

**STATE OF CALIFORNIA**  
**ACTION PLAN FOR DISASTER RECOVERY**  
**(2008 WILDFIRES)**

**I. Introduction**

In 2008, California experienced a wildfire siege of the greatest magnitude in the history of the State. Two particularly significant and widespread wildfire events resulted in the issuance of Presidential Disaster Declarations. On June 28, 2008 President Bush issued an emergency management disaster declaration through the Federal Emergency Management Administration (FEMA 3287-EM) which included Butte, Kern, Mariposa, Mendocino, Monterey, Plumas, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Trinity counties, and the Hoopa Valley Indian Tribe and Yurok Indian Tribe of the Yurok Reservation. As the siege continued, on November 18, 2008, the President issued a disaster recovery declaration through the Federal Emergency Management Administration (FEMA 1810-DR) for disasters resulting from extremely high winds and wildfires within Los Angeles, Orange, Riverside and Santa Barbara counties.

**II. State Recovery Needs Resulting From 2008 Wildfire Disasters**

While vast areas of California experienced damage from 2008 wildfires, the most significant losses and major damage to homes, businesses, public lands (parks) and other public facilities (hospitals & schools) stemmed from a series of devastating wild land and urban interface fire events within the counties listed above in the two 2008 major disaster declarations. The intensity of these fires was compounded by a combination of extreme winds, high temperatures and the availability of ample dry fuels. Brief details of the some of the more significant 2008 wildfire events and damage included in the two major disaster declarations are noted below:

FEMA 3287-EM - Beginning May 22, 2008 and continuing through August 20, 2008, California experienced a devastating series of wildfires. Joint FEMA/Office of Emergency Assistance (OES) Preliminary Damage Assessments reported 444 homes destroyed and approximately 100 businesses located directly in the burn areas were lost or severely damaged. In addition, 300 other businesses located within a half-mile radius of these fires were adversely affected. Collectively, these affected businesses employed more than 6,000 individuals. The economic impacts of the wildfires were noted to be especially severe in certain declared counties, such as Butte and Trinity counties, where per capita income is low and unemployment is high. Total initial cost estimates for these fire events were initially listed at \$175.5 million, however, this number continues to grow as additional damage is uncovered and longer-term disaster repair projects and hazard mitigation efforts continue to progress.

FEMA DR-1810 - Extremely high winds and wildfires beginning November 13, 2008, and continuing through November 29, 2008 impacted Los Angeles, Orange, Riverside, San Bernardino, and Santa Barbara counties. Winds, at times more than seventy miles per hour, played an integral role in worsening fire conditions by fanning the flames and

spreading the wildfires with frightening speed. Fires consumed approximately 43,500 acres, destroying 858 homes, 10 businesses, and 110 outbuildings. In addition, 136 homes were severely damaged and a large number of home-based businesses and rental properties also experienced moderate damage. Threatened structures also included over 12,550 residences, 100 commercial buildings and 200 outbuildings causing widespread human injury; destruction and damage to homes, businesses, schools, hospitals and infrastructure throughout the region. State and local agency response costs were estimated at \$15 million per day.

While difficult to tally exact and total costs associated with all 2008 California wildfire disasters, the Department of Forestry and Fire Protection (CalFIRE) issued a 2008 Wildland Fire Summary:

[http://www.fire.ca.gov/communications/downloads/fact\\_sheets/2008Summary.pdf](http://www.fire.ca.gov/communications/downloads/fact_sheets/2008Summary.pdf)

The Summary estimates statewide costs from damage, destruction and loss of property at well over \$1.3 billion. This summary also details the Top Five 2008 California Fire Events alone as responsible for having burned over 163,000 acres, destroying 937 structures, resulting in 9 civilian injuries and 4 deaths.

