

WISCONSIN DIVISION OF EMERGENCY MANAGEMENT
State-Local Hazard Mitigation Grant Program Assistance Agreement
FEMA-DR-4520-WI
Interceptor Sewer System Mitigation

CAGE Code: 3UMS2
SAM.gov Unique Entity Identifier (UEI): JJ7BCGBDMBN5

This Assistance Agreement between the Wisconsin Division of Emergency Management (WEM/ the Recipient) and the City of Sheboygan (the Subrecipient) shall be effective on the date signed by WEM and the Subrecipient. It shall apply to all Hazard Mitigation Grant Program (HMGP), assistance provided by or through WEM to the Subrecipient for the grant DR-4520-WI.

The purpose of this agreement is to formally recognize the goals of the HMGP and to establish guidelines by which HMGP funds are to be used. This agreement is in addition to the requirements outlined in the Assurances for Construction and Non-Construction Projects language that was signed either on paper or electronically by the subrecipient when submitting the HMGP subapplication.

Be it resolved by the Subrecipient, that the individual named below:

(Name and Title)

has the legal authority and is hereby authorized to execute documents for and on behalf of the Subrecipient. The designated individual is to be the authorized representative for obtaining HMGP funds.

The Subrecipient hereby assures and certifies that the project will comply with the applicable State of Wisconsin and federal regulations. Also, the Subrecipient gives assurance and certifies with respect to and as a condition for the subaward the following at a minimum:

1. This Assistance Agreement in the amount of \$11,909,080.04, including \$10,089,996.85 in eligible costs and \$1,819,083.19 in ineligible costs, will serve as the contract between WEM and the Subrecipient for the purpose of mitigating damage to the City of Sheboygan's Interceptor Sewer System. Of the eligible costs, 77.3994%, or \$7,809,600.00, is the federal share funded through FEMA. 11.3003%, or \$1,140,198.42, is the state share funded through WEM. The remaining 11.3003%, or \$1,140,198.43, plus the ineligible \$1,819,083.19, is the required local program match (may not be comprised of other federal funds or match to other federal funds, i.e. EMPG or match to EMPG). This total is \$2,959,281.62. If there is a cost under-run for the project, final reimbursement for the federal and state shares of the project costs will be adjusted based on the actual costs of the project. If costs exceed the amount approved, the Subrecipient is responsible for the costs in excess of the approved subaward.

In addition to the project funds listed above, FEMA has made available 5% of the total eligible project costs, or \$504,499.84, in in Subrecipient Management Costs (SRMC). SRMC consists entirely of federal funds and cover activities associated with managing the grants.

SRMC will be reimbursed at a rate of no more than 5% of actual documented project expenditures. FEMA awards the funding in increments of up to \$25,000.00, up to the total project funding approved. The remaining \$479,499.84 will be awarded after the first \$25,000.00 is expended and paid to the Subrecipient.

2. The Subrecipient will adhere to the special conditions as identified in the approval letter for the Record of Environmental Consideration (REC), dated 5/2025 and updated 12/2025 , in completing the project.
 - The Subrecipient must follow all applicable local, state, and federal laws, regulations, and requirements for the abatement and disposal of lead, asbestos, and other routinely encountered hazardous substances. If there is an unusual material encountered or there is an extraordinary amount of lead, asbestos, or other routinely encountered material, the Subrecipient must also contact the recipient and the relevant agency with authority for regulation of the material.
 - If ground-disturbing activities occur during implementation, the Subrecipient will monitor excavation activity, and if any artifacts or human remains are found during the excavation process all work is to cease, and the Subrecipient will notify WEM, FEMA, and the State Historic Preservation Officer (SHPO).
 - If deviations from the proposed scope of work result in design changes, the need for additional ground disturbance, additional removal of vegetation, or in any other unanticipated changes to the physical environment, the Subrecipient must contact WEM immediately and a re-evaluation under NEPA and other applicable environmental laws will be conducted by FEMA.
 - Erosion control measures as defined by the WDNR must be maintained throughout the project to avoid impacting nearby waterways.
 - A local or state permit may be necessary for construction in the floodplain and must be obtained prior to any construction.
 - Each year between April 15 and August 31 and prior to commencement of work, the applicant must survey the shoreline. When surveying the shoreline, remain close to the water and traverse wet sand to avoid potential nesting birds. If individual piping plovers are detected notify FEMA and FWS at fema-r5-environmental@fema.dhs.gov and GreenBay@fws.gov. Avoid and minimize disturbance by maintaining a minimum 150-foot buffer from known nests, individuals, and aggregations. Contact Jade Arneson, MN-WI Ecological Services Field Office, each June during project construction to determine if there are known nests in the area to avoid. Jade can be contacted at GreenBay@fws.gov.
 - Avoid and minimize disturbance to beach and dune vegetation and natural wrack deposits.
 - Conduct soil disturbing work within the forested habitat of the project action area between October 11 and April 14 to avoid disturbance to potential Rusty Patched Bumble Bee colonies during the nesting

