

This Section provides an overview of the Disaster Mitigation Act of 2000 (DMA 2000; Public Law 106-390), the adoption of the *Nevada Standard Hazard Mitigation Plan* (Nevada HMP) by the State of Nevada, and assurances to amend the Nevada HMP to reflect changes in federal laws and regulations.

## 1.1 DISASTER MITIGATION ACT OF 2000

The DMA 2000 was passed by Congress to emphasize the need for mitigation planning to reduce vulnerability to natural and human-caused hazards. The DMA 2000 amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act; 42 United States Code [USC] 5121 et seq.) by repealing the act's previous Mitigation Planning Section (409) and replacing it with a new Mitigation Planning Section (322).

To implement the DMA 2000 planning requirements, the Federal Emergency Management Agency (FEMA) published an Interim Final Rule in the *Federal Register* on February 26, 2002 (FEMA 2002a). This rule (44 code of Federal Regulations [CFR] part 201) established the mitigation planning requirements for states, tribes, and local communities. The planning requirements are described in detail in Section 2 and identified in their appropriate sections throughout the plan.

## 1.2 PLAN ADOPTION PROCEDURES

The requirements for the adoption of the Nevada HMP by the State of Nevada, as stipulated in the DMA 2000 and its implementing regulations, are described below.

### DMA 2000 REQUIREMENTS: PREREQUISITES

#### Adoption by the State

Requirement §201.4(c)(6): The plan **must** be formally adopted by the State prior to submittal to [FEMA] for final review and approval.

Requirement §201.4(c)(7): The plan **must** include assurances that the State will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with 44 CFR 13.11(c). The State will amend its plan whenever necessary to reflect changes in State or Federal laws and statutes as required in 44 CFR 13.11(d).

#### Element

Has the State formally adopted the plan?

Does the plan provide assurances that the State will **continue to** comply with all applicable Federal statutes and regulations during the periods for which it receives grant funding, in compliance with 44 CFR 13.11(c), and will amend its plan whenever necessary to reflect changes in the State or Federal laws and statutes as required in 44 CFR 13.11(d)?

*Source: FEMA, Standard State Hazard Mitigation Plan Review Crosswalk 2006*

Upon completion, the Nevada Hazard Mitigation Planning Committee (NHMPC) will forward the plan to FEMA for final approval through the Division of Emergency Management. The Governor of the State of Nevada will adopt the plan upon approval by FEMA. The Nevada Division of Emergency Management (NDEM) will immediately

forward the adoption documentation to FEMA to meet the deadline. The Governor's adoption resolution for the 2007 plan is in Appendix A. A similar document will be prepared and completed to adopt the 2010 plan.

The Nevada HMP meets the requirements of Section 409 of the Stafford Act and Section 322 of the DMA 2000. This includes meeting the requirement that the Nevada HMP is adopted by the State. The State plan was prepared by the Nevada Hazard Mitigation Planning Committee with participation from various State and Local agencies, and other organizations listed in Appendix B.

### 1.2.1 State Authority

The Governor of the State of Nevada has broad powers over emergency management within the State of Nevada under Chapter 414 of the Nevada Revised Statutes (NRS). Under these powers he has the obligation to ensure that an emergency management plan is prepared for the entire State, to ensure its proper implementation and to ensure compliance with all State and Federal laws pertaining to emergency management, which would include mitigation issues. The Nevada Division of Emergency Management is the lead agency for compliance and implementation.

### 1.2.2 Nevada Revised Statutes (NRS)

The Nevada Revised Statutes (NRS) are the current codified laws of the State of Nevada and are a compilation of all legislation passed by the Nevada Legislature. In NRS 220.110, the Nevada Revised Statutes shall contain the following items:

1. The Constitution of the United States.
  2. The Constitution of the State of Nevada.
  3. The laws of this state of general application.
  4. A full and accurate index of the statute laws.
  5. Such annotations, historical notes, supreme court and district court rules, and other information as the Legislative Counsel deems appropriate to include.
- [Part 2:304:1951; A 1953, 388]—(NRS A 1963, 1022; 1969, 12)

The following Table provides a summary of information on specific statutes that promote hazard mitigation on the state level. These statutes can be found at the following link <http://www.leg.state.nv.us/NRS/Index.cfm>.

