("the Sub-Recipient") to modify Contract Number H0259, dated, October 10, 2019 ("the Agreement").

WHEREAS, the Division and the Sub-Recipient have entered into the Agreement, pursuant to which the Division has provided a subgrant to the Sub-Recipient under the Hazard Mitigation Grant Program of \$210,565.50, in Federal Funds; and

WHEREAS, the Division and the Sub-Recipient intend to modify the Agreement; and

WHEREAS, the Agreement expired on June 30, 2022; and

WHEREAS, the Division and the Sub-Recipient intend to reinstate and extend the terms of the Agreement.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

1. The Agreement is hereby reinstated and extended as though it had never expired.
2. Paragraph 8 of the Agreement is hereby amended to read as follows:

(8) PERIOD OF AGREEMENT

This Agreement shall begin October 10, 2019 and shall end July 31, 2024, unless terminated earlier in accordance with the provisions of Paragraph (17) of this Agreement.

3. The Budget and Scope of Work, Attachment A to the Agreement, are hereby modified as set forth in 2nd Revision Attachment A to this Modification, a copy of which is attached hereto and incorporated herein by reference.
4. All provisions of the Agreement being modified and any attachments in conflict with this Modification shall be and are hereby changed to conform with this Modification, effective on the date of execution of this Modification by both parties.
5. All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.
6. Quarterly Reports are due to the Division no later than 15 days after the end of each quarter of the program year and shall be sent each quarter until submission of the administrative close-out report. The ending dates for each quarter of the program year are March 31, June 30, September 30 and December 31.

IN WITNESS WHEREOF, the parties hereto have executed this Modification as of the dates set out below.

SUB-RECIPIENT: INDIAN RIVER COUNTY

By: _____

Name and Title: _____

Date: _____

**STATE OF FLORIDA
DIVISION OF EMERGENCY MANAGEMENT**

By: _____

Name and Title: Kevin Guthrie, Director

Date: _____

Attachment A
(2nd Revision)
Budget and Scope of Work

STATEMENT OF PURPOSE:

The purpose of this Scope of Work (SOW) is to mitigate at-risk areas and decrease the risk of damage or loss of life from wildfires in Indian River County, Florida, funded through the Hazard Mitigation Grant Program (HMGP) **DR-4283-095-R**, as approved by the Florida Division of Emergency Management (Division) and the Federal Emergency Management Agency (FEMA).

The Sub-Recipient, Indian River County, agrees to administer and complete the project as submitted by the Sub-Recipient and subsequently approved by the Division and FEMA. The Sub-Recipient shall complete the work in accordance with all applicable Federal, State and Local Laws, Regulations and Codes.

PROJECT OVERVIEW:

As a Hazard Mitigation Grant Program project, the Sub-Recipient proposes to mitigate the threat of future wildfires through Defensible space measures, implementing a countywide program for wildfire management located in Indian River County, Florida.

The scope of work proposes to create defensible space by creating a perimeter around residential or non-residential structures by removing or reducing the volume of flammable vegetation, including clearing tree branches, vertically and horizontally. The volume of vegetation is minimized, flammable vegetation is replaced with less flammable species, and combustibles are cleared in accordance with all applicable codes and best practices. A description of the proposed defensible space activities shall be provided for each property, with recommendation that ingress and egress to the properties be maintained.

The scope shall involve pruning, chipping and mowing within the designated work areas and in general, removal or mulching of vegetative material.

All activities shall be implemented using current codes and best practices, and shall be completed in strict compliance with Federal, State and Local applicable Rules and Regulations.

Project Locations:

ID	SITE	ADDRESS	COORDINATES
1)	Sebastian Scrub Conservation Area	1258 Schumann Drive Sebastian, Florida 32958	27.76868, -80.46608
2)	58 th Avenue Conservation Area	Bounded by 58 th Ave. (East); Existing residential development (South & West); Existing horse farm (North)	27.67963, -80.4467
3)	South Oslo Riverfront Conservation Area	185 9th Street SE, Vero Beach, Florida 32960	27.58634, -80.37311
4)	Oslo Riverfront Conservation Area	150 9th Street SE, Vero Beach, Florida 32960	27.59494, -80.36953
5)	Hallstrom Farmstead Conservation Area	1601 Old Dixie Highway, Vero Beach, Florida 32962	27.57188, -80.37504
6)	North Sebastian Conservation Area	1295 Main Street Sebastian, Florida 32958	27.81632, -80.47907
7)	Sebastian Harbor Preserve	184 Englar Drive Sebastian, Florida 32958	27.77797, -80.47395

