

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT  
AND RECORD OF ACTION**

**January 28, 2025**

**FROM**

**NOEL CASTILLO, Chief Flood Control Engineer, Flood Control District**

**SUBJECT**

Grant Award Agreements with the United States Department of Agriculture - Natural Resources Conservation Service for Financial Assistance to Address Flooding Risk from the Bridge Fire in the Communities of Mt. Baldy and Wrightwood

**RECOMMENDATION(S)**

Acting as the governing body of the San Bernardino County Flood Control District:

1. Approve the grant award agreement template with the United States Department of Agriculture - Natural Resources Conservation Service, including non-standard terms, for grant awards to mitigate flood risks and damages from the Bridge Fire in the unincorporated communities of Mt. Baldy and Wrightwood.
2. Authorize the Chief Flood Control Engineer to execute grant award agreements with the United States Department of Agriculture - Natural Resources Conservation Service, utilizing the template referenced in Recommendation No. 1, for contribution of up to \$99,000, with the San Bernardino County Flood Control District providing up to \$30,000 in unbudgeted, matching funds, to install emergency watershed protection measures to mitigate flood risks and damages created by the storms after the Bridge Fire, in the unincorporated community of Mt. Baldy, or additional supplemental documentation, including compliance certifications, subject to review and approval by County Counsel.
3. Authorize the Chief Flood Control Engineer to execute a grant award agreement and all associated documents with the United States Department of Agriculture - Natural Resources Conservation Service, utilizing the template referenced in Recommendation No. 1, for contribution of up to \$92,400, with the San Bernardino County Flood Control District providing up to \$28,000 in unbudgeted, matching funds, to install emergency watershed protection measures to mitigate flood risks and damages created by the storms after the Bridge Fire for residential in the unincorporated community of Wrightwood, or any other additional supplemental documentation, including compliance certifications, subject to review and approval by County Counsel.
4. Authorize the Chief Flood Control Engineer to execute a grant award agreement and all associated documents with the United States Department of Agriculture - Natural Resources Conservation Service, utilizing the template referenced in Recommendation No. 1, for contribution of up to \$80,850, with the San Bernardino County Flood Control District providing up to \$24,500 in unbudgeted, matching funds, to install emergency watershed protection measures to mitigate flood risks and damages created by the storms after the Bridge Fire for businesses in the unincorporated community of Wrightwood, or any other additional supplemental documentation, including compliance certifications, subject to review and approval by County Counsel.
5. Direct the Chief Flood Control Engineer to submit the United States Department of Agriculture - Natural Resources Conservation Service grant award agreements in

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Recommendation Nos. 2, 3, and 4 to the Board of Supervisors for ratification within 30 days of execution.

(Presenter: Noel Castillo, Chief Flood Control Engineer, 387-7906)

**COUNTY AND CHIEF FLOOD CONTROL ENGINEER GOALS & OBJECTIVES**  
**Provide for the Safety, Health and Social Service Needs of County Residents.**  
**Pursue County Goals and Objectives by Working with Other Agencies.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The San Bernardino County Flood Control District (District) is funded by property tax revenue, fee revenue, and other local, state, and federal funding. The estimated construction cost for the flood mitigation work required to address the impacts of storms after the Bridge Fire is \$330,000. The United States Department of Agriculture - Natural Resources Conservation Service (NRCS) will reimburse the District up to \$90,000 (75%) of such costs, plus \$9,000 in contract administration and construction management, for Mt. Baldy; and up to \$157,500 (75%) of such costs, plus \$15,750 in contract administration and construction management, for Wrightwood. The District will provide the remaining \$30,000 (25%) from property tax revenue in Zone 1 (1910002518 F02930) and \$52,500 (25%) from property tax revenue in Zone 4 (1940002532 F02931). Sufficient appropriation and revenue have been included in the District's 2024-25 budget.