- Restore the disturbed forested habitat with woodland floral resources preferred by rusty patched bumble bee that are well suited for the site's conditions. Species may include Dutchman's breeches (*Dicentra cucullaria*), Virginia blue bells (*Mertensia virginica*), Virginia waterleaf (*Hydrophyllum virginianum*), and Wood Betony (*Pedicularis canadensis*).
 - Between June 1 and July 31 and prior to commencement of work, applicant must survey open sand dune habitat within the project action area for individual Pitcher's Thistle plants. Not all individuals will be flowering. See Pitcher's Thistle document attached to the REC. If populations are found, institute a well-marked buffer to avoid tramping by foot or machinery.
 - Take reasonable measures to avoid the spread or introduction of invasive vegetation.
 - All borrow or fill material must come from pre-existing stockpiles or commercially procured material from a pre-existing source. If this is not the case, the subrecipient shall inform FEMA of the fill source so required agency consultations can be completed and FEMA approval will be required prior to beginning ground disturbing activities.
 - Any hazardous and contaminated materials discovered, generated, or used during construction of the Proposed or Connected Actions would be disposed of and handled by the subapplicant in accordance with applicable federal, state, and local regulations.
 - Particular attention should be given to the project conditions listed in Section 5 of the PEA before and during project implementation. Failure to comply with these conditions may jeopardize federal assistance including funding.
3. Once this Assistance Agreement is signed and returned to WEM, the Subrecipient may begin the project and the authorized representative may request reimbursement of expenses as identified in the budget included in the approved subapplication. The Subrecipient will need to complete and submit to WEM a Request for Reimbursement of Expenses with appropriate documentation in order to receive subaward funds. Advancement of funds may be made in some extraordinary situations upon prior approval of the recipient.

COSTS INCURRED PRIOR TO FEMA APPROVAL OF THE SUBAWARD, UNLESS PRE-AWARD COSTS WERE INCLUDED AND APPROVED IN THE SUBAPPLICATION, ARE NOT ALLOWABLE COSTS FOR THE SUBAWARD.

4. The authorized representative will be required to submit Quarterly Status Reports to the State Hazard Mitigation Officer (SHMO) within 15 days of the end of the quarter (January 15, April 15, July 15, and October 15 each year). Said reports will include the status of the project including property acquisition and demolition data, anticipated completion date, and financial information.
5. The Subrecipient will meet the following timeline for completing this grant:

Start Date	No later than 4/14/2026
Completion Date	2/14/2028

If the Subrecipient is delayed in their completion of the grant by an event beyond their control, a request for an extension must be received in writing 90 days prior to the completion date.

6. The performance period for the HMGP grant subaward will be 08/05/2021 to 07/31/2026.
7. The final request for reimbursement and a final report covering all aspects of the grant will be due 30 days after completion of the scope of work.
 - Copies of permits and forms as identified in the approval letter for the Record of Environmental Consideration and in number 2 of this document
 - Signed Environmental Closeout Declaration
 - Other information as required
8. The HMGP funds requested for the project shall not duplicate benefits received from any other disaster assistance program.
9. The Subrecipient will use HMGP funds solely for the purpose for which they are provided.
10. The Subrecipient shall maintain good standing with the National Flood Insurance Program (NFIP) and comply with local regulations pertaining to the NFIP.
11. The Subrecipient will update their floodplain ordinance to meet the current Wisconsin Department of Natural Resources requirements.
12. The Subrecipient will comply with all other policies and guidelines established by FEMA and WEM in administering the HMGP.
13. The Subrecipient will follow 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards:
 - Transfer of funds among budget cost categories in any approved budget with a federal share in excess of the Simplified Acquisition Threshold (\$150,000 at the time this agreement was drafted) shall receive the prior approval of FEMA when such cumulative transfers among those cost categories exceed 10% of the total budget. (2 CFR Part 200.308(e))
 - Cost-sharing requirements found in 2 CFR Part 200.306.
 - Requirements for equipment and supply purchases and procurement found in 2 CFR Part 200 Sections 313, 314, and 322, respectively.
14. The Subrecipient will follow 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments.
15. Any publication resulting from work performed under this agreement shall include an acknowledgement of FEMA financial support and a statement that the publication does not constitute an endorsement of FEMA or reflects FEMA's views. The recipient and FEMA are free to copyright any original work developed under this agreement, and reserve a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use the work for government purposes.
16. The Subrecipient will not enter into cost-plus-percentage-of-cost contracts for completion of the HMGP project.

17. The Subrecipient will not enter into any contract with any party that is debarred or suspended from participating in federal assistance programs. (See <https://www.sam.gov>.)
18. Per 2 CFR Part 25, register and maintain an active System for Award Management (SAM) (<http://www.sam.gov>) registration with current information through the life of the subaward. The Subrecipient is required to review and update information in the SAM database on an annual basis from the date of initial registration or subsequent updates to ensure it is current, accurate, and complete.
19. Records shall be retained three years following the date the HMGP is closed for Wisconsin's Presidential Disaster Declaration FEMA-4520-DR-WI, in accordance with 2 CFR Part 200.333.

SIGNATURE OF SUBRECIPIENT'S AUTHORIZED REPRESENTATIVE:

Date:_____

Name (printed)

Title

Jurisdiction

SIGNATURE OF THE RECIPIENT (WISCONSIN DIVISION OF EMERGENCY MANAGEMENT):

Date:_____

Hazard Mitigation Section Supervisor