8)	South County Park	800 20th Avenue SW, Vero Beach, Florida 32962	27.59135, -80.40533
9)	Ansin Riverfront Conservation Area	9700 Water Vliet Avenue, Sebastian, Florida 32958	27.78873, -80.50287
10)	Wabasso Scrub Conservation Area	5900 85th Street Sebastian, Florida 32958	27.75569, -80.45356

TASKS & DELIVERABLES:

A) Tasks:

- 1) The Sub-Recipient shall procure the services of a qualified and licensed Florida contractor and execute a contract with the selected bidder to complete the scope of work as approved by the Division and FEMA. The Sub-Recipient shall select the qualified, licensed Florida contractor in accordance with the Sub-Recipient's procurement policy as well as all federal and state laws and regulations. All procurement activities shall contain sufficient source documentation and be in accordance with all applicable regulations.

The Sub-Recipient shall be responsible for furnishing or contracting all labor, materials, equipment, tools, transportation and supervision and for performing all work per plans presented to the Division by the Sub-Recipient and subsequently approved by the Division and FEMA.

The Sub-Recipient and contractor shall be responsible for maintaining a safe and secure worksite for the duration of the work. The contractor shall maintain all work staging areas in a neat and presentable condition.

The Sub-Recipient shall ensure that no contractors or subcontractors are debarred or suspended from participating in federally funded projects.

The selected contractor shall have a current and valid occupational license/business tax receipt issued for the type of services being performed.

The Sub-Recipient shall provide documentation demonstrating the results of the procurement process. This shall include a rationale for the method of procurement and selection of contract type, contractor selection and/or rejection and bid tabulation and listing, and the basis of contract price.

The Sub-Recipient shall provide an executed "Debarment, Suspension, Ineligibility, Voluntary Exclusion Form" for each contractor and/or subcontractor performing services under this agreement.

Executed contracts with contractors and/or subcontractors shall be provided to the Division by the Sub-Recipient.

The Sub-Recipient shall provide copies of professional licenses for contractors selected to perform services. The Sub-Recipient shall provide a copy of a current and valid occupational license or business tax receipt issued for the type of services to be performed by the selected contractor.

- 2) The Sub-Recipient shall monitor and manage the installation to provide wildfire protection.

The project shall be implemented in accordance with plans previously presented to the Division by the Sub-Recipient and subsequently approved by the Division and FEMA. The Sub-Recipient shall ensure that all applicable state, local and federal laws and regulations are followed and documented, as appropriate.

The project consists of the general construction and furnishing of all materials, equipment, labor and fees to minimize wildfire and reduce vegetative fuels to at-risk structures that, if ignited, pose a significant threat to human life and property.

The Sub-Recipient shall fully perform the approved project, as described in the submitted documents, in accordance with the approved scope of work, budget line item, allocation of funds and applicable terms and conditions indicated herein. The Sub-Recipient shall not deviate from the approved project terms and conditions.

Construction activities shall be completed by a qualified and licensed Florida contractor. All construction activities shall be monitored by the professional of record. The Sub-Recipient shall

complete the project in accordance with all required permits. All work shall be completed in accordance with applicable codes and standards.

Upon completion of the work, the Sub-Recipient shall schedule and participate in a final inspection of the completed project by the local municipal or county official, or other approving official, as applicable. The official shall inspect and certify that all installation was in accordance with the manufacturer's specifications. Any deficiencies found during this final inspection shall be corrected by the Sub-Recipient prior to Sub-Recipient's submittal of the final inspection request to the Division.

Upon completion of Task 2, the Sub-Recipient shall submit the following documents with sufficient supporting documentation and provide a summary of all contract scope of work and scope of work changes, if any. Additional documentation for closeout shall include:

- a) A copy of the O&M plan (operations and maintenance plan).
 - b) A certification stating that the plan is consistent with the guidance, meets or exceeds local codes, and is in conformance with appropriate fire-related codes.
 - c) A certification stating the SOW compliance and the completion of the project following rules and regulations in conformance with the Department of Forestry for rural areas and the Local Fire Department for urban areas.
 - d) Letter verifying compliance with the National Historic Preservation Act, to include whether archaeological materials or human remains were encountered during project activities and, if so, how they were handled in accordance with Florida Statutes, Section 872.05.
 - e) Letter and/or documentation verifying compliance with conditions #1 through # 42 as stated on the Environmental section of this document.
 - f) Proof of compliance with Project Conditions and Requirements contained herein.
- 3) During the course of this agreement, the Sub-Recipient shall submit requests for reimbursement. Adequate and complete source documentation shall be submitted to support all costs (federal share and local share) related to the project. In some cases, all project activities may not be fully complete prior to requesting reimbursement of costs incurred in completion of this scope of work; however, a partial reimbursement may be requested.

