

**WHATCOM COUNTY CONTRACT  
INFORMATION SHEET**

Whatcom County Contract No.

202208026-2

Originating Department:	Sheriff's Office								
Division/Program: <i>(i.e. Dept. Division and Program)</i>	35 Sheriff's Office / 3520 Bureau of LE & Investigations / 352096 Homeland Security								
Contract or Grant Administrator:	Doug Chadwick, Undersheriff								
Contractor's / Agency Name:	Washington State Military Department								
Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes <input type="radio"/> No <input checked="" type="radio"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: <u>WCC#202208026</u>									
Does contract require Council Approval? Yes <input checked="" type="radio"/> No <input type="radio"/> If No, include WCC: _____									
Already approved? Council Approved Date: _____ (Exclusions see: Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)									
Is this a grant agreement? Yes <input checked="" type="radio"/> No <input type="radio"/> If yes, grantor agency contract number(s): <u>E23-059</u> CFDA#: <u>97.067-21HSGP (OSPG)</u>									
Is this contract grant funded? Yes <input checked="" type="radio"/> No <input type="radio"/> If yes, Whatcom County grant contract number(s): _____									
Is this contract the result of a RFP or Bid process? Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, RFP and Bid number(s): _____ Contract Cost Center: <u>1003522004</u>									
Is this agreement excluded from E-Verify? No <input type="radio"/> Yes <input checked="" type="radio"/> If no, include Attachment D Contractor Declaration form.									
If YES, indicate exclusion(s) below: <table style="width:100%; border:none;"> <tr> <td><input type="checkbox"/> Professional services agreement for certified/licensed professional.</td> <td><input type="checkbox"/> Goods and services provided due to an emergency</td> </tr> <tr> <td><input type="checkbox"/> Contract work is for less than \$100,000.</td> <td><input type="checkbox"/> Contract for Commercial off the shelf items (COTS).</td> </tr> <tr> <td><input type="checkbox"/> Contract work is for less than 120 days.</td> <td><input type="checkbox"/> Work related subcontract less than \$25,000.</td> </tr> <tr> <td><input checked="" type="checkbox"/> Interlocal Agreement (between Governments).</td> <td><input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.</td> </tr> </table>		<input type="checkbox"/> Professional services agreement for certified/licensed professional.	<input type="checkbox"/> Goods and services provided due to an emergency	<input type="checkbox"/> Contract work is for less than \$100,000.	<input type="checkbox"/> Contract for Commercial off the shelf items (COTS).	<input type="checkbox"/> Contract work is for less than 120 days.	<input type="checkbox"/> Work related subcontract less than \$25,000.	<input checked="" type="checkbox"/> Interlocal Agreement (between Governments).	<input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.
<input type="checkbox"/> Professional services agreement for certified/licensed professional.	<input type="checkbox"/> Goods and services provided due to an emergency								
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<input type="checkbox"/> Contract work is for less than 120 days.	<input type="checkbox"/> Work related subcontract less than \$25,000.								
<input checked="" type="checkbox"/> Interlocal Agreement (between Governments).	<input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.								
Contract Amount:(sum of original contract amount and any prior amendments): \$ <u>156,292.50</u> This Amendment Amount: \$ <u>73,125.00</u> Total Amended Amount: \$ <u>229,417.50</u>	Council approval required for; all property leases, contracts or bid awards <b>exceeding \$40,000</b> , and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, <b>except when</b> : <ol style="list-style-type: none"> <li>1. Exercising an option contained in a contract previously approved by the council.</li> <li>2. Contract is for design, construction, r-o-w acquisition, prof. services, or other capital costs approved by council in a capital budget appropriation ordinance.</li> <li>3. Bid or award is for supplies.</li> <li>4. Equipment is included in Exhibit "B" of the Budget Ordinance.</li> <li>5. Contract is for manufacturer's technical support and hardware maintenance of electronic systems and/or technical support and software maintenance from the developer of proprietary software currently used by Whatcom County.</li> </ol>								
Summary of Scope:									
This amendment adds \$73,125 to the contract amount and updates the grant's personnel contact information. All other terms and conditions stay the same.									
Term of Contract: <u>9/1/2021</u>	Expiration Date: <u>7/31/24</u>								

Contract Routing:	1. Prepared by: <u>D.Duling</u>	Date: <u>11/20/23</u>
	2. Attorney signoff: <u>Approved via email BW/DD</u>	Date: <u>11/20/23</u>
	3. AS Finance reviewed: <u>Approved via email AT/DD</u>	Date: <u>11/20/23</u>
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: <u>✓</u>	Date: <u>1/10/24</u>
	6. Submitted to Exec.: <u>✓</u>	Date: <u>12/7/23</u>
	7. Council approved (if necessary): <u>AB2023-827</u>	Date: <u>1/9/24</u>
	8. Executive signed: _____	Date: <u>1/10/24</u>
	9. Original to Council: _____	Date: _____