In addition to the extensive fire damage, the State as a whole has an unmet need for activities that are most advantageous for long-term recovery and resilience. At least 150 of the local cities and counties in the declared disaster areas lack an updated forward-thinking land-use plan such as a safety element with hazard mitigation measures or Local Hazard Mitigation Plans (LHMP) under the Disaster Mitigation Act of 2000 (DMA 2000):

[http://www.calema.ca.gov/Operational/OESHome.nsf/PDF/DMA%202000/\\$file/DMA2000.pdf](http://www.calema.ca.gov/Operational/OESHome.nsf/PDF/DMA%202000/$file/DMA2000.pdf)

Each California Wildfire can threaten thousands of homes located in or near Wildland-Urban Interface Fire areas. There is an unmet need for Individual Mitigation Measures (IMM) to improve residential properties (i.e., hardening roofs, installing fire resistant windows, etc.) making them less prone to damage from future disasters.

In 2009, the State introduced a set of updated safety codes and building standards which require the use and application of new fire resistant building strategies and materials. On or before December 31, 2010, all counties and cities must adopt and begin enforcing these new codes and standards.

### **III. California's Plan for Recovery**

California Department of Housing and Community Development (HCD) continues to work closely with California Emergency Management Agency (CalEMA), formerly known as California Office of Emergency Services (OES) and eligible entities in coordinating available resources to help in the restoration and recovery of damaged communities and prevent or at least mitigate major damage from potential future disasters. HUD's final notice announcing available CDBG Disaster Recovery funds (Second 2008 Act) for the State of California will provide much needed additional financial assistance to eligible

jurisdictions for the development and successful execution of disaster related public assistance programs and projects. As authorized under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (U.S.C. 5121), California's CDBG/DRI funds allocation will be used to provide eligible entities additional funds to be applied toward continued removal of debris and remaining fuel sources from public and private property, provide for the repair and/or installation of infrastructure needed to facilitate the rebuilding of homes, help re-establish businesses and service agencies, and further the development and successful implementation of additional protective and hazard mitigation plans and measures.

#### **IV. Expected Federal Funds, as well as other Public and Private Resources and Relationship to HUD Disaster Recovery Grants**

Last September, Congress appropriated more than \$6 billion in supplemental funding for "necessary expenses related to disaster relief, long-term recovery and restoration of infrastructure, housing and economic revitalization in areas affected by hurricane, floods, and other natural disasters occurring in 2008." On June 10, 2009, U.S. Housing and Urban Development (HUD) Secretary Shaun Donovan announced the allocation of \$3.7 billion in disaster aid to 11 States (Second 2008 Act) with an amount of \$39,531,784 specifically allocated to the State of California for delivery to identified disaster effected areas through its State Community Development Block Grant (CDBG) Program.

The two 2008 Presidential disaster declarations authorized the use of Federal and State funds on an emergency basis to assist affected communities with debris removal, implementation of emergency protective measures, and the repair or replacement of disaster damaged facilities. To date, Federal, State and Local funds spent in the recovery from 2008 wildfire disasters (including SBA Disaster Recovery assistance) are estimated at just over \$215 Million. While available Federal, State and local financial aid was promptly and judiciously allocated, it has simply proved insufficient to achieve satisfactory recovery, especially in more significantly affected areas. Clearing of remaining debris and additional protective measures needed to stabilize slopes and hillsides remains a challenging problem in many areas. Even the lightest periods of rain present a constant threat of landslides and mudslides in fire ravaged areas as established vegetation once in place is gone leaving nothing to hold soils in place. Beyond initial assistance, additional information obtained through CalEMA detailed an estimated \$10 million initially denied or unfunded disaster assistance applications for wildfire events occurring in 2008. This preliminary data alone confirms a serious need still exists for additional funding to complete the repair, rebuilding and/or replacing of damaged and destroyed homes, facilities and equipment. In addition, the Governor's Office of Planning and Research (OPR) supplied a list showing over 70% of California Counties and Cities Safety Elements (typically contained within their General Plan) are currently over 5 years old. This confirms a significant and ongoing need also exists for the continued development and updating of Local Hazard Mitigation Plans (LHMP) under DMA 2000 to ensure implementation and swift execution of protective and hazard mitigation measures, especially in identified critical hazard areas so they can be carried out in a timely manner.