**Table 1-1**

#### Summary of NRS Statutes Pertaining to Hazard Mitigation

NRS Statute	Summary
NRS Chapter 205	This chapter is titled "Crimes Against Property," which includes arson.

<b>NRS Statute</b>	<b>Summary</b>
NRS Chapter 206	Chapter 206 is titled "Malicious Mischief," and includes crimes to public and private property such as burning.
NRS Chapter 239C & NRS Section 239C.010	Chapter 239C is Nevada's Homeland Security legislation which provides plans to respond to terrorism and related emergencies. Also, it promotes statewide preparations for acts of cyber-terrorism, environmental catastrophes, and other related incidents.
NRS Chapter 268 & NRS Section 268.012	This Chapter and section give the cities of the State authority to adopt uniform building, plumbing and electrical codes.
NRS Chapter 278 & NRS Section 278.02521	This Chapter, and specifically Section 278.02521, provides direction in land use planning for the protection of environmentally sensitive areas and development where there are sufficient resources and water to accommodate such development and to promote the efficient use of land in urban areas along with conversion of rural lands to other uses as appropriate.
NRS Section 278.580	This Section mandates that a governing body shall amend its building codes to include seismic provision of the International Building Code and the standards for the investigation of hazards relating to seismic activity including, without limitation, potential surface ruptures and liquefaction.
NRS Section 321.5977	This Chapter provides objectives in administering Public lands under NRS Chapter 321 – State Public Lands.
NRS Sections 321.640 – 321.770	NRS Sections 321.650 through 321.770 contain State land use planning – laws to govern growth and use of lands which could impact emergencies.
NRS Chapter 322	This Chapter provides direction in the Use of State Lands – those lands that belong to the State and the governing of them.
NRS Chapter 323	This Chapter is the State of Nevada's adoption of the "Taylor Grazing Act" which facilitates that law within our State.
NRS Chapter 324	This Chapter is the State of Nevada's adoption of the principles in the "Carey Act" – which regulates the use of water, particular the capturing of water in dams, for irrigation and the reclamation aspects of such water projects as governed by the Bureau of Land Management.

NRS Statute	Summary
NRS Chapter 341 & NRS Section 341.143	Chapter 341 pertains to the construction of state facilities. The Legislature has also mandated the state Public Works Board to adopt the seismic provisions of the International Building Code and the standards for the investigation of hazards relating to seismic activity, including, without limitation, potential surface ruptures and liquefaction.
NRS Section 353.2735	Chapter 353 creates and administers the Disaster Relief Account. The account is used to stabilize the operation of the State Government, including local jurisdictions, from an emergency/disaster.
NRS Sections 410.095 - 410.210	NRS Sections 410.095 through 410.210 contain the regulation and restriction of landfills, garbage dumps and junkyards.
NRS Section 414.040	Under this Chapter, the Chief of the Division of Emergency Management has the authority and power to develop an integrated process for the mitigation of, response to and recovery from emergencies or disasters through the various governmental agencies, business and industry, volunteer organizations and any other interested parties.
NRS Section 414.060(3)b	“Prepare a comprehensive state emergency management plan and develop a program for emergency management in this state to be integrated into and coordinated with the plans of the Federal Government and of other states for emergency management to the fullest possible extent, and coordinate the preparation of plans and programs for emergency management by the political subdivisions of this state to be integrated into and coordinated with the plan and program of this state to the fullest possible extent.”
NRS Section 414.135	The Section describes the Emergency Assistance Subaccount. This Subaccount is to provide supplemental emergency assistance to the State of Nevada or to its local governments impacted by an emergency and/or disaster.