WHATCOM COUNTY  
SHERIFF'S OFFICE

**BILL ELFO**  
SHERIFF



PUBLIC SAFETY BUILDING  
311 Grand Avenue  
Bellingham, WA 98225-4038  
(360) 778-6600

**MEMORANDUM**

**TO:** Satpal S. Sidhu, County Executive  
**FROM:** Bill Elfo, Sheriff *[Signature]*  
**DATE:** November 20, 2023  
**RE:** Washington State Military Department  
U.S. Department of Homeland Security  
FFY21 Operation Stonegarden Program (OPSG) Contract No. E23-059  
Whatcom County Contract No. 202208026  
Amendment #1 and Amendment #2

**RECEIVED**

DEC 07 2023

**WHATCOM COUNTY  
EXECUTIVE'S OFFICE**

Enclosed for your review and signature is one (1) original grant agreement amendment #1 and amendment #2 between Whatcom County Sheriff's Office and the Washington State Military Department for FFY21 Operation Stonegarden Program (OPSG), Grant Agreement Number E23-059.

**• Background and Purpose**

Whatcom County was awarded \$156,292.50 from the U.S. Department of Homeland Security (DHS), Operation Stonegarden Program (OPSG) for Fiscal Year 2021. This is an indirect federal grant from DHS passing through Washington State Military Department to Whatcom County.

Amendment #1 extends the grant end date to July 31, 2024 and amendment #2 awards an additional \$73,125.00, for a total of \$229,417.50 and updates the grant's personnel contact information. All other terms and conditions remain unchanged and are in full force and effect.

**• Funding Amount and Source**




Total funding of \$229,417.50 provided by WA St. Military Department, Grant Agreement #E23-059. Funds originate from the U.S. Department of Homeland Security, FFY21 Operation Stonegarden Program, Federal Funding Source Agreement #EMW-2021-SS-00083, CFDA#97.067-21HSGP (OPSG).

Please contact Undersheriff Doug Chadwick at extension 6618 if you have any questions regarding the terms of this agreement.

Thank you.  
enclosure

**Washington State Military Department  
AMENDMENT**

202208026-2

1. SUBRECIPIENT NAME/ADDRESS: <b>Whatcom County Sheriff's Office 311 Grand Avenue Bellingham, WA 98225-4048</b>		2. GRANT NUMBER: <b>E23-059</b>	3. AMENDMENT NUMBER: <b>2</b>
4. SUBRECIPIENT CONTACT, PHONE/EMAIL: <b>Doug Chadwick, 360-778-6618 dchadwick@co.whatcom.wa.us</b>		5. DEPARTMENT CONTACT, PHONE/EMAIL: <b>Courtney Bemus 253-512-7141 Courtney.bemus@mil.wa.gov</b>	
6. EIN: <b>91-6001383</b>	7. ASSISTANCE LISTINGS # & TITLE: <b>97.067 - 21HSGP (OPSG)</b>	8. FEDERAL AWARD ID # (FAIN): <b>EMW-2021-SS-00083</b>	
9. FUNDING AUTHORITY: <b>The Washington State Military Department (Department) and the US Department of Homeland Security (DHS)</b>			
10. DESCRIPTION/JUSTIFICATION OF AMENDMENT:  Funds are added to the award amount from the de-obligation of funds by another subrecipient through a Fragmentary Operations Order (FRAGO). The corresponding FEMA approval letter and Personnel Cap Waiver approval letter added to Attachment E supersede all prior FEMA approval letters. Additionally, funds are being realigned between budget categories to ensure the full expenditure of the award.  Changes are noted in red font, strikethrough, and grey highlight.			
11. AMENDMENT TERMS AND CONDITIONS: <ol style="list-style-type: none"> <li><b>Change</b> the Grant Agreement Amount from \$156,292.50 to \$229,417.50, an increase of \$73,125, as described on Page 2 of this Amendment.</li> <li>The Grant Agreement End Date of July 31, 2024, remains <b>unchanged</b>.</li> <li><b>Change</b> the Department Contact, Phone/Email, as described on Page 2 of this Amendment.</li> <li><b>Change</b> Attachment A, SPECIAL TERMS AND CONDITIONS, Article I-Key Personnel, as described on Page 2 of this Amendment.</li> <li><b>Change</b> the original 21HSGP Award Documents EMW-2021-SS-00083, Attachment C, as described on Page 2 of this Amendment.</li> <li><b>Change</b> the original Budget, Attachment E, as described on Page 2 of this Amendment.</li> <li></li> </ol>			
This Amendment is incorporated in and made a part of the Grant Agreement. Except as amended herein, all other terms and conditions of the Grant Agreement remain in full force and effect. Any reference in the original Grant Agreement or an Amendment to the "Grant Agreement" shall mean "Grant Agreement as amended". The Department and Sub-Recipient acknowledge and accept the terms of this Amendment as identified above, effective on the final date of execution below. By signing this Amendment, the signatories warrant they have the authority to execute this Amendment.			
IN WITNESS WHEREOF, the parties have executed this Amendment:			
FOR THE DEPARTMENT:		FOR THE SUBRECIPIENT:	
 Signature _____ Date <u>1/16/2024</u> Regan Anne Hesse, Chief Financial Officer Washington State Military Department		 Signature _____ Date <u>1/10/24</u> Satpal Singh Sidhu, County Executive, Whatcom County	
BOILERPLATE APPROVED AS TO FORM: _____/Signature on file/ David B. Merchant, Assistant Attorney General 10/11/2021		APPROVED AS TO FORM (if applicable):  Applicant's Legal Review _____ Date <u>1/20/23</u>	