The Sub-Recipient shall submit an Affidavit signed by the Sub-Recipient's project personnel with each reimbursement request attesting to the completion of the work, that disbursements or payments were made in accordance with all agreement and regulatory conditions, and that reimbursement is due and has not been previously requested.

The Sub-Recipient shall maintain accurate time records. The Sub-Recipient shall ensure invoices are accurate and any contracted services were rendered within the terms and timelines of this agreement. All supporting documentation shall agree with the requested billing period. All costs submitted for reimbursement shall contain adequate source documentation which may include but not be limited to: cancelled checks, bank statements, Electronic Funds Transfer, paid bills and invoices, payrolls, time and attendance records, contract and subcontract award documents.

Construction Expense: The Sub-Recipient shall pre-audit bills, invoices, and/or charges submitted by the contractors and subcontractors and pay the contractors and subcontractors for approved bills, invoices, and/or charges. Sub-Recipient shall ensure that all contractor/subcontractor bills, invoices, and/or charges are legitimate and clearly identify the activities being performed and associated costs.

Project Management Expenses (only applies to disasters prior to August 1, 2017, all others adhere to FEMA Policy #104-11-1 for SRMC): The Sub-Recipient shall pre-audit source documentation such as payroll records, project time sheets, attendance logs, etc. Documentation shall be detailed information describing tasks performed, hours devoted to each task, and the hourly rate charged for each hour including enough information to calculate the hourly rates based on payroll records. Employee benefits shall be clearly shown.

The Division shall review all submitted requests for reimbursement for basic accuracy of information. Further, the Division shall ensure that no unauthorized work was completed prior to the approved project start date by verifying vendor and contractor invoices. The Division shall verify that reported costs were incurred in the performance of eligible work, that the approved work was completed, and

that the mitigation measures are in compliance with the approved scope of work prior to processing any requests for reimbursement.

Review and approval of any third-party in-kind services, if applicable, shall be conducted by the Division in coordination with the Sub-Recipient. Quarterly reports shall be submitted by the Sub-Recipient and received by the Division at the times provided in this agreement prior to the processing of any reimbursement.

The Sub-Recipient shall submit to the Division requests for reimbursement of actual construction and managerial costs related to the project as identified in the project application, sealed engineering designs, and construction plans. The requests for reimbursement shall include:

- a) Contractor, subcontractor, and/or vendor invoices which clearly display dates of services performed, description of services performed, location of services performed, cost of services performed, name of service provider and any other pertinent information;
- b) Proof of payment from the Sub-Recipient to the contractor, subcontractor, and/or vendor for invoiced services;
- c) Clear identification of amount of costs being requested for reimbursement as well as costs being applied against the local match amount.

The Sub-Recipient's final request for reimbursement shall include the final construction project cost. Supporting documentation shall show that all contractors and subcontractors have been paid.

B) Deliverables:

Mitigation Activities consist of mitigating the threat of future wildfires through defensible space measures to include chipping and mowing within the designated work areas and in general, removal or mulching of vegetative material to provide protection to residents and businesses in Indian River County, Florida.

Provided the Sub-Recipient performs in accordance with the Scope of Work outlined in this Agreement, the Division shall reimburse the Sub-Recipient based on the percentage of overall project completion.

PROJECT CONDITIONS AND REQUIREMENTS:

C) Engineering:

- 1) The Sub-Recipient shall submit to the Division an official letter stating that the project is 100% complete and ready for the Division's Final Inspection of the project.
- 2) The Sub-Recipient shall provide a copy of the O&M Plan (Operations and Maintenance Plan).
- 3) The Sub-Recipient shall provide a copy of a certification stating the plan is consistent with guidance, meets or exceeds local codes, and is in conformance with appropriate fire-related codes.
- 4) The Sub-Recipient shall submit a certification stating the SOW compliance and the completion of the project following the rules and regulations in conformance with the Department of Forestry for rural areas and the Local Fire Department for urban areas.
- 5) The Sub-Recipient shall follow all applicable State, Local and Federal Laws, Regulations and requirements, and comply with all required permits and approvals. Failure to obtain all appropriate Federal, State, and Local permits and clearances may jeopardize federal funding.

D) Environmental:

- 1) Sub-Recipient shall follow all applicable state, local and federal laws, regulations and requirements, and obtain (before starting project work) and comply with all required permits and approvals. Failure to obtain all appropriate federal, state, and local environmental permits and clearances may jeopardize federal funding. If project work is delayed for a year or more after the date of the categorical exclusion (CATEX), then coordination with and project review by regulatory agencies shall be redone.