NRS Statute	Summary
NRS Chapter 415	<p>This Chapter is the Emergency Management Assistance Compact. “The purpose of this Compact is to provide for mutual assistance between the States entering into this Compact in managing any emergency or disaster that is duly declared by the Governor of the affected State(s), whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack.” It also provides for mutual cooperation in emergency exercises, testing, and training.</p>
NRS Chapter 416	<p>This Chapter is about Emergencies Concerning Water or Energy. In NRS Section 416.010, “the purpose of this chapter is to meet effectively water and energy emergencies by providing for conservation, efficient utilization, production and allocation of water and energy in ways which will:</p> <ol style="list-style-type: none"> <li>1. Carry out as necessary, national water and energy policies under federal water and energy laws;</li> <li>2. Maintain vital services necessary for the peace, health, safety and welfare of the people of this state;</li> <li>3. Promote the most efficient use of water and energy;</li> <li>4. Lessen adverse impacts upon employment in and the economy and environment of this state;</li> <li>5. Ensure to the extent reasonably possible equitable treatment of all regions of the State and all sectors of the economy, consistent with other necessary considerations; and</li> <li>6. Promote and protect the interests of this state in the course of decisions to be made and actions to be taken under federal water and energy laws.(Added to NRS by 1977, 548)”</li> </ol>
NRS Chapter 441A	<p>This Section deals with Communicable Diseases (a disease which is caused by a specific infectious agent or its toxic products, and which can be transmitted, either directly or indirectly, from a reservoir of infectious agents to a susceptible host organism), Emergency Quarantine of humans, and Enforcement of quarantines.</p>
NRS Chapter 444A	<p>This Chapter contains programs for recycling and the regulation of disposal of solid waste and other waste.</p>
NRS Chapter 445A	<p>This Chapter contains Water Controls – laws to protect the Lake Tahoe Watershed, to prevent water pollution and to regulate the fluoridation of water supplies.</p>

<b>NRS Statute</b>	<b>Summary</b>
NRS Chapter 445B	This Chapter deals with Air Pollution – laws for control of and administration of all aspects of prevention of air pollution – the creation of the State Environmental Commission.
NRS Chapter 445C	This Chapter contains environmental requirements, penalties for violations and the administration and enforcement of such requirements.
NRS Chapter 445D	This Chapter contains environmental covenants that attach to real property – governed by the Nevada Department of Natural Resources and Conservation
NRS Chapter 455	This Chapter contains the control and restriction of excavations and high voltage lines.
NRS Section 459.001	This Section contains the Western Interstate Nuclear Compact, of which Nevada is a member State. It provides for the development of nuclear related fields for economic development of the Western States with provisions for the cooperation of party states in the response to and mitigation of a nuclear incident in any of the member states and to recommend changes to laws, regulations, ordinances, administrative procedures and practices to facilitate safe and secure usage of nuclear technologies.
NRS Sections 459.010-370	The Nevada Legislature in NRS 459.001 adopted the Rocky Mountain Low-Level Radioactive Waste Compact making Nevada a participating state in this compact. It provides for the safe management of low-level radioactive waste material generated within the party states through appropriate laws within the compact.
NRS Sections 459.0085- 0098	<p>NRS Sections 459.0085 through 459.0098 contain the creation, duties, and powers of the Committee on High-Level Radioactive Waste. These sections empower the Committee to study and evaluate:</p> <ol style="list-style-type: none"> <li data-bbox="565 1409 1349 1514">1. Information and polices regarding the location in the State of Nevada of a facility for the disposal of high-level radioactive waste;</li> <li data-bbox="565 1535 1365 1640">2. Any potentially adverse effects from the construction and operation of a facility and the ways of mitigating those effects; and</li> <li data-bbox="565 1661 1276 1724">3. Any other policies relating to the disposal of high-level radioactive waste.</li> </ol>

<b>NRS Statute</b>	<b>Summary</b>
NRS Sections 459.380-930	The remainder of Chapter 459 of the NRS (Sections 459.380 through 459.930) provides for the regulation of, storage of and transportation of hazardous materials within the State. These laws provide for the response to, the mitigation of and recovery from hazardous material releases.
NRS Section 461.170	The Nevada Legislature has adopted by statute, for the purposes of manufactured buildings, the Uniform Housing Code, the Uniform Building Code, the Uniform Plumbing Code, Dangerous Building, the Uniform Building Code Standards and the American National Standards Institute Standard No. A117.1.
NRS Chapter 472	This Chapter gives the State Forester Fire Warden authority over the development of, mitigation of and prevention of fires within the state's forested areas by establishing fire control districts, adopting and enforcing regulations regarding standards for fire retardant roofing and administering monies appropriated and grants awarded for fire prevention, control and the education of fire personnel for these purposes. Establishment and preservation of forest and vegetation cover in forest and watershed.
NRS Chapter 475	This Chapter entitled "Crimes and Responsibilities Concerning Fires" details penalties for neglecting or causing fires on his property or another's property.
NRS Chapter 476	This Chapter entitled "Explosives and Inflammable Materials" details the penalties for misuse of these materials.
NRS Chapter 477	This Chapter of the NRS governs the State Fire Marshal's Office and its duties and powers. These laws provide for the proper regulation of and enforcement of existing laws which govern the prevention of, mitigation of and recovery from fires within this State. Particularly, the State Fire Marshal makes recommendations for changes to building codes and existing structures to ensure fire safety.
NRS Chapter 486A	This Chapter provides provisions for alternative fuels and clean-burning fuels.
NRS Chapter 506	This Chapter is the Wildlife Violator Compact – a compact among the states to aid wildlife management as a trust by the state for all residents and visitors.