**Washington State Military Department  
Amendments to Agreement E23-059**

1. **Change the Grant Agreement Amount from \$156,292.50 to \$229,417.50, an increase of \$73,125.**
  - a. Agreement Face Sheet, Box 2. ~~\$156,292.50~~ \$229,417.50
  - b. Original Budget, Attachment E, with Revision 1 Budget, Attachment E.
2. **Change Department Contact from Joshua Castillo to Courtney Bemus.**
  - a. Agreement Face Sheet Box 7. ~~Joshua Castillo, 253-316-6432, joshua.castillo@mil.wa.gov~~  
Courtney Bemus, 253-512-7141, courtney.bemus@mil.wa.gov.
3. **Change Attachment A, Article I-Key Personnel.**
  - a. Attachment A, SPECIAL TERMS AND CONDITIONS, Article 1-Key Personnel, under DEPARTMENT:
    - i. Replace Joshua Castillo with Courtney Bemus (see below).
    - ii. Replace Zoie Choate with Sierra Wardell (see below).
    - iii. Replace Courtney Bemus with Grant Miller (see below).

SUBRECIPIENT		DEPARTMENT	
Name	<b>Doug Chadwick</b>	Name	<del>Joshua Castillo</del> <b>Courtney Bemus</b>
Title	<del>Chief</del> Undersheriff	Title	<b>Program Coordinator</b>
E-Mail	<b>dchadwick@cowhatcom.wa.us</b>	E-Mail	<del>joshua.castillo@mil.wa.gov</del> <b>courtney.bemus@mil.wa.gov</b>
Phone	<b>360-778-6610</b>	Phone	<del>253-316-6432</del> <b>253-512-7141</b>
Name	<b>Dawn Pierce</b>	Name	<del>Zoie Choate</del> <b>Sierra Wardell</b>
Title	<b>Sr. Administrative Assistant</b>	Title	<del>Program Manager</del> <b>Financial Operations Section Manager</b>
E-Mail	<b>dpierce@co.whatcom.wa.us</b>	E-Mail	<del>zoie.choate@mil.wa.gov</del> <b>sierra.wardell@mil.wa.gov</b>
Phone	<b>360-778-6606</b>	Phone	<del>253-512-7464</del> <b>253-512-7121</b>
Name	<b>Donna Duling</b>	Name	<del>Courtney Bemus</del> <b>Grant Miller</b>
Title	<b>Financial Accountant</b>	Title	<b>Program Assistant</b>
E-Mail	<b>dduling@co.whatcom.wa.us</b>	E-Mail	<del>courtney.bemus@mil.wa.gov</del> <b>grant.miller@mil.wa.gov</b>
Phone	<b>360-778-6611</b>	Phone	<del>253-316-6438</del> <b>253-512-7061</b>

4. **Change the original Award Documents, Attachment C.**
  - a. Original 21HSGP Award Letter EMW-2021-SS-00083, Attachment C, with Revision 1 21HSGP Award Letter EMW-2021-SS-00083, Attachment C.
5. **Change the original Budget, Attachment E.**
  - a. Original Budget, Attachment E, with Revision 1 Budget, Attachment E.

Revision 1, 21HSGP Award Documents  
EMW-2021-SS-00083

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U.S. Department of Homeland Security  
Washington, D.C. 20472  
GRANT AMENDMENT LETTER

Washington Military Department  
Gail Cram  
Building 20  
Camp Murray, WA 98430 - 5122  
Re: Amendment #: EMW-2021-SS-00083-A09

Dear Gail Cram,

The amendment to change the award information for Fiscal Year (FY) 2021 Homeland Security Grant Program (HSGP) (Award #: EMW-2021-SS-00083-S01) has been approved on 08/30/2023. The changes to the award information are listed below.