- 2) Any change, addition or supplement to the approved Scope of Work that alters the project (including other work not funded by FEMA, but done substantially at the same time), regardless of the budget implications, shall require re-submission of the application to FEMA through the Division for National Environmental Policy Act (NEPA) re-evaluation before starting project work.
- 3) The Sub-Recipient shall monitor ground disturbing activities during construction, and if any potential archeological resources are discovered, shall immediately cease construction in that area and notify the Division and FEMA.

If human remains or intact archaeological deposits are uncovered, work in the vicinity of the discovery shall stop immediately and all reasonable measures to avoid or minimize harm to the finds shall be taken. The Sub-Recipient shall ensure that archaeological discoveries are secured in place, that access to the sensitive area is restricted, and that all reasonable measures are taken to avoid further disturbance of the discoveries.

The Sub-Recipient's contractor shall provide immediate notice of such discoveries to the Sub-Recipient. The Sub-Recipient shall notify the Florida Division of Historic Resources, the Division's State Environmental Liaison Officer and FEMA within 24 hours of the discovery. Work in the vicinity of the discovery may not resume until FEMA and the Division have completed consultation with SHPO, Tribes, and other consulting parties as necessary.

In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately, and the proper authorities notified in accordance with **Florida Statutes, Section 872.05**.

- 4) Project activities shall not occur within 200 feet of a water or wetland without consultation with the USACE and the appropriate Water Management District.
- 5) Appropriate BMPs (provided in Appendix A of PEA) associated with wetlands shall be implemented.
- 6) If a project location contains wetlands or surface waters a permit from the U.S. Army Corps of Engineers may be required. If permit is required, copy of permit must be provided at closeout.
- 7) If a project will impact state waters a permit from the appropriate Water Management District may be required. If permit is required, copy of permit must be provided at closeout.
- 8) If a project will result in dischargers, a National Pollutant Discharge Elimination System permit from FDEP will be required. If permit is required, copy or permit must be provided at closeout.
- 9) Work shall only occur in the uplands when water levels are below surface.
- 10) To mitigate for fugitive dust during project activities, periodic watering of active construction areas, particularly in areas close to sensitive receptors (e.g., hospitals, senior citizen homes, and schools), shall be implemented.
- 11) If pesticides will be used for vegetation management. Best Management Practices (BMP) shall be utilized to limit impact to water quality.
- 12) If discharges into U. S. waters are expected, the subrecipient would be required to obtain a National Pollutant Discharge Elimination System (NPDES) stormwater construction permit from the FDEP. An associated SWPPP, which would identify the BMPs and engineering controls to prevent and minimize indirect erosion, sedimentation, and pollution impacts to the water quality, would be required to be prepared and implemented. If permit is required, copy of permit must be provided at closeout.
- 13) The project sponsor must obtain and comply with all applicable permit and approvals required by Federal, State, Tribal, and local regulatory agencies.
- 14) The Sub-Recipient shall ensure that all debris staging sites are pre-authorized by FDEP. The Sub-Recipient shall ensure that all debris is separated and disposed of in a manner consistent with FDEP solid waste facility disposal at permitted facilities guidelines or at a disposal site or landfill authorized by FDEP. The Sub-Recipient is responsible for ensuring contracted staging and disposal of debris also follows these guidelines. Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance is required at project closeout.

