



Department of Public Safety

KEITH D. SQUIRES
Commissioner

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

July 26, 2016

Rick Rosenberg
Mayor, City of Santa Clara
2603 Santa Clara Drive
Santa Clara, UT 84765

Re: Santa Clara Truman Drive Landslide
PDMC-PJ-08-UT-2015-010

Dear Rick Rosenberg,

Your project has been approved by the State of Utah, Division of Emergency Management (DEM) and the Federal Emergency Management Agency (FEMA) for \$1,172,034.75 in federal monies with a local share of \$390,678.25 for a total project cost of \$1,562,713.00.

Included in this packet are the Obligating and Award Document Form 76-10, the Articles of Agreement, and Reimbursement Form 85-21. Please review and sign Form 76-10 and the Articles of Agreement and return the signed originals to DEM. By signing these two documents your agency is agreeing to the scope of work and adhering to the line items and amounts.

Reimbursement Form 85-21 and all supporting documentation are required for all reimbursement requests. It is important to identify expenditures by approved line items in the budget. Please be aware that expenditures outside the scope of work and budget will not be reimbursed without prior approval and amendment to the scope of work.

If you have any questions or concerns regarding the information in this award packet, please contact Brad Bartholomew, State Hazard Mitigation Officer at (801) 673-5854 or bbart@utah.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris Hamlet".

Kris Hamlet
Director
Division of Emergency Management



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2603 Santa Clara Drive
Santa Clara, UT 84765

Re: Santa Clara Truman Drive Landslide
PDMC-PJ-08-UT-2015-010

Dear Mr. Rosenberg,

In accordance of 2 CFR § 200.331, the State of Utah, Division of Emergency Management acting as the “pass-through entity” must conduct a pre-award risk assessment on all subrecipients. The assessment determines if there is need for additional terms and conditions placed on the subaward and sets the appropriate monitoring.

In conducting the assessment, we take into consideration your evaluation form responses, results of previous audits including the Single Audit, if applicable, and we appraise past performance as a subrecipient. Results of this assessment did not warrant additional terms or conditions as part of the grant award. I do encourage you, however, to review the Articles of Agreement to ensure that you understand the requirements associated with this grant.

We look forward to working with you on the Truman Drive Landslide project. Please feel free to contact me if have any questions or concerns.

Sincerely,

Kris Hamlet
Director
Division of Emergency Management

**Fiscal Year 2015
Pre-Disaster Mitigation Grant
Articles of Agreement**

**SANTA CLARA TRUMAN DRIVE LANDSLIDE
PDMC-PJ-08-UT-2015-010**

CFDA# 97.047 Performance Period: 05/29/2015 – 10-31-2018

In order to receive funding, this document titled, "Articles of Agreement", must be signed by an authorized representative from your agency. By signing the document, the agency is providing certification to the following:

1. The named jurisdiction is not currently identified on the Federal Government's List of those who have been Suspended and/or Debarred (Ineligible to receive federal funding). Additionally, the named jurisdiction must ensure that any vendor from whom they procure equipment or services is not currently identified on the Federal Government's List of those who have been Suspended and/or Debarred.
2. The named jurisdiction will comply with Federal audit requirements, as identified in 2 CFR 200 Subpart F (Single audit requirements).
3. The named jurisdiction will comply with all deadlines, reporting requirements, and documentation requests identified by the Utah Division of Emergency Management (DEM), the State Administrative Agency (SAA). Quarterly reports must be submitted to DEM no later than the third Friday of the month following the end of the quarter (January, April, July, and October). The report must include a general summary of what occurred during the past quarter based on the scope of work, percentage of completion, and any environmental documents.
4. The named jurisdiction agrees to purchase only those items that have been identified with approved line item numbers, and to perform only work per the scope of work. Any changes to the original scope of work must be requested by the named jurisdiction, in writing, and must be approved by DEM prior to the procurement of those newly requested items. Any unauthorized purchases or changes will not be eligible and the named agency will be fully responsible for those costs.
5. The named jurisdiction is subject to monitoring visits of all grant related activities. This shall include, but not limited to, the right to make site inspections at any time, to bring experts and consultants on site to examine or evaluate completed work or work in progress and to observe all of the named jurisdiction personnel in every phase of performance of grant related work.
6. The named jurisdiction must comply with all environmental conditions placed on the project. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the named jurisdiction must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, they will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Any construction activities that have been initiated without the necessary EHP review and approval will result in a non-compliance finding and will not be eligible for FEMA funding.