**Terms and Conditions Change:**

The following Term and Condition has been added to your award:  
Amended Summary Description of Award: Operation Stonegarden

The following reallocation of Operation Stonegarden (OPSG) funds is based on a request from the recipient reviewed and approved by FEMA. In its request, the recipient confirmed that its requested reallocations and subaward changes comply with the terms of this grant award, including 2 C.F.R. 200.339. The amended OPSG allocations are as follows: Adams \$75,000; Clallam \$100,000; Ferry \$112,500; Island \$100,000; Jamestown S'Klallam Tribe \$80,000; Lower Elwha Tribe \$75,000; Makah Tribe \$75,000; Nooksack \$99,000; Okanogan \$100,000; Pend Oreille \$150,000; Quileute Tribe \$0; San Juan \$100,000; Spokane \$155,000; Stevens \$150,000; Swinomish Tribe \$0; Whatcom \$235,300. DHS has determined that these changes are in the interests of homeland security pursuant to 6 U.S.C. 609(e).

The award information contained in this amendment supersedes award information listed in previous award packages and amendments. If you have any questions or concerns regarding your grant funds, please call 1-866-927-5646.

SHENAUZ SUBRINA WONG  
Assistance Officer

**AGREEMENT ARTICLES**  
**Homeland Security Grant Program**

**GRANTEE:** Washington Military Department  
**ORGANIZATION EIN:** 91-6001095  
**ORGANIZATION DUNS:** 808883383  
**ORGANIZATION UEI:** D2EJRGZ2PLG8  
**ORGANIZATION TYPE:** State governments  
**ORGANIZATION CONGRESSIONAL DISTRICT CODE:** WA-09  
**ORGANIZATION PHYSICAL ADDRESS:** Building 20  
Camp Murray, WA 98430 - 5122  
**ORGANIZATION MAILING ADDRESS:** Building 20  
Camp Murray, WA -  
**PROGRAM:** Homeland Security Grant Program  
**SOLICITATION NAME:** Fiscal Year (FY) 2021 Homeland Security Grant Program (HSGP)  
**SOLICITATION YEAR:** 2021  
**SOLICITATION DESCRIPTION:** The FY 2021 HSGP provides funds to eligible entities to support state, local, tribal, and territorial efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States.  
**AMENDMENT NUMBER:** EMW-2021-SS-00083-A09

**Name of the AO who signed the amendment**

SHENAUZ

WONG

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**Article I - Summary Description of Award**

The purpose of the FY 2021 HSGP is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. The HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation. Among the five basic homeland security missions noted in the DHS Quadrennial Homeland Security Review, HSGP supports the goal to Strengthen National Preparedness and Resilience. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community. This HSGP award consists of State Homeland Security Program (SHSP) funding in the amount of \$6,428,138, Urban Area Security Initiative (UASI) funding in the amount of \$6,250,000 (Seattle Area, \$6,250,000), and Operation Stonegarden (OPSG) funding in the amount



of \$1,606,800. The following counties shall receive OPSG subawards for the following amounts: Adams \$75,000; Clallam \$100,000; Ferry \$112,500; Island \$100,000; Jamestown S'Klallam Tribe \$80,000; Lower Elwha Tribe \$75,000; Makah Tribe \$75,000; Nooksack \$99,000; Okanogan \$100,000; Pend Oreille \$150,000; Quileute Tribe \$60,300; San Juan \$100,000; Spokane \$155,000; Stevens \$150,000; Swinomish Tribe \$75,000; Whatcom \$100,000. These grant programs fund a range of activities, including planning, organization, equipment purchase, training, exercises, and management and administration across all core capabilities and mission areas.

#### **Article II - Amended Summary Description of Award for Operation Stonegarden Allocation**

The purpose of the FY 2021 HSGP is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. The HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation. Among the five basic homeland security missions noted in the DHS Quadrennial Homeland Security Review, HSGP supports the goal to Strengthen National Preparedness and Resilience. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community. This HSGP award consists of State Homeland Security Program (SHSP) funding in the amount of \$6,428,138, Urban Area Security Initiative (UASI) funding in the amount of \$6,250,000 (Seattle Area, \$6,250,000), and Operation Stonegarden (OPSG) funding in the amount of \$1,606,800. The following counties shall receive OPSG subawards for the following amounts: Adams \$75,000; Clallam \$100,000; Ferry \$112,500; Island \$100,000; Jamestown S'Klallam Tribe \$80,000; Lower Elwha Tribe \$75,000; Makah Tribe \$75,000; Nooksack \$99,000; Okanogan \$100,000; Pend Oreille \$150,000; Quileute Tribe \$0; San Juan \$100,000; Spokane \$155,000; Stevens \$150,000; Swinomish Tribe \$75,000; Whatcom \$160,300. These grant programs fund a range of activities, including planning, organization, equipment purchase, training, exercises, and management and administration across all core capabilities and mission areas.