- 15) Establish designated areas for equipment staging and parking to minimize the area of ground disturbance.
- 16) Use low ground pressure equipment when practicable, particularly on equipment traveling over large portions of units with sensitive soils or site conditions.
- 17) Suspend skidding or yarding operations when soil moisture levels could result in unacceptable soil damage.
- 18) Perform skidding or yarding operations when soil conditions are such that soil compaction, displacement, and erosion would be minimized.
- 19) Avoid ground equipment operations on unstable, wet, or easily compacted soils and on steep slopes unless operation can be conducted without causing excessive rutting, soil puddling, or runoff of sediments directly into waterbodies.
- 20) Develop an erosion control and sediment plan that covers all disturbed areas including skid trails and roads, landings, cable corridors, temporary road fills, water source sites, borrow sites, or other areas disturbed during mechanical vegetation treatments.
- 21) Work with the contractor to locate landings, skid trails, and slash piles in suitable sites to avoid, minimize, or mitigate potential for erosion and sediment delivery to nearby waterbodies.
- 22) When skidding in wetlands with organic soils, concentrate skid trails to as small an area as possible, and minimize the number of trails on a given site.
- 23) To the greatest extent possible: forestry operations in wetlands which exhibit seasonal inundation or saturation should be limited to dry conditions only, and forestry operations in wetlands which are continually saturated or inundated should be limited to low-water conditions.
- 24) Minimize skidder and other heavy equipment operation in wetlands during wet conditions to avoid widespread excessive soil rutting.
- 25) Implement mechanical treatments on the contour of sloping ground to avoid or minimize water concentration and subsequent accelerated erosion.
- 26) Routinely inspect disturbed areas to verify that erosion and stormwater controls are implemented and functioning as designed and are suitably maintained.
- 27) Install suitable stormwater and erosion control measures to stabilize disturbed areas and waterways on incomplete projects before seasonal shutdown of operations or when severe storm or cumulative precipitation events that could result in sediment mobilization to waterbodies are expected.
- 28) Schedule all vegetation removal, trimming, and grading of vegetated areas outside of the peak bird breeding season to the maximum extent practicable. Use available resources, such as internet-based tools (e.g., the FWS's Information, Planning and Conservation System, Avian Knowledge Network, or the county's existing biological profiles) to identify peak breeding months for local bird species; or contact local Service Migratory Bird Program Office for breeding bird information. When project activities cannot occur outside the bird nesting season, conduct surveys prior to scheduled activity to determine if active nests are present within the area of impact and buffer any nesting locations found during surveys.
- 29) Avoid prolonged heavy equipment operation (generally in excess of one day), except for prescribed burning and related activities, within 490 feet of active, known and visibly apparent kestrel nests from March through June.
- 30) For southeast American kestrels, leave standing snags where they do not pose a safety issue, as per the Silviculture BMP Manual as incorporated in Rule 5I-6.002 F.A.C., and avoid damaging or felling known nest trees.
- 31) Avoid heavy equipment operation (except for prescribed burning and related activities) within 400 feet of active, known and visibly apparent Florida sandhill crane nests from February through May 9.

- 32) Avoid heavy equipment operation (except for prescribed burning and related activities) within 330 feet of active, known and visibly apparent Little Blue and Tricolored Heron rookeries (two or more nests) from February through May.
- 33) Locate concentrated heavy equipment operations (e.g. log decks, landings, main skid trails, ramps, etc.) away from known and visibly apparent active burrows, and especially known concentrations of active burrows. If concentrated heavy equipment operations must be located in such areas: a) identify and mark burrows, b) avoid damage to the burrow opening, and c) avoid damage to the gopher tortoise burrow apron during the nesting season (May through September). Advise heavy equipment operators to avoid direct contact year-round with all known and visibly apparent gopher tortoises and burrowing owls, as well as known and visibly apparent burrow aprons for tortoises during the period between May and September.

When practical, minimize the use of heavy equipment during September and October when gopher tortoise hatchlings are more numerous and less visible due to their size during this time.

- 34) Maintain habitat features by carrying out activity on forest lands, such as harvesting (including thinning), site preparation, burning, etc.
- 35) Utilities should be located before construction and coordination with local utility companies may need to occur. If planned outages are necessary, utility customers should be given advanced notice.
- 36) Construction noise levels shall be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order.

Impact to noise levels would be minimized by limiting construction activities that occur to between 7 a.m. and 5 p.m.
- 37) No open burning would occur. All vegetative debris associated with the project must be disposed of properly and not placed in identified floodway or wetland areas.
- 38) Prepare a vegetation maintenance plan that outlines vegetation maintenance activities and schedules so that direct bird impacts do not occur.
- 39) Standard construction traffic control measures should be used to protect workers, residents, and the travelling public.
- 40) Work areas should be clearly marked with appropriate signage and secured against unauthorized entry.
- 41) Workers should use appropriate Personal Protective Equipment (PPE) and follow applicable Occupational Safety and Health Administration (OSHA) standards and procedures.
- 42) Construction vehicles and equipment used for this project shall be maintained in good working order to minimize pollutant emissions.

E) Programmatic:

- 1) A change in the scope of work *must* be approved by the Division and FEMA in advance regardless of the budget implications.
- 2) The Sub-Recipient must notify the Division as soon as significant developments become known, such as delays or adverse conditions that might raise costs or delay completion, or favorable conditions allowing lower costs or earlier completion.
- 3) The Sub-Recipient must “obtain prior written approval for any budget revision which would result in a need for additional funds” [44 CFR 13(c)], from the Division and FEMA.
- 4) Project is approved with the condition that the enclosed list of deliverables shall be submitted 30 days prior to the Period of Performance date, for review and approval by the Division, for submittal to FEMA for closeout.
- 5) Any extension of the Period of Performance shall be submitted to FEMA 60 days prior to the expiration date. Therefore, any request for a Period of Performance Extension shall be in writing and submitted,

along with substantiation of new expiration date and a new schedule of work, to the Division a minimum of seventy (70) days prior to the expiration date, for Division processing to FEMA.