## **V. The State's Method of Citizen Participation and Action Plan Amendment**

The State will make this Action Plan available to the public via posting on its web site (<http://www.hcd.ca.gov/>). The State created and will maintain a list of all potentially eligible parties in each declared disaster area including eligible Counties, Cities and Native American Tribes. The list was developed by: 1) using existing State CDBG contacts; 2) entitlement contacts from U.S. Department of Housing and Urban Development (HUD); 3) contacts from California Emergency Management Agency (CalEMA) for agencies involved in the disasters; and 4) contacts from the State Department of Community Services and Development (CSD), and the contact list of all local governments in California as maintained by the Governors Office of Planning and Research (OPR). The Action Plan may be modified based on comments received and may be further modified if a substantial amendment is required as part of distributing and expending the funds. Substantial amendments will be defined as modifications to the NOFA distribution amounts for the disaster, changes in maximum award amounts or movement of funds between NOFAs due to lack of funding requests or inability of grantees to expend awarded funds on an eligible project. If the Action Plan is modified, the State will pursue the same outreach and citizen participation process as stated above.

In addition to the procedures outlined above, in an effort to provide greater awareness and communicate information as broadly as possible, copies of the public notice and draft action plan were sent via electronic delivery to every City and County jurisdiction statewide as well as all federally recognized Native American Indian Tribe located within the declared Counties. Hard copies of the notice and draft action plan were mailed to six California Public Libraries throughout the three regional areas of the state to ensure public viewing access. Representatives from HCD provided a brief 2008 Disaster Recovery Initiative overview presentation and answered questions at CalEMA's December 18<sup>th</sup> California State Hazard Mitigation Team Member meeting attended by disaster preparedness and hazard mitigation planners from around the state, as well as other state and regional agencies.. A special questionnaire was also developed and sent to the most directly affected cities and counties in the 2008 disaster declared areas to provide an opportunity to confirm and communicate additional recovery needs. Two public hearings, one in the Northern California region and one in the Southern California region were conducted to solicit public comment and questions. The Department received written comment during the public notice period from CalEMA which included additional suggestions and recommendations. All comments were reviewed after which a formal written response was drafted and delivered confirming several of CalEMA's recommendations had been adopted and incorporated into the draft plan. All other written or verbal comments on the plan will be responded to in writing.

## **VI. The State's Method of Distribution**

The State Department of Housing and Community Development (HCD) anticipates receiving an estimated \$39.5 Million in Disaster Recovery Initiative (DRI) grant dollars.

Proposed 2008 DRI Allocation Budget:

- \$18 Million for Activity #1 - Housing/infrastructure/economic recovery & revitalization.
- \$15 Million for Activity #2 - The development of forward-thinking land-use planning (disaster resistant building codes, safety elements of general plans, LHMPs, hazard area buy-out programs, mitigation measures to improve residential properties making them less prone to damage, and other smart strategies incorporated into recovery activities.
- \$ 4.5 Million for Activity #3 - Affordable rental housing activities.
- \$ 2 Million for administrative costs for Activities #1–3.

The Department has allocated \$15 million for forward-thinking planning and other smart strategies, which will help prevent or reduce damage from future disasters. Per the Federal DRI Notice, this will allow for an equal amount to be available to the State, in June 2010, as part of HUD's \$311,602,923 discretionary Disaster Recovery Enhancement Fund (DREF). This Enhancement Fund is designed to allow for secondary allocations to grantees that anticipate they will still have unmet disaster recovery needs after developing and undertaking forward thinking recovery strategies and activities in a timely manner. Eligible activities may include:

- Development and adoption of forward thinking land-use planning; including updated general plan safety elements integrated with LHMPs.
- Critical disaster (fire) area buy-out programs;
- Individual Mitigation Measures (IMM) to improve residential properties making them less prone to damage; and
- Implementation of modern disaster resistant building codes including, but not limited to, training on new standards and code enforcement.

All 2008 DRI Funding will be made available through an established Notice of Funding Availability (NOFA) and State CDBG Grant Application process.