#### **Article III - Funding Hold: SHSP National Priorities**

FEMA has placed a funding hold on the following investments under the national priority areas, and \$353,303 of SHSP funds is on hold in the FEMA financial systems. Until the hold is released, the recipient is prohibited from drawing down funds or reimbursing subrecipients, and the subrecipients are prohibited from obligating or expending SHSP funds, for the costs or activities identified below. The hold only applies to the amount of funds identified for each SHSP investment under the national priority areas below. To release this hold, additional information is required for the investments identified below which must be submitted in the December 2021 Biannual Strategy Implementation Report (BSIR)

Cybersecurity \$162,500

Kitsap, County of NP CS Project #2: Region 2 Cybersecurity Conference for Small Businesses and Non-Profits, \$32,500

King, County of NP CS Project #4: Region 6 Team Awareness Kit, \$50,000

King, County of NP CS Project #6: Region 6 Regional Cybersecurity Workshop and Training Resources, \$80,000

Emerging Threats, \$190,803

WA State Military Department NP ET Project #2: State Private Sector and Critical Infrastructure Program, \$70,803

Clark, County of NP ET Project #6: Region 4 Personal Protective Equipment, \$70,000

Clark, County of NP ET Project #12: Region 4 Target Hardening and Vulnerability Assessment, \$50,000

If you have questions about this funding hold or believe it was placed in error, please contact the DHS/FEMA Headquarters Preparedness Officer.

#### **Article IV - Operation Stonegarden Program Hold**

The recipient is prohibited from drawing down OPSG funding under this award or reimbursing OPSG subrecipients of this award until each unique, specific, or modified county level, tribal, or equivalent Operations Order or Fragmentary Order (FRAGO) has been reviewed by FEMA/GPD and Customs and Border Protection/United States Border Patrol (CBP/USBP). The recipient will receive the official notification of approval from FEMA/GPD.

#### **Article V - Operation Stonegarden Program Performance Goal**

In addition to the Biannual Strategy Implementation Report (BSIR) submission requirements outlined in the Preparedness Grants Manual, recipients must demonstrate how the grant-funded project addressed the core capability gap associated with this project and identified in the Threat and Hazard Identification and Risk Analysis (THIRA) or Stakeholder Preparedness

Review (SPR) or sustains existing capabilities as applicable. The capability gap reduction or capability sustainment must be addressed in the Project Description of the BSIR for each project

**Article VI - Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

Recipients must comply with Title VI of the *Civil Rights Act of 1964*, (42 U.S.C. section 2000d *et seq.*) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

**Article VII - Universal Identifier and System of Award Management**

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

**Article VIII - Americans with Disabilities Act of 1990**

Recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. sections 12101- 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

**Article IX - SAFECOM**

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

**Article X - Rehabilitation Act of 1973**

Recipients must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. section 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

**Article XI - National Environmental Policy Act**

Recipients must comply with the requirements of the *National Environmental Policy Act of 1969 (NEPA)*, Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. section 4321 *et seq.*) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

**Article XII - Acknowledgement of Federal Funding from DHS**

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

**Article XIII - USA PATRIOT Act of 2001**

Recipients must comply with requirements of Section 817 of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act)*, Pub. L. No. 107-56, which amends 18 U.S.C. sections 175-175c.

**Article XIV - Age Discrimination Act of 1975**

Recipients must comply with the requirements of the *Age Discrimination Act of 1975*, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, section 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

#### **Article XV - Civil Rights Act of 1964 - Title VI**

Recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* (codified as amended at 42 U.S.C. section 2000d *et seq.*), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

#### **Article XVI - Applicability of DHS Standard Terms and Conditions to Tribes**

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

#### **Article XVII - Notice of Funding Opportunity Requirements**

All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

#### **Article XVIII - Trafficking Victims Protection Act of 2000 (TVPA)**

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. section 7104. The award term is located at 2 C.F.R. section 175.15, the full text of which is incorporated here by reference.

#### **Article XIX - Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to [ASK-GMD@fema.dhs.gov](mailto:ASK-GMD@fema.dhs.gov) if you have any questions.

#### **Article XX - Non-Supplanting Requirement**

Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

#### **Article XXI - Drug-Free Workplace Regulations**

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the *Drug-Free Workplace Act of 1988* (41 U.S.C. sections 8101-8106).

#### **Article XXII - Federal Leadership on Reducing Text Messaging while Driving**

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.

#### **Article XXIII - Environmental Planning and Historic Preservation (EHP) Review**

DHS/FEMA funded activities that may require an EHP review are subject to the FEMA Environmental Planning and Historic Preservation (EHP) review process. 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.

DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National

Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA EHP screening form and instructions, go to the DHS/FEMA website at: <https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive order, regulations, and policies.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

#### **Article XXIV - DHS Specific Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS.
2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. Recipients of federal financial assistance from DHS must complete the *DHS Civil Rights Evaluation Tool* within thirty (30) days of receipt of the Notice of Award or, for State Administrative Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. After the initial submission for the first award under which this term applies, recipients are required to provide this information once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov). This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>.

The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov) prior to expiration of the 30-day deadline.