- 6) The Sub-Recipient must avoid duplication of benefits between the HMGP and any other form of assistance, as required by Section 312 of the Stafford Act, and further clarification in 44 CFR 206.191.
- 7) A copy of the executed subcontract agreement must be forwarded to the Division within 10 days of execution.
- 8) Documentation that demonstrates that no Duplication of Programs (DOP) shall or did occur, that other Federal programs have been investigated, and that the Sub-Recipient has coordinated with other appropriate Federal Agencies, upon project closeout.
- 9) A statement acknowledging that a final Operations and Maintenance (O&M) Plan shall be submitted to FEMA before project closeout. In addition, provide the O&M Plan for each site, which must include all of the following information:
 - a) Information demonstrating that the requested wildfire project shall be maintained to achieve the proposed hazard mitigation.
 - b) A description of the maintenance activities in the mitigation project (e.g., defensible space, hazardous fuels reduction, ignition-resistant construction).
 - c) The period of time the community is committing to maintain the area and/or project site, which must be consistent with the project useful life in the Benefit-Cost Analysis.
 - d) A discussion of the post-closeout activities that shall be undertaken to maintain the area and/or project site for the duration of the project useful life.
 - e) The schedule for implementation of the maintenance activities.
- 10) Verification of compliance with current codes and Best Practices at closeout.
- 11) Special Conditions required on implementation of project:
 - a. Work will only occur in the uplands when water levels are below surface. **Source of condition:** Executive Order 11988 – Floodplains, **Monitoring Required:** No
 - b. Project activities shall not occur within 200 feet of a water body or wetland without consultation with the USACE and the appropriate Water Management District. **Source of condition:** Executive Order 11990- Wetlands, **Monitoring Required:** No
 - c. If a project location contains wetlands or surface waters a permit from the U.S. Army Corps of Engineers may be required. If permit is required, copy of permit must be provided at closeout. **Source of condition:** Executive Order 11990- Wetlands, **Monitoring Required:** No
 - d. If a project will impact state waters a permit from the appropriate Water Management District may be required. If permit is required, copy of permit must be provided at closeout. **Source of condition:** Executive Order 11990 - Wetlands, **Monitoring Required:** No
 - e. If a project will result in discharges, a National Pollutant Discharge Elimination System permit from FDEP will be required. If permit is required, copy of permit must be provided at closeout. **Source of condition:** Executive Order 11990- Wetlands, **Monitoring Required:** No
 - f. To mitigate for fugitive dust during construction, periodic watering of active construction areas, particularly in areas close to sensitive receptors (e.g., hospitals, senior citizen homes, and schools), would be implemented. **Source of condition:** Clean Air Act (CAA), **Monitoring Required:** No
 - g. If pesticides will be used for vegetation management, BMPs can be utilized to limit impact to water quality. **Source of condition:** Clean Water Act (CWA), **Monitoring Required:** No
 - h. If prehistoric or historic artifacts such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with early Native American, European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The Sub-Recipient shall contact the Florida Department

of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333. Project activities shall not resume without verbal and written authorization. In the event that unmarked human remains are encountered, during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Florida Statutes, Section 872.05. **Source of condition:** National Historic Preservation Act (NHPA), **Monitoring Required:** No