I, Rick T Rosenberg, Mayor, certify that my agency will comply with the articles
(Authorized Agency Representative)
of agreement presented on this document and agree to adhere to the approved line items that have been identified on page two (2) of this same document.


Signature of Authorized Agency Representative

7-27-2016
Date

**UTAH DEPARTMENT OF PUBLIC SAFETY
UTAH DIVISION OF EMERGENCY MANAGEMENT
OBLIGATING DOCUMENT FOR AWARD/AMENDMENT**

FORM
76-10

1. FEDERAL AWARDDING AGENCY Federal Emergency Management Agency (FEMA)		2. AGREEMENT NO. EMD-2016-PC-0004		4. TYPE OF ACTION <input checked="" type="checkbox"/> AWARD <input type="checkbox"/> AMENDMENT		5. AMENDMENT NO. N/A			
6. SUBRECIPIENT Santa Clara City		7. SUBRECIPIENT DUNS 130071582		8. SUBRECIPIENT ADDRESS 2603 Santa Clara Drive Santa Clara, UT 84765		7. ISSUING STATE OFFICE AND ADDRESS: Utah Department of Public Safety Utah Division of Emergency Management 1110 State Office Building Salt Lake City, UT 84114-1710			
8. NAME OF RECIPIENT PROJECT MANAGER Rick Rosenberg		PHONE NO. 435-680-3931		9. NAME OF STATE PROJECT COORDINATOR Brad Bartholomew		PHONE NO. (801) 673-5854			
10. FEDERAL AWARD DATE July 11, 2016		11. METHOD OF PAYMENT CHECK							
12. DESCRIPTION OF ACTION Federal award project description: To update the Carbon County local hazard mitigation plan.									
PROGRAM NAME CFDA #		ACCOUNTING DATA		PRIOR TOTAL AWARD		CURRENT TOTAL AWARD		PERFORMANCE PERIOD	
Pre-Disaster Mitigation (PDM) 97.047		2015 PRE-DISASTER MITIGATION GRANT ALLOCATION		\$0.00		\$1,172,034.75		May 29, 2015 thru October 31, 2018	
13. SUBRECIPIENT IS REQUIRED TO SIGN AND RETURN (1) ORIGINAL COPY OF THIS DOCUMENT TO THE STATE OFFICE IDENTIFIED IN BLOCK 7. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No									
14. IS THIS AWARD R&D? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				15. INDIRECT COST RATE FOR THE FEDERAL AWARD: <input type="checkbox"/> If indirect costs are part of this subaward, they are included in the approved cost estimate.					
16. SUBRECIPIENT SIGNATORY OFFICIAL (Name and Title): Rick Rosenberg				DATE 7/27/16					
17. STATE SIGNATORY OFFICIAL (Name and Title): Kris Hamlet, Director				DATE 7/26/16					

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: PDMC-PJ-08-UT-2015-010 (0)

Title: Truman Drive Landslide 2016

NEPA DETERMINATION

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

Comments: The project consists of a proposal by Santa Clara City to mitigate the effects of the Truman Drive landslide along the rim of the Santa Clara Bench. The landslide is present along approximately 2,700 ft. of the rim of the Santa Clara Bench below Truman Drive/Snow Canyon Drive, Crest View Drive, and Circle Drive. Proposed mitigation will consist of acquisition and demolition of three residential structures, demolition of one additional residential structure, acquisition of a vacant lot and demolition of its associated stick structures (hay barns), acquisition of one additional vacant lot, re-grading a 1,000 ft. section of the landslide scarp and failure slope, installing and/or repairing an 800 ft. length of a groundwater drain system, and construction of a berm at the base of a 1,000 ft. long section of the landslide failure slope - rmyers1 - 06/23/2016 19:33:11 GMT