#### **Article XXV - Best Practices for Collection and Use of Personally Identifiable Information**

Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance at [http://www.dhs.gov/xlibrary/assets/privacy/privacy\\_pia\\_guidance\\_june2010.pdf](http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_guidance_june2010.pdf) and Privacy Template at [https://www.dhs.gov/sites/default/files/publications/privacy\\_pia\\_template\\_2017.pdf](https://www.dhs.gov/sites/default/files/publications/privacy_pia_template_2017.pdf) as useful resources respectively.

#### **Article XXVI - Civil Rights Act of 1968**

Recipients must comply with Title VIII of the *Civil Rights Act of 1968*, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. section 3601 *et seq.*), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units-i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)-be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

#### **Article XXVII - Debarment and Suspension**

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

**Article XXVIII - Activities Conducted Abroad**

Recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

**Article XXIX - Energy Policy and Conservation Act**

Recipients must comply with the requirements of the *Energy Policy and Conservation Act*, Pub. L. 94-163 (1975) (codified as amended at 42 U.S.C. section 6201 *et seq.*), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

**Article XXX - Procurement of Recovered Materials**

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the *Resource Conservation and Recovery Act*, 42 U.S.C. section 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

**Article XXXI - Homeland Security Grant Program Performance Goal**

In addition to the Biannual Strategy Implementation Report (BSIR) submission requirements outlined in the Preparedness Grants Manual, recipients must demonstrate how the grant-funded project addressed the core capability gap associated with this project and identified in the Threat and Hazard Identification and Risk Analysis (THIRA) or Stakeholder Preparedness Review (SPR) or sustains existing capabilities as applicable. The capability gap reduction must be addressed in the Project Description of the BSIR for each project.

**Article XXXII - Terrorist Financing**

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

**Article XXXIII - Prior Approval for Modification of Approved Budget**

Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section 200.308. FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

**Article XXXIV - Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. section 2225a, recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, (codified as amended at 15 U.S.C. section 2225.)

**Article XXXV - Duplication of Benefits**

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these

prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

#### **Article XXXVI - Fly America Act of 1974**

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. section 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974*, 49 U.S.C. section 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

#### **Article XXXVII - Reporting of Matters Related to Recipient Integrity and Performance**

If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

#### **Article XXXVIII - Lobbying Prohibitions**

Recipients must comply with 31 U.S.C. section 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

#### **Article XXXIX - False Claims Act and Program Fraud Civil Remedies**

Recipients must comply with the requirements of the *False Claims Act*, 31 U.S.C. sections 3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. sections 3801-3812, which details the administrative remedies for false claims and statements made.)

#### **Article XL - Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

#### **Article XLI - Nondiscrimination in Matters Pertaining to Faith-Based Organizations**

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

#### **Article XLII - Disposition of Equipment Acquired Under the Federal Award**

When original or replacement equipment acquired under this award by the recipient or its subrecipients is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313.

#### **Article XLIII - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX**

Recipients must comply with the requirements of Title IX of the *Education Amendments of 1972*, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. section 1681 *et seq.*), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at C.F.R. Part 17 and 44 C.F.R. Part 19.

#### **Article XLIV - Copyright**

Recipients must affix the applicable copyright notices of 17 U.S.C. sections 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

#### **Article XLV - Reporting Subawards and Executive Compensation**

Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

#### **Article XLVI - Use of DHS Seal, Logo and Flags**

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

#### **Article XLVII - Whistleblower Protection Act**

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C section 2409, 41 U.S.C. section 4712, and 10 U.S.C. section 2324, 41 U.S.C. sections 4304 and 4310.

#### **Article XLVIII - Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances - Non-Construction Programs, or OMB Standard Form 424D Assurances - Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions.

DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200, and adopted by DHS at 2 C.F.R. Part 3002

By accepting this agreement, the recipient and its executives, as defined in 2 C.F.R. section 170.315, certify that the recipient's policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

#### **Article XLIX - Patents and Intellectual Property Rights**

Recipients are subject to the *Bayh-Dole Act*, 35 U.S.C. section 200 *et seq*, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. section 401.14.

#### **Article L - Rescission of Funding Hold: SHSP National Priorities**

A funding hold was placed on the award under Agreement Article III, and \$353,303 was on hold in the FEMA financial systems. FEMA has reviewed the additional information provided and approved the expenditures for the following SHSP investments under the national priority areas:

Cybersecurity \$162,500  
Kitsap, County of NP CS Project #2: Region 2 Cybersecurity Conference for Small Businesses and Non-Profits, \$32,500  
King, County of NP CS Project #4: Region 6 Team Awareness Kit, \$50,000  
King, County of NP CS Project #6: Region 6 Regional Cybersecurity Workshop and Training Resources, \$80,000  
Emerging Threats, \$190,803  
WA State Military Department NP ET Project #2: State Private Sector and Critical Infrastructure Program, \$70,803  
Clark, County of NP ET Project #6: Region 4 Personal Protective Equipment, \$70,000  
Clark, County of NP ET Project #12: Region 4 Target Hardening and Vulnerability Assessment, \$50,000

FEMA has determined that these investments are effective. The conditions in Agreement Article III have been met for the costs or activities outlined above, so FEMA rescinds the hold and releases SHSP funds in the amount of \$353,303. The recipient may draw down or reimburse subrecipients for, and subrecipients may obligate or expend federal funds in the amounts described above to support costs or activities associated with the investments listed above.