- i. If human remains or intact archaeological deposits are uncovered, work in the vicinity of the discovery will stop immediately and all reasonable measures to avoid or minimize harm to the finds will be taken. The Sub-Recipient will ensure that archaeological discoveries are secured in place, that access to the sensitive area is restricted, and that all reasonable measures are taken to avoid further disturbance of the discoveries. The Sub-Recipient contractor will provide immediate notice of such discoveries to the Sub-Recipient. The Sub-Recipient shall contact the Florida Division of Historic Resources and FEMA within 24 hours of the discovery. Work in the vicinity of the discovery may not resume until FEMA has completed consultation with SHPO, Tribes, and other consulting parties as necessary. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Florida Statutes, Section 872.05. **Source of condition:** National Historic Preservation Act (NHPA), **Monitoring Required:** No
- j. The subrecipient shall ensure that all debris staging sites are pre-authorized by FDEP. The subrecipient shall ensure that all debris is separated and disposed of in a manner consistent with FDEP solid waste facility disposal at permitted facilities guidelines or at a disposal site or landfill authorized by FDEP. The subrecipient is responsible for ensuring contracted staging and disposal of debris also follows these guidelines. Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance will be required at project closeout. **Source of condition:** Resource Conservation and Recovery Act, aka Solid Waste Disposal Act (RCRA), **Monitoring Required:** No
- k. The project sponsor must obtain and comply with all applicable permit and approvals required by Federal, State, Tribal, and local regulatory agencies. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- l. FEMA would consult with the State/Tribal Historic Preservation Office (SHPO/THPO) on project specific activities for any project that has the potential to affect previously undisturbed areas or historic properties. If during the course of any ground disturbance related to this project, cultural materials are inadvertently discovered, the project would be immediately stopped and the SHPO/THPO and FEMA notified. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- m. FEMA would consult with the U.S. Fish and Wildlife Service on a project specific basis for any actions that have the potential to affect biological resources, including threatened and endangered species. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- n. Perform skidding or yarding operations when soil conditions are such that soil compaction, displacement, and erosion would be minimized. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- o. Suspend skidding or yarding operations when soil moisture levels could result in unacceptable soil damage. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- p. Use low ground pressure equipment when practicable, particularly on equipment traveling over large portions of units with sensitive soils or site conditions. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- q. Establish designated areas for equipment staging and parking to minimize the area of ground disturbance. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- r. Work with the contractor to locate landings, skid trails, and slash piles in suitable sites to avoid, minimize, or mitigate potential for erosion and sediment delivery to nearby waterbodies. **Source of condition:** NEPA Determination, **Monitoring Required:** No

- s. Work with the contractor to locate landings, skid trails, and slash piles in suitable sites to avoid, minimize, or mitigate potential for erosion and sediment delivery to nearby waterbodies. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- t. Develop an erosion control and sediment plan that covers all disturbed areas including skid trails and roads, landings, cable corridors, temporary road fills, water source sites, borrow sites, or other areas disturbed during mechanical vegetation treatments. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- u. Avoid ground equipment operations on unstable, wet, or easily compacted soils and on steep slopes unless operation can be conducted without causing excessive rutting, soil puddling, or runoff of sediments directly into waterbodies. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- v. Install suitable stormwater and erosion control measures to stabilize disturbed areas and waterways on incomplete projects before seasonal shutdown of operations or when severe storm or cumulative precipitation events that could result in sediment mobilization to waterbodies are expected. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- w. Routinely inspect disturbed areas to verify that erosion and stormwater controls are implemented and functioning as designed and are suitably maintained. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- x. Implement mechanical treatments on the contour of sloping ground to avoid or minimize water concentration and subsequent accelerated erosion. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- y. Minimize skidder and other heavy equipment operation in wetlands during wet conditions to avoid widespread excessive soil rutting. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- z. To the greatest extent possible: forestry operations in wetlands which exhibit seasonal inundation or saturation should be limited to dry conditions only, and forestry operations in wetlands which are continually saturated or inundated should be limited to low-water conditions. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- aa. When skidding in wetlands with organic soils, concentrate skid trails to as small an area as possible, and minimize the number of trails on a given site. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- bb. Maintain habitat features by carrying out activity on forest lands, such as harvesting (including thinning), site preparation, burning, etc. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- cc. Locate concentrated heavy equipment operations (e.g. log decks, landings, main skid trails, ramps, etc.) away from known and visibly apparent active burrows, and especially known concentrations of active burrows. If concentrated heavy equipment operations must be located in such areas: a) identify and mark burrows, b) avoid damage to the burrow opening, and c) avoid damage to the gopher tortoise burrow apron during the nesting season (May through September). **Source of condition:** NEPA Determination, **Monitoring Required:** No
- dd. Advise heavy equipment operators to avoid direct contact year-round with all known and visibly apparent gopher tortoises and burrowing owls, as well as known and visibly apparent burrow aprons for tortoises during the period between May and September. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- ee. When practical, minimize the use of heavy equipment during September and October when gopher tortoise hatchlings are more numerous and less visible due to their size during this time. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- ff. Avoid heavy equipment operation (except for prescribed burning and related activities) within 330 feet of active, known and visibly apparent Little Blue and Tricolored Heron rookeries (two or more nests) from February through May. **Source of condition:** NEPA Determination, **Monitoring Required:** No