NRS Statute	Summary
NRS Section 514.040(3)	The Nevada Bureau of Mines and Geology, established by the Legislature and given as one of its duties: “. . . to apply geologic engineering principles to problems of conservation, environment, construction, mineral industry and other scientific matters that may be of importance to the welfare of the State.”
NRS Chapter 519A	This chapter governs the reclamation of land subject to mining operations and exploration projects.
NRS Sections 522.039-522.040	Sections 522.039 and 522.049 regulate oil and gas drilling to prevent waste.
NRS Chapter 527	This Chapter titled "Protection and Preservation of Timbered Lands, Trees and Flora" describes the protection and preservation measures for Nevada's trees and flora. Also, it describes measures taken for controlled burns.
NRS Chapter 528	This Chapter regulates forest practice and reforestation.
NRS Chapter 534	This Chapter regulates underground water and depletion of aquifers.
NRS Section 535.030	This section covers dam inspections and the State Engineer’s powers to protect life and property by lowering the water level in the reservoir, emptying the reservoir, or any other step to essential to safeguarding life and property.
NRS Chapter 543 & NRS Section 543.020	This Chapter is dedicated to flood control. The declaration of the policy being adopted states:  “It is hereby declared to be the policy of the State of Nevada to cooperate with the United States and its departments and agencies, and with the counties, cities and public districts of the State, in preventing loss of life and property, disruption of commerce, interruption of transportation and communication and waste of water resulting from floods, and in furthering the conservation, development, utilization and disposal of water.”
NRS Chapters 540 -540A	Chapters 540 and 540A provide planning and development of water resources and the regional planning and management of water resources.
NRS Chapter 541	This Chapter creates Water Conservancy Districts for wise water management.
NRS Chapter 548	This Chapter regulates agricultural lands to preserve and conserve the natural resources of this State.

<b>NRS Statute</b>	<b>Summary</b>
NRS Chapter 555	This Chapter provides the Director of the Department of Agriculture with the powers to control insects, pests and noxious weeds.
NRS Chapter 568	This Chapter regulates the grazing and ranging of lands within the State of Nevada.
NRS Chapter 571	This Chapter defines the State Quarantine Officer and provides the Officer power to proclaim and enforce quarantine. This Chapter also adopts the rules and regulations of the federal Secretary of Agriculture relating to control and suppression of disease in animals.
NRS Chapter 701	This Chapter provides for the Office of Energy (under the Governor), which regulates energy resources and energy conservation and encourages renewable energy.
NRS Chapters 703 – 704	Chapters 703 and 704 provide for the regulation of public utilities by the Public Utilities Commission.
NRS Section 708.120	This Section authorizes the Public Utilities Commission to regulate oil pipelines to prevent waste and dangerous operations.

**Pending Legislation?**

The NHMPC presents

**Assurances to Comply with Federal Laws and Regulations**

Through the development and enforcement of this plan, the assurances listed below are provided as documentation that the state or any subsequent sub-grantee will continue to comply with all applicable Federal statutes and regulations during the periods for which it receives grant funding, in compliance with 44 CFR 13.11(c), and will amend its plan whenever necessary to reflect changes in State or Federal laws and statutes as required in 44 CFR 13.11(d).