**Article LI - Amended Summary Description of Award: Operation Stonegarden**

The following reallocation of Operation Stonegarden (OPSG) funds is based on a request from the recipient reviewed and approved by FEMA. In its request, the recipient confirmed that its requested reallocations and subaward changes comply with the terms of this grant award, including 2 C.F.R. 200.339. The amended OPSG allocations are as follows: Adams \$75,000; Clallam \$100,000; Ferry \$112,500; Island \$100,000; Jamestown S'Klallam Tribe \$80,000; Lower Elwha Tribe \$75,000; Makah Tribe \$75,000; Nooksack \$99,000; Okanogan \$100,000; Pend Oreille \$150,000; Quileute Tribe \$0; San Juan \$100,000; Spokane \$155,000; Stevens \$150,000; Swinomish Tribe \$0; Whatcom \$235,300. DHS has determined that these changes are in the interests of homeland security pursuant to 6 U.S.C. 609(e).



**Obligating Document for Amendment**

1a. AGREEMENT NO. EMW-2021-SS-00083-S01	2. AMENDMENT NO. EMW-2021-SS-00083-A09	3. RECIPIENT NO. 91-6001095	4. TYPE OF ACTION AMENDMENT	5. CONTROL NO. WX04670N2021T , WX04671N2021T , WX04674N2021T
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6. RECIPIENT NAME AND ADDRESS Washington Military Department Building 20 Camp Murray, WA 98430 - 5122	7. ISSUING FEMA OFFICE AND ADDRESS FEMA-GPD 400 C Street, SW, 3rd floor Washington, DC 20472-3645 POC: 866-927-5646	8. PAYMENT OFFICE AND ADDRESS FEMA Finance Center 430 Market Street Winchester, VA 22603
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9. NAME OF RECIPIENT PROJECT OFFICER Gail Cram	PHONE NO. 2535127472	10. NAME OF FEMA PROJECT COORDINATOR Central Scheduling and Information Desk Phone: 800-368-6498 Email: Askcsid@dhs.gov
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11. EFFECTIVE DATE OF THIS ACTION 08/30/2023	12. METHOD OF PAYMENT PARS	13. ASSISTANCE ARRANGEMENT Cost Reimbursement	14. PERFORMANCE PERIOD <b>From:</b> 09/01/2021 <b>To:</b> 08/31/2024 <b>Budget Period</b> 09/01/2021 08/31/2024
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15. DESCRIPTION OF ACTION

a. (Indicate funding data for awards or financial changes)

PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (ACCS CODE) XXXX-XXX-XXXXXX-XXXXX-XXXX-XXXX-X	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMULATIVE NON-FEDERAL COMMITMENT
Homeland Security Grant Program	97.067	2021-FA-GG01-P410-4101-D	\$6,428,138.00	\$0.00	\$6,428,138.00	See Totals
Homeland Security Grant Program	97.067	2021-FA-GH01-P410-4101-D	\$6,250,000.00	\$0.00	\$6,250,000.00	See Totals
Homeland Security Grant Program	97.067	2021-FA-GG02-P410-4101-D	\$1,606,800.00	\$0.00	\$1,606,800.00	See Totals
<b>TOTALS</b>			<b>\$14,284,938.00</b>	<b>\$0.00</b>	<b>\$14,284,938.00</b>	<b>\$0.00</b>

b. To describe changes other than funding data or financial changes, attach schedule and check here.  
N/A

16 a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)  
Homeland Security Grant Program recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.

16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN

This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.

17. RECIPIENT SIGNATORY OFFICIAL OR DESIGNEE (at the time of the Award) (Name and Title)	SIGNATURE DATE
Daugherty, Bret Major General, The Adjutant General	09/22/2021 16:48
18. FEMA SIGNATORY OFFICIAL (Name and Title)	DATE
SHENAUZ SUBRINA WONG, Assistance Officer	Wed Aug 30 18:51:18 UTC 2023

## Revision 1 BUDGET

The Budget (Attachment E) consists of the 21OPSG Operation Order Approval Letter and the Personnel Cap Waiver Approval Letter addressed to Adjutant General Daugherty on behalf of the Subrecipient.