CATEX CATEGORIES

Catex Category Code	Description	Selected
xvi	(xvi) Improvements to existing facilities and the construction of small scale hazard mitigation measures in existing developed areas with substantially completed infrastructure, when the immediate project area has already been disturbed, and when those actions do not alter basic functions, do not exceed capacity of other system components, or modify intended land use; provided the operation of the completed project will not, of itself, have an adverse effect on the quality of the human environment;	Yes

EXTRAORDINARY CIRCUMSTANCES

Extraordinary Circumstance Code	Description	Selected ?
	No Extraordinary Circumstances were selected	

ENVIRONMENTAL LAW / EXECUTIVE ORDER

Environmental Law/ Executive Order	Status	Description	Comments
Clean Air Act (CAA)	Completed	Project will not result in permanent air emissions - Review concluded	
Coastal Barrier Resources Act (CBRA)	Completed	Project is not on or connected to CBRA Unit or otherwise protected area - Review concluded	
Clean Water Act (CWA)	Completed	Project would not affect any water of the U.S. - Review concluded	Project would have no impact on wetlands or Waters of the US and no permit is required. - rmyers1 - 06/23/2016 20:15:39 GMT

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: PDMC-PJ-08-UT-2015-010 (0)

Title: Truman Drive Landslide 2016

Environmental Law/ Executive Order	Status	Description	Comments
Coastal Zone Management Act (CZMA)	Completed	Project is not located in a coastal zone area and does not affect a coastal zone area - Review concluded	
Executive Order 11988 - Floodplains	Completed	No effect on floodplain/flood levels and project outside floodplain - Review concluded	Project is located in Zone X, per FIRM panel number 49053C0769G. - rmyers1 - 06/23/2016 20:17:41 GMT
Executive Order 11990 - Wetlands	Completed	No effects on wetlands and project outside wetlands - Review concluded	Project activities will not result in impacts to wetlands. - rmyers1 - 06/23/2016 20:18:00 GMT
Executive Order 12898 - Environmental Justice for Low Income and Minority Populations	Completed	Low income or minority population in or near project area	
	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	The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Conservation System (IPaC) was accessed on March 2, 2016 to obtain a list of federally listed threatened and endangered species that have the potential to occur in Washington County, Utah. FEMA made a determination that the proposed project will have no effect on the Holmgren Milk-vetch, Shivwits Milk-vetch, and Desert tortoise critical habitats, the California Condor, Mexican Spotted Owl, Southwestern Willow Flycatcher, Yellow-Billed Cuckoo, Virgin River Chub, Woundfin, Dwarf Bear-poppy, Gierisch Mallow, Siler Pincushion Cactus, and the Utah Prairie Dog and their designated critical habitats. Additionally, FEMA made a determination that the proposed project may affect, not likely to adversely affect the Holmgren Milk-vetch, Shivwits Milk-vetch, and the Desert Tortoise. On June 14, 2016, USFWS concurred with FEMAs determinations. See project conditions related to the Holmgren Milk-vetch, Shivwits Milk-vetch, and the Desert Tortoise. - rmyers1 - 06/23/2016 20:13:35 GMT
	Completed	May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence attached) - Review concluded	
Farmland Protection Policy Act (FPPA)	Completed	Project does not affect designated prime or unique farmland - Review concluded	

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: PDMC-PJ-08-UT-2015-010 (0)