To the extent the following provisions apply to the award of assistance:

- (a) Recipient possesses legal authority to enter into agreements, and to execute the proposed programs;
- (b) Recipient's governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the execution of hazard mitigation agreements, including all understandings and assurances contained therein, and directing and authorizing the Recipient's chief administrative officer or designee to act in connection with any application and to provide such additional information as may be required;
- (c) No member of or delegate to the Congress of the United States, and no Resident Commissioner shall be admitted to any share or part of any agreement or to any benefit to arise from the same. No member, officer, or employee of the Recipient or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his tenure or for one year thereafter, shall have any interest direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this plan. The Recipient shall incorporate or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purpose stated above;
- (d) All recipient contracts for which the State Legislature is in any part a funding source, shall contain language to provide for termination with reasonable costs to be paid by the Recipient for eligible contract work completed prior to the date the notice of suspension of funding was received by the Recipient. Any cost incurred after a notice of suspension or termination is received by the Recipient may not be funded with funds provided under a grant agreement unless previously approved in writing by the Department. All Recipient contracts shall contain provisions for termination for cause or convenience and shall provide for the method of payment in such event;
- (e) Recipient will comply with the following:
  - (1) Contract Work Hours and Safety Standards Act of 1962, 40 U.S.C. 327 et seq., requiring that mechanics and laborers (including watchmen and

guards) employed on federally assisted contracts be paid wages of not less than one and one-half times their basic wage rates for all hours worked in excess of forty hours in a work week;

and

- (2) Federal Fair Labor Standards Act, 29 U.S.C. Section 201 et seq., requiring that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half their basic wage rates for all hours worked in excess of the prescribed work-week.
- (f) Recipient will comply with the following:
- (1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352), and the regulations issued pursuant thereto, which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Recipient, this assurance shall obligate the Recipient, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits;
  - (2) Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975, as amended (42 U.S.C.: 6101-6107), which prohibits discrimination on the basis of age or with respect to otherwise qualified handicapped individuals as provided in Section 504 of the Rehabilitation Act of 1973;
  - (3) Executive Order 11246 as amended by Executive Orders 11375 and 12086, and the regulations issued pursuant thereto, which provide that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of federal and federally assisted construction contracts; affirmative action to insure fair treatment in employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff/termination, rates of pay or other forms of compensation; and election for training and apprenticeship;
- (g) The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 1201 et seq.), where applicable, which prohibits discrimination by public and private entities on the basis of disability in the areas of employment, public accommodations, transportation, State and local government services, and in telecommunications;

- (h) Recipient will establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties pursuant to Section 112.313 and Section 112.3135, FS;
- (i) Recipient will comply with the Anti-Kickback Act of 1986, 41 U.S.C. Section 51, which outlaws and prescribes penalties for “kickbacks” of wages in federally financed or assisted construction activities;
- (j) Recipient will comply with the provision of 18 U.S.C. 594, 598, 600-605 (further known as the Hatch Act) which limits the political activities of employees;
- (k) Recipient will comply with the flood insurance purchase and other requirements of the Flood Disaster Protection Act of 1973 as amended, 42 U.S.C. 4002-4107, including requirements regarding the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area having special flood hazards. The phrase “Federal financial assistance” includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance;
- (l) Recipient will require every building or facility (other than a privately owned residential structure) designed, constructed, or altered with funds provided under a grant agreement to comply with the “Uniform Federal Accessibility Standards,” (AS) which is appendix A to 41 CFR Section 101-19.6 for general type buildings and Appendix A to 24 CFR Part 40 for residential structures. The Recipient will be responsible for conducting inspections to ensure compliance with these specifications by the contractor:
- (m) Recipient will, in connection with its performance of environmental assessments under the National Environmental Policy Act of 1969, comply with Section 106 of the National Historic Preservation Act of 1966 (U.S.C. 470), Executive Order 11593, 24 CFR Part 800, and the Preservation of Archaeological and Historical Data Act of 1966 (16 U.S.C. 459a-1, et seq.) by:
  - (1) Consulting with the State Historic Preservation Office to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Section 800.8) by the proposed activity; and
  - (2) Comply with all requirements established by the State to avoid or mitigate adverse effects upon such properties.
  - (3) Abiding by the terms and conditions of the “Programmatic Agreement Among the Federal Emergency management Agency, the Nevada State Historic Preservation Office (SHPO), which addresses roles and responsibilities of Federal and State entities in implementing Section 106

of the National Historic Preservation Act (NHPA). 16 U.S.C. 470f, and implementing regulations in 36 CFR part 800.