#### A. Eligible Applicants

Under the Federal DRI Notice, eligible applicants include cities, counties, and Federally-recognized tribes within counties wherein major disasters were declared by the President in 2008. Eleven counties and two federally recognized Native American Indian Tribes (the Hoopa Valley Tribe and the Yurok Tribe of the Yurok Reservation) were listed in major disaster declaration FEMA 3287-EM for 2008 fire events occurring in: Butte, Kern, Mariposa, Mendocino, Monterey, Plumas, Santa Barbara, Santa Clara, Santa Cruz, Shasta and Trinity counties. Four counties were listed in major disaster declaration FEMA 1810-DR for 2008 fire events in: Los Angeles, Orange, Riverside, and Santa Barbara counties.

#### B. Eligible Activities

Eligible activities must meet at least one of three program national objectives: benefit persons of low-and moderate income (eighty percent (80%) or less, of the county-wide median income adjusted for family size)., aid in the prevention or

elimination of slums or blight, or meet other urgent community development needs because existing conditions pose a serious and immediate threat to the health and welfare of the community where other financial resources are not available. All activities funded with 2008 DRI allocations will be CDBG eligible in accordance with current Federal and state regulations. Adherence to all current construction quality standards, applicable building codes, zoning ordinances, and cost-effective energy conservation standards will be required. In addition, applicants must document that at least fifty percent (50%) of their funding will pay for activities benefiting at a minimum, fifty-one percent (51%) low-and moderate (eighty percent (80%) or less, of the county-wide median income adjusted for family size).targeted income group (TIG). ***NOTE:** Requests for reimbursement of non-Federal funds already expended may be eligible (limited) as described in the NOFA & Application.*

#### Additional Restrictions on Eligible Applicants and Activities:

- Applicants within the eligible counties with no 2008 wildfire damage area may apply only for forward-thinking land use planning, such as general plan safety elements, LHMPs, and modern disaster Codes (and associated Administration costs), i.e. only for the planning portion of Activity #2.
- The only eligible applicants for the remainder of Activity #2 and Activity #1 and #3 are those communities with 2008 wildfire damage activities. However, these applicants may not apply just for disaster resistant building codes, buy-out programs, and mitigation measures; they must also apply for funds for housing/infrastructure/economic recovery & revitalization of their communities.

#### C. Method for Soliciting Applications

The Department will publish and distribute a Notice of Funding Availability (NOFA) to all eligible applicants using an over-the-counter (OTC) process to ensure expedited distribution of available funds. DRI grant application workshops will be offered in each effected region to provide applicants a comprehensive understanding of how to submit complete and competitive proposals. The application form will solicit specific information regarding:

- 1) **Goals:** What problem is the locality seeking to solve with the proposed activity, or was solved, now seeking reimbursement of eligible costs? The Department will ask for descriptions of the local damage, including quantification of damage by local officials and outside third parties along with documentation evidencing that the damage was a direct result of the disaster.
- 2) **Objectives:** What specific health and safety problems will be resolved by the proposed activity, or was resolved, now seeking reimbursement of eligible costs? How will the proposed expenditure of DRI dollars mitigate remaining health and safety threats? What metrics will be used to assess effective mitigation?
- 3) **Tasks and Local Capacity:** What types of activities are proposed: public

assistance, private assistance, or business assistance? What steps will be taken, when and by whom, to carry out CDBG-eligible activities?

- 4) **Budget and Timeline:** What is the status of any other funding resources required to carry out the proposed activity? When will those resources be available and what is the schedule for completing the proposed activity?
- 5) **Meeting 50% Low -and Moderate Income Benefit:** How will applicants ensure that at least 50% of the funds expended will be spent for low-and moderate income (eighty percent (80%) or less, of the county-wide median income adjusted for family size) benefit? Will the activities be restricted to assisting low-and moderate income groups (households or persons) or will activities be conducted in areas where low-and moderate income benefit is at or above 51%?