- gg. Avoid heavy equipment operation (except for prescribed burning and related activities) within 400 feet of active, known and visibly apparent Florida sandhill crane nests from February through May. **9. Source of condition:** NEPA Determination, **Monitoring Required:** No
- hh. For southeast American kestrels, leave standing snags where they do not pose a safety issue, as per the Silviculture BMP Manual as incorporated in Rule 5I-6.002 F.A.C., and avoid damaging or felling known nest trees. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- ii. Avoid prolonged heavy equipment operation (generally in excess of one day), except for prescribed burning and related activities, within 490 feet of active, known and visibly apparent kestrel nests from March through June. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- jj. Schedule all vegetation removal, trimming, and grading of vegetated areas outside of the peak bird breeding season to the maximum extent practicable. Use available resources, such as internet-based tools (e.g., the FWS's Information, Planning and Conservation System, Avian Knowledge Network, or the county's existing biological profiles) to identify peak breeding months for local bird species; or, contact local Service Migratory Bird Program Office for breeding bird information. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- kk. When project activities cannot occur outside the bird nesting season, conduct surveys prior to scheduled activity to determine if active nests are present within the area of impact and buffer any nesting locations found during surveys. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- ll. Prepare a vegetation maintenance plan that outlines vegetation maintenance activities and schedules so that direct bird impacts do not occur. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- mm. No open burning would occur. All vegetative debris associated with the project must be disposed of properly and not placed in identified floodway or wetland areas. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- nn. Construction noise levels would be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- oo. Impact to noise levels would be minimized by limiting construction activities that occur to between 7 a.m. and 5 p.m. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- pp. Utilities should be located before construction and coordination with local utility companies may need to occur. If planned outages are necessary, utility customers should be given advanced notice. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- qq. Workers should use appropriate Personal Protective Equipment (PPE) and follow applicable Occupational Safety and Health Administration (OSHA) standards and procedures. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- rr. Work areas should be clearly marked with appropriate signage and secured against unauthorized entry. **Source of condition:** NEPA Determination, **Monitoring Required:** No
- ss. Standard construction traffic control measures should be used to protect workers, residents, and the travelling public. **Source of condition:** NEPA Determination, **Monitoring Required:** No

This is FEMA project number **4283-095-R**. It is funded under HMGP, FEMA-4283-DR-FL and must adhere to all program guidelines established for the HMGP in accordance with the PAS Operational Agreement for Disaster 4283.

FEMA awarded this project on June 17, 2019; with a Pre-Award date of January 30, 2018; this Agreement was executed on October 10, 2019, and the Period of Performance for this project shall end on **July 31, 2024**.

F) FINANCIAL CONSEQUENCES:

If the Sub-Recipient fails to comply with any term of the award, the Division shall take one or more of the

following actions, as appropriate in the circumstances:

- 1) Temporarily withhold cash payments pending correction of the deficiency by the Sub-Recipient;
- 2) Disallow all or part of the cost of the activity or action not in compliance;
- 3) Wholly or partly suspend or terminate the current award for the Sub-Recipient's program;
- 4) Withhold further awards for the program; or
- 5) Take other remedies that may be legally available.

SCHEDULE OF WORK

State Contracting:	3 Months
Construction Plan/Technical Specifications:	3 Months
Bidding / Local Procurement:	3 Months
Permitting:	3 Months
Construction / Installation:	30 Months
Local Inspections / Compliance:	6 Months
State Final Inspection / Compliance:	6 Months
Closeout Compliance:	7 Months
Total Period of Performance:	61 Months

BUDGET

Line Item Budget*

	<u>Project Cost</u>	<u>Federal Cost</u>	<u>Non-Federal Cost</u>
Materials:	\$0.00	\$0.00	\$0.00
Labor:	\$230,754.00	\$173,065.50	\$57,688.50
Fees:	\$11,850.00	\$8,887.50	\$2,962.50
**Pre-Award:	\$38,150.00	\$28,612.50	\$9,537.50
Initial Agreement Amount:	\$280,754.00	\$210,565.50	\$70,188.50
***Contingency Funds:	\$0.00	\$0.00	\$0.00
Project Total:	\$280,754.00	\$210,565.50	\$70,188.50

**Any line item amount in this Budget may be increased or decreased 10% or less, with the Division's approval, without an amendment to this Agreement being required, so long as the overall amount of the funds obligated under this Agreement is not increased.*

***This project has a Pre-Award, approved by FEMA in the amount of \$38,150.00 project costs with a start date of **January 30, 2018**.*

**** **This project has an estimated \$0.00 in contingency funds.** Per FEMA Hazard Mitigation Assistance Guidance Part VI, D.3.4 – Contingency funds are not automatically available for use. Prior to their release, contingency funds must be re-budgeted to another direct cost category and identified. Post-award changes to the budget require prior written approval from the Division (FDEM). The written request should demonstrate what unforeseen condition related to the project arose that required the use of contingency funds.*

Project Management costs are included for this project in the amount of \$11,850.00.

Funding Summary Totals

Federal Share:	\$210,565.50	(75.00%)
Non-Federal Share:	\$70,188.50	(25.00%)
Total Project Cost:	\$280,754.00	(100.00%)