Title: Truman Drive Landslide 2016

Environmental Law/ Executive Order	Status	Description	Comments
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	See project conditions - rmyers1 - 06/23/2016 20:16:05 GMT
	Completed	Project does not have potential to take migratory birds - Review concluded	
Magnuson-Stevens Fishery Conservation and Management Act (MSA)	Completed	Project not located in or near Essential Fish Habitat - Review concluded	
National Historic Preservation Act (NHPA)	Completed	Standard Section 106 review	The project consists of a proposal by Santa Clara City to mitigate the effects of the Truman Drive landslide along the rim of the Santa Clara Bench. Proposed mitigation will consist of acquisition and demolition of three residential structures, demolition of one additional residential structure (constructed in 1978, 1979, 1980 and 1984, respectively), acquisition of a vacant lot and demolition of its associated stick structures (hay barns), acquisition of one additional vacant lot, re-grading a 1,000 ft. section of the landslide scarp and failure slope, installing and/or repairing an 800 ft. length of a groundwater drain system, and construction of a berm at the base of a 1,000 ft. long section of the landslide failure slope. A Cultural Resource Inventory was completed for the project APE. Upon consultation, the Utah SHPO requested further evaluation of two sites found within the APE. Based on the cultural resource inventory, FEMA determined that no historic properties will be affected as a result of the proposed undertaking. On April 5th, 2015, the Utah SHPO concurred with FEMA's determination of eligibility and effect (UT Case No. 16-0308). - rmyers1 - 06/23/2016 19:35:38 GMT
	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 only previously disturbed ground - Review concluded	

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: PDMC-PJ-08-UT-2015-010 (0)

Title: Truman Drive Landslide 2016

Environmental Law/ Executive Order	Status	Description	Comments
State Hazardous Materials and Solid Waste Laws	Completed	Review concluded	See project conditions - rmyers1 - 06/23/2016 20:16:43 GMT
State Water and Soil Laws	Completed	Review concluded	See project conditions - rmyers1 - 06/23/2016 20:17:04 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 grant sub-recipient must comply with the following project stipulations related to minimizing impacts to the Holmgren Milk-vetch, Shivwits Milk-vetch, and the Desert Tortoise.

1. If construction has not commenced by April 2017, the City must complete a supplemental botanical survey for the Holmgren Milk-vetch and Shivwits Milk-vetch. The report must be submitted to FEMA for review prior to project implementation. In the event plants are found, FEMA will reinstate consultation with USFWS
2. If a desert tortoise is detected or encountered in the project area during implementation of the proposed activities, all activities will be halted. The USFWS will be contacted, and the tortoise will be translocated or moved in coordination with staff from the Washington County Habitat Conservation Plan and/or the Utah Division of Wildlife Resources.

Source of condition: Endangered Species Act (ESA) Monitoring Required: No

To avoid impacts to migratory birds and raptors, the project area will be inspected for nesting activity prior to project activities in compliance with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

Source of condition: Migratory Bird Treaty Act (MBTA) Monitoring Required: No

: If unidentified archeological, historic, or cultural resources are discovered during project implementation activities, work shall be halted near such areas until FEMA is notified and the resources have been evaluated.

Source of condition: National Historic Preservation Act (NHPA) Monitoring Required: No

The City is responsible for inspecting, abating and disposing of any asbestos containing material discovered during demolition in compliance with all Utah Department of Environmental Quality regulations.

Source of condition: State Hazardous Materials and Solid Waste Laws Monitoring Required: No

The City is responsible for obtaining all applicable permits from the Utah Department of Environmental Quality Division of Water Quality and the Utah Department of Natural Resources Division of Water Right. All permit conditions must be followed. Required permits may include Utah Pollutant Discharge Elimination System (UPDES) Storm Water General Permit for construction activities, etc.

Source of condition: State Water and Soil Laws Monitoring Required: No

Standard Conditions:

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

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: PDMC-PJ-08-UT-2015-010 (0)

Title: Truman Drive Landslide 2016

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.

FY Pre-Disaster Mitigation Competitive Grant 2015 Articles of Agreement

Santa Clara Truman Drive Landslide PDMC-PJ-08-UT-2015-010 List of Approved Line Items