**BACKGROUND INFORMATION**

The Bridge Fire started in September 2024 and burned more than 54,800 acres in the Angeles National Forest and through the unincorporated communities of Mt. Baldy and Wrightwood; creating a condition in which heavy runoff and debris from winter storms may result in localized flooding and significant property damage. Subsequent to the Bridge Fire, NRCS representatives met with District staff to evaluate the impact of debris flows and develop emergency watershed protection (EWP) measures in the subject areas, such as the installation of k-rails. NRCS is a federal agency authorized to financially assist the District in addressing the flooding and debris flow risk and, under the proposed agreement with the District, would fund up to 75% of the EWP measures and the District will fund the remaining 25% of costs.

NRCS' EWP program provides that the District may apply for EWP funding on an exigency (urgent need) or non-exigency (non-urgent need) basis, triggering different procedural requirements depending on which approach is selected by the District. The District has conducted a thorough assessment and analysis of the situation and has determined that the non-exigency EWP measures are appropriate and effective for this given scope of work. A grant agreement with NRCS requires the District to complete all work related to the proposed grant project within 220 calendar days (approximately seven months), from the date of full execution by both parties to avoid loss of grant funding. The bidding process may take one to two months, while the actual work may require three to four months to complete. An additional month may be needed to finalize the closing report. Therefore, to meet the 220-day deadline, the District seeks approval of NRCS non-exigency grant award agreement template (Recommendation No. 1) and Delegated Authority for the Chief Flood Control Engineer to execute the NRCS non-exigency grant award agreements, utilizing the approved grant agreement template, upon receipt from NRCS, for a grant award to mitigate flood risks and damages from the Bridge Fire in the

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unincorporated communities of Mt. Baldy and Wrightwood, subject to review by County Counsel (Recommendation Nos. 2 through 4).

County Policy 05-13 SP1 requires the approval of the Board of Supervisors for any grant award agreement, which requires additional matching funds not previously budgeted or allocated for program related activity. The proposed NRCS grant award agreement requires the District to provide matching funds, anticipated to be approximately \$82,500, which was previously unbudgeted.

The anticipated grant award agreement with NRCS is a federal template agreement that includes a non-standard term that differs from the standard District contract term:

The NRCS grant award agreement requires the District to indemnify the NRCS to the extent permitted by State law for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the District in connection with its acquisition and management of the grant funds.

- The standard District contract does not include any indemnification or defense by the District of the contractor.
- Potential Impact: By agreeing to indemnify NRCS, the District could be contractually waiving the protection of sovereign immunity. Claims that may be otherwise barred against the District, time limited, or expense limited could be brought against NRCS without such limitations, and the District would be responsible to defend and reimburse NRCS for costs, expenses, and damages, which could exceed the total amount of the agreement.

The District has reviewed the non-standard term and determined that the benefit to the District outweighs the potential risk of the non-standard term and recommends that the Chief Flood Control Engineer be authorized to execute the grant award agreements with NRCS, once received from NRCS.

The proposed grant agreements with NRCS aligns with the County and the Chief Executive Officer's goals and objectives working with the NRCS to provide for the safety, health and social service needs of County residents by providing safety measures from debris flows.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Sophie A. Curtis, Deputy County Counsel, 387-5455) on January 6, 2025; Risk Management (Gregory Ustaszewski, Staff Analyst, 386-9008) on January 15, 2025; Finance (Kathleen Gonzales Administrative Analyst 387-5412) on January 10, 2025; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on January 10, 2025.

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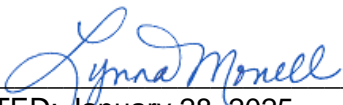
Record of Action of the Board of Supervisors  
San Bernardino County Flood Control District

**APPROVED (CONSENT CALENDAR)**

Moved: Curt Hagman Seconded: Joe Baca, Jr.

Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: January 28, 2025



cc: File - Flood Control Operations w/attach  
CCM 01/31/2025