D. Maximum Grant Amounts

Under the 2008 Disaster Recovery Initiative (2008 DRI) NOFA, eligible applicants may apply for grant amounts of up to \$5,000,000 depending on the scope and number of eligible activities being applied for, and the percentage of low- and moderate-income households that will be assisted. (Specific details will be provided in the NOFA and Application). In the event there are fewer proposals requesting funds than there are funds available, the balance of available funds may be distributed to existing applicants Consistent with Federal requirements listed in [Docket No. FR-5337-N-01], at least 50 percent of each grantee's DRI award must be for an activity that benefits low-and moderate (eighty percent (80%) or less, of the county-wide median income adjusted for family size) income households . The State is required to meet this percentage and is in turn passing this requirement to local jurisdictions.

E. Administration Funds

HUD is allowing up to five percent (5%) of total 2008 DRI allocations be used toward administration costs. Allowable general administrative (GA) and project, program and planning activity delivery (AD) costs and limitations for grantees will be outlined in the 2008 Disaster Assistance Initiative (DRI) NOFA.

F. Minimizing Relocation and Displacement

If any proposed activity has the potential to cause displacement of persons, then that grantee will be required to submit a plan to the State for meeting the relocation requirements of persons affected.

G. Application Thresholds

The state will review each application to ensure it was properly approved for submittal by the governing body. It will also be reviewed for the proper low income benefit; fifty percent (50%) of the funds must be spent on activities that have a low-and moderate (eighty percent (80%) or less, of the county-wide median income

adjusted for family size) income benefit level of fifty one percent (51%) or greater. The State CDBG program staff will review all applications to ensure the proposed activities are eligible under CDBG and DRI regulations. DRI funds may not be used as a substitute or match of other Federal funding sources (i.e., FEMA, USDA, etc.).

2008 Disaster Recovery Initiative dollars will be awarded on an over-the-counter basis (first come, first served) until all funds are exhausted. The Department will evaluate four primary threshold criteria in its review of applications:

- Low- and Moderate-Income (eighty percent (80%) or less, of the county-wide median income adjusted for family size) Benefit;
- Eligibility Under CDBG and DRI Regulations;
- Located in Disaster Affected Area; and
- Need for Funding

The Department may elect to fund applicants at levels below their requested amounts if it is determined that the State's interest is served by such a reduction. Specifically, if the Department judges that partial funding would principally address the most severe problem while allowing funding of other equally severe problems elsewhere, the Department can and may elect to award funds accordingly.

#### H. Grant Awards Administration and Monitoring

The Department will accept applications until the State's allocation of 2008 DRI funds is exhausted. The Department will track all applications in order of receipt and in the event any originally committed dollars are disencumbered at a later date may reallocate funds to the most qualified application next in line to received funding. If all applicants are funded and additional DRI funds are still available, the State may go back to previously funded applicants to inquire if any of the proposed activities in the application need additional funding. Upon documenting that additional funds are needed, the State may award additional funds for additional work on their activities To ensure program requirements and non-duplication of benefits are met and to avoid or mitigate occurrences of fraud or abuse, in addition to State CDBG staff, CalEMA has been asked to assist in the reviewing all 2008 DRI applications.

Following awards, the Department will enter into contracts not to exceed thirty (30) months in duration. The Department will administer DRI grants in the same manner as it administers its general CDBG grants. This process includes issuing a standard grant agreement with special conditions which must be satisfied prior to release of grant funds.

The most important special condition which must be met is completing the environmental review as per the National Environmental Policy Act (NEPA). Grantees are to comply with all proper NEPA forms and procedures listed in the current CDBG grant management manual. Grant management and operations will be conducted as described in State regulations (Title 25, Articles 3 and 4, Sections



7080 through 7126) except as superseded by HUD's DRI Notice. In this manner, we will comport with CDBG standards and procedures pursuant to 24 CFR Section 91.330.

Prior to expiration of the standard grant agreement, State staff will monitor each grant recipient for compliance with State and Federal overlays. Monitoring checklists in the most recent grant management manual will be utilized and any issues found in the monitoring will be resolved prior to close out of the grant.