300 6 - Acquisition of Private Real Property (Structures and Land) - Landslide					Federal Share: \$ 591,834.75
Item Name	Cost Classification	Unit Quantity	Unit of Measure	Unit Cost (\$)	Cost Estimate (\$)
Parcel 1 SCH-L-132 Demolition	Land, Structures, Right-of-way	1.00	Each	\$ 31,580.00	\$ 31,580.00
Parcel 2 SCH-L-135-A Acquisition and Demolition	Land, Structures, Right-of-way	1.00	Each	\$ 233,738.00	\$ 233,738.00
Parcel 3 SC-SCH-K-44 Acquisition	Land, Structures, Right-of-way	1.00	Each	\$ 23,100.00	\$ 23,100.00
Parcel 4 SC-6-2-15-4130 Acquisition	Land, Structures, Right-of-way	1.00	Each	\$ 17,900.00	\$ 17,900.00
Parcel 5 SC-SCH-K-41 Acquisition and Demolition	Land, Structures, Right-of-way	1.00	Each	\$ 225,430.00	\$ 225,430.00
Parcel 6 SC-SCH-J-15 Acquisition and Demolition	Land, Structures, Right-of-way	1.00	Each	\$ 257,365.00	\$ 257,365.00
				Total Cost	\$ 789,113.00

302 1 - Landslide Stabilization - Structural					Federal Share: \$ 580,200.00
Item Name	Cost Classification	Unit Quantity	Unit of Measure	Unit Cost (\$)	Cost Estimate (\$)
Task 1 - Grade Landslide Scarp and Failure Slope	Construction And Project Improvement	1.00	Each	\$ 296,000.00	\$ 296,000.00
Task 2 - Lower Landslide Water Table Depth	Construction And Project Improvement	1.00	Each	\$ 143,800.00	\$ 143,800.00
Task 3 - Landslide Toe Buttress	Construction And Project Improvement	1.00	Each	\$ 333,800.00	\$ 333,800.00
Task 4 - Pre-Award Environmental and Engineering	Architectural Engineering Basic Fees		Each	\$	\$
				Total Cost	\$ 773,600.00

Project Amount:
Federal Share: \$1,172,034.75 (75%)
Non-federal Share: \$390,678.25 (25%)
Total: \$1,562,713.00

The Performance Period for this grant project is 05-29-2015 to 10-31-2018.

Santa Clara City is responsible to:

- Document all costs
- Follow DEM reimbursement procedures to obtain reimbursement for completed work.
- Itemize costs on Form 85-21 (Requests for Reimbursement) using the approved line items above.
- Follow the approved scope of work and budget narrative.

UTAH DIVISION OF EMERGENCY MANAGEMENT (UEM)	U.S. DEPARTMENT OF HOMELAND SECURITY FY 2015 Pre-Disaster Mitigation Grant Program REIMBURSEMENT REQUEST FORM - 85-21		STATE NUMBER <i>(For state use only)</i>	FORM 85-21	
IN SUBMITTING THIS CLAIM, THE CLAIMANT REPRESENTS THAT JUSTIFICATION TO SUPPORT THIS CLAIM IS CONTAINED IN THE WORK PLAN APPROVED AS PART OF THE JURISDICTION'S PROGRAM PAPER. IT IS UNDERSTOOD THAT FAILURE TO EXECUTE THE ELEMENTS OF THAT WORK PLAN MAY RESULT IN WITHHOLDING OR RECOVERY OF FUNDS CLAIMED AND APPROVED HEREON.					
NAME OF ORGANIZATION	STATE UTAH	DATE	PERIOD COVERED FROM THROUGH		PAGE 1 OF 1 PAGE(S)
ITEMS PURCHASED - REQUEST FOR REIMBURSEMENT	EXPENSE TYPE	QUANTITY	COST	CUMULATIVE TOTALS	CHECK NO. OR OTHER PROOF OF PAYMENT PLEASE ATTACH BACKUP DOCUMENTATION
PLEASE PROVIDE HERE BELOW, INFORMATION PERTAINING TO WHERE THE REIMBURSEMENT CHECK SHOULD BE SENT: (ADDRESS AND TO WHOSE ATTENTION)					
TOTAL AMOUNTS EXPENDED				\$0.00	
FEDERAL SHARE (75%)				\$0.00	
TOTAL AMOUNTS OBLIGATED BUT NOT EXPENDED					
*PLEASE PROVIDE ALL BACKUP DOCUMENTATION					