- (4) Notifying FEMA and the State if any project may affect a historic property. When any of Recipient's projects funded under a grant agreement may affect a historic property, as defined in 36 CFR 800 (2)(e), the Federal Emergency Management Agency (FEMA) may require Recipient to review the eligible scope of work in consultation with the State Historic Preservation Office (SHPO) and suggest methods of repair or construction that will conform with the recommended approaches set out in the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings 1992 (Standards), the Secretary of the Interior's Guidelines for Archeological Documentation (Guidelines) (r8 Federal Register 44734-37), or any other applicable Secretary of Interior standards. If FEMA determines that the eligible scope of work will not conform with Standards, Recipient agrees to participate in consultations to develop, and, after execution by all parties, to abide by, a written agreement that establishes mitigation and recondition measures, including but not limited to, impacts to archeological sites, and the salvage, storage, and reuse of any significant architectural features that may otherwise be demolished.
- (5) Notifying FEMA and the state if any project funded under a grant agreement will involve ground disturbing activities, including, but not limited to: subsurface disturbance; removal of trees; excavation for footings and foundations; and installation of utilities (such as water, sewer, storm drains, electrical gas, leach lines and septic tanks) except where these activities are restricted solely to areas previously disturbed by the installation, replacement or maintenance of such utilities. FEMA will request the SHPO's opinion on the potential that archeological properties may be present and be affected by such activities. The SHPO will advise Recipient on any feasible steps to be accomplished to avoid any National Register eligible archeological property or will make recommendations for the development of a treatment plan for the recovery of archeological data from the property.

If Recipient is unable to avoid the archeological property, it will develop in consultation with the SHPO, a treatment plan consistent with the Guidelines and take into account the Advisory Council on Historic Preservation (Council) publication "Treatment of Archeological Properties." Recipient shall forward information regarding the treatment plan to FEMA, the SHPO and the Council for review. If the SHPO and the Council do not object within 15 calendar days of receipt of the treatment plan, FEMA may direct Recipient to implement the treatment plan. If either the Council or the SHPO object, Recipient shall not proceed with the project until the objection is resolved.

- (6) Notifying the state and FEMA as soon as practicable: (a) of any changes in the approved scope of work for a National Register eligible or listed property; (b) of all changes to a project that may result in a supplemental DSR or modify an HMGP project for a National Register eligible or listed property; (c) if it appears that a project funded under a grant agreement will affect a previously unidentified property that may be eligible for inclusion in the National Register or affect a known historic property in an unanticipated manner. Recipient acknowledges that FEMA may require Recipient to stop construction in the vicinity of the discovery of a previously unidentified property that may be eligible for inclusion in the National Register or upon learning that construction may affect a known property in an unanticipated manner. Recipient further acknowledges that FEMA may require Recipient to take all reasonable measures to avoid or minimize harm to such property until FEMA concludes with the SHPO. Recipient also acknowledges that FEMA will require, and Recipient shall comply with, modifications to the project scope of work necessary to implement recommendations to address the project and the property.
- (7) Acknowledging that, unless FEMA specifically stipulates otherwise, it shall not receive funding for projects when, with intent to avoid the requirements of the PA or the NHPA, Recipient intentionally and significantly adversely affects a historic property, or having the legal power to prevent it, allowed such significant adverse affect to occur.
- (n) Recipient will comply with Title IX of the Education Amendments of 1972, as amended (20 U.S.C.; 1681-1683 and 1685-1686) which prohibits discrimination on the basis of sex;
- (o) Recipient will comply with the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, (42 U.S.C. 4521-45-94) Relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
- (p) Recipient will comply with 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality or alcohol and drug abuse patient records;
- (q) Recipient will comply with Lead-Based Paint Poison Prevention Act (42 U.S.C.: 4821 et seq.) which prohibits the use of lead based paint in construction of rehabilitation or residential structures;
- (r) Recipient will comply with the Energy Policy and Conservation Act (P.O. 94-163; 42 U.S.C. 6201-6422), and the provisions of the State Energy Conversation Plan adopted pursuant thereto;
- (s) Recipient will comply with the Laboratory Animal Welfare Act of 1966, 7 U.S.C. 2131-2159, pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by an award of

assistance under agreement;

- (t) Recipient will comply with Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 2000c and 42 3601-3619, as amended, relating to non-discrimination in the sale, rental, or financing of housing, and Title VI of the Civil Rights Act of 1964 (P.O. 88-352), which prohibits discrimination on the basis of race, color or national origin;
- (u) Recipient will comply with the Clean Air Act of 1955, as amended, 42 U.S.C. 7401-7642;
- (v) Recipient will comply with the Clean Water Act of 1977, as amended, 42 U.S.C. 7419-7626;
- (w) Recipient will comply with the Endangered Species Act of 1973, 16 U.S.C. 1531-1544;
- (x) Recipient will comply with the Intergovernmental Personnel Act of 1970, 42 U.S.C. 4728-4763;
- (y) Recipient will assist the awarding agency in assuring compliance with the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 270;
- (z) Recipient will comply with environmental standards, which may be prescribed pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321-4347;
- (aa) Recipient will assist the awarding agency in assuring compliance with the Preservation of Archeological and Historical Preservation Act of 1966, 16 U.S.C. 469a, et seq.;
- (bb) Recipient will comply with the Rehabilitation Act of 1973, Section 504, 29 U.S.C. 794, regarding non-discrimination;
- (cc) Recipient will comply with the environmental standards, which may be prescribed pursuant to the Safe Drinking Water Act of 1974, 42 U.S.C. 300f-300j, regarding the protection of underground water sources;
- (dd) Recipient will comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Property Acquisition Policies Act of 1970, 42 U.S.C. 4621-4638, which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs;
- (ee) Recipient will comply with the Wild and Scenic Rivers Act of 1968, 16 U.S.C. 1271-1287, related to protecting components or potential components of the national wild and scenic rivers system;
- (ff) Recipient will comply with the following Executive Orders: EO 11514 (NEPA);

EO 11738 (violating facilities); EO 11988 (Floodplain Management); EO 11990 (Wetlands); and EO 12898 (Environmental Justice);

- (gg) Recipient will comply with the Coastal Barrier Resources Act of 1977, 16 U.S.C. 3510;
- (hh) Recipient will assure project consistency with the approved State program developed under the Coastal Zone Management Act of 1972, 16 U.S.C. 1451-1464;
- (ii) Recipient will comply with the Fish and Wildlife Coordination Act of 1958; 16 U.S.C. 661-666;
- (jj) Recipient will comply with Executive Order 12549 Department and Suspension; 7 CFR 3017.50 – Participant’s Responsibilities;
- (kk) Recipient will comply with applicable administrative requirements: OMB Circular A-102 – Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments; or 2 CFR 215 – Uniform Administrative Requirements for Grants and Agreements with Institutions of High Education, Hospitals, and other Non-Profit Organization (OMB Circular A-110); and
- (ll) Recipient will comply with OMB Circular A-133 and Compliance Supplement – Audits of States, Local Governments and Non-Profit Organizations (if applicable).
- (mm) With respect to demolition activities, recipient will:
  - (1) Create and make available documentation sufficient to demonstrate that the recipient and its demolition contractor have sufficient manpower and equipment to comply with the obligations as outlined in a grant agreement.
  - (2) Return the property to its natural state as through no improvements had ever been contained thereon.
  - (3) Furnish documentation of all qualified personnel, licenses and all equipment necessary to inspect buildings located in Recipient’s jurisdiction to detect the presence of asbestos and lead in accordance with requirements of the U.S. Environmental Protection Agency, the Florida Department of Environmental Protection and the County Health Department.
  - (4) Provide documentation of the inspection results for each structure to indicate:
    - a. Safety Hazards Present

- b. Health Hazards Present
  - c. Hazardous Materials Present
- (5) Provide supervision over contractors or employees employed by Recipient to remove asbestos and lead from demolished or otherwise applicable structures.
  - (6) Leave the demolished site clean, level and free of debris.
  - (7) Notify the Department promptly of any unusual existing condition, which hampers the contractor's work.
  - (8) Obtain all required permits.
  - (9) Provide addresses and marked maps for each site where water wells and septic tanks are to be closed along with the number of wells and septic tanks located on each site. Provide documentation of closures.
  - (10) Comply with mandatory standards and policies relating to energy efficiency that are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Public Law 94-163)
  - (11) Comply with all applicable standards, orders, or requirements issued under Section 112 and 306 of the Clean Air Act (42 U.S.C. 1857 (h)), Section 508 of the Clean Water Act (33 U.S. 1368), Executive Order 11738, and the U.S. Environmental Protection Agency regulations (40 CFR Part 15 and 16). This clause shall be added to subcontracts.
  - (12) Provide documentation of public notices for demolition activities.