<b>Budget Categories</b>	<b>Original Budget</b>	<b>Modification</b>	<b>Amended Budget</b>
Operational OT	\$117,020.00	\$60,608.70	\$177,628.70
Fringe Benefits	\$18,350.57	\$9,391.30	\$27,741.87
Equipment	\$7,800.00	\$0	\$7,800
Fuel	\$10,219.50	\$0	\$10,219.50
Maintenance	\$0.00	\$0	\$0
Travel	\$1,164.80	\$0	\$1,164.80
M&A (Subrecipient)	\$0.00	\$3,125.00	\$3,125.00
Indirect	\$1,737.36	\$0	\$1,737.63
<b>Total</b>	<b>\$156,292.50</b>	<b>\$73,125.00</b>	<b>\$229,417.50</b>

- Expenditures in excess of the approved Personnel Cap Waiver amount will not be reimbursed until a FRAGO and a revised waiver letter is received by FEMA.
- A current approved Indirect Cost Rate Agreement must be provided to the SAA prior to requesting reimbursement of indirect costs. If the approved Indirect Cost Rate Agreement is updated, the updated Agreement must be submitted to the SAA before costs will be reimbursed.
- OPSG funds shall not be used to supplant inherent routine patrols and law enforcement operations or activities not directly related to providing enhanced coordination between local, state, tribal, and Federal law enforcement agencies.
- All budget modifications require an approved FRAGO before any funds can be obligated. In addition to the approved FRAGO, cumulative transfers between budget categories more than 10% of the Grant Agreement amount will not be reimbursed without prior written authorization from the Department which includes a budget amendment.



**FEMA**

July 26, 2023

Bret Daugherty  
Adjutant General  
Washington Military Department  
Militia Drive, Building 1  
Camp Murray, WA 98430-5122

Based on the Department of Homeland Security, Federal Emergency Management Agency's (FEMA) Operation Stonegarden Grant Program (OPSG) guidelines and special conditions associated with this program, the below referenced Operations Order as submitted is approved:

**Operations Order No:** 22-BLWBLW-10-001 V1  
**Fiscal Year:** 2021  
**Amount Approved:** \$235,300.00  
**Operations Order Dates:** 09/01/2021 to 08/31/2024  
**Recipient:** Whatcom County, WA

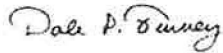
Expenditures from the Operations Order (OPORD) that were reviewed and approved by FEMA and U.S. Customs and Border Protection/Border Patrol (CBP) are outlined below. These expenses will assist the County in conducting border centric, intelligence driven operations with the goal of reduction or elimination of threat, risk and vulnerability along our Nation's borders. Please see below for all approved costs for this OPORD, and refer to the OPORD for specific items.

<b>Category</b>	<b>Amount</b>
Overtime:	\$177,628.70
Fringe:	\$27,741.87
Equipment:	\$7,800.00
Fuel:	\$10,219.50
Maintenance:	\$0
Mileage:	\$1,164.80
Travel:	\$0
County M&A:	\$3,125.00
State M&A:	\$5,882.50
Indirect Costs:	\$1,737.63
<b>Total</b>	<b>\$235,300.00</b>

Please find the below special conditions associated with OPSG and retain this letter for your grant files. If you have any questions, please feel free to contact me at (202) 802-2755.

**FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE**

Sincerely,



Dale P. Finney  
Preparedness Officer  
U.S. Department of Homeland Security  
Federal Emergency Management Agency  
Grant Programs Directorate

Cc: U.S. Customs and Border Protection/ Border Patrol

The following Special Conditions are associated with this Operation Stonegarden award:

1. Construction and construction-type activities are prohibited.
2. Lethal or less than lethal forces including, but not limited to: weapons, firearms, ammunition and tasers are prohibited.
3. Per the *Personnel Reimbursement for Intelligence Cooperation and Enhancement (PRICE) of Homeland Security Act* (Public Law 110-412), the sum of all personnel related expenses shall not exceed 50% of the recipient's allocation without first obtaining a waiver from the FEMA Administrator.
4. All participating agencies shall monitor, review and track expenditures of OPSG funds under individual Operations Orders issued. Participating agencies shall not obligate, and/or encumber OPSG grant funds beyond the total of their allocation issued by FEMA.
5. The Operations Order has been reviewed and approved under the Environmental and Historic Preservation Program (EHP) guidelines as being categorically excluded from further EHP review.
6. Recipients must submit a letter of justification for all proposed vehicles or equipment items in excess of \$100,000. This justification will be reviewed by CBP and FEMA.

**FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE**



FEMA

October 6, 2023

Bret Daugherty  
Adjutant General  
Washington Military Department  
Militia Drive, Building 20  
Camp Murray, Washington 98430-5122

Dear Adjutant General Daugherty:

The Federal Emergency Management Agency (FEMA), Grant Programs Directorate has reviewed the request submitted by the Washington Military Department to waive the 50 percent Personnel Cap imposed by Section 2008 of the *Homeland Security Act of 2002*, Public Law 107-296, as amended (6 U.S.C. § 609).

Whatcom County has requested to expend \$208,495.57, or approximately 91 percent of its total Fiscal Year 2021 Operation Stonegarden allocation of \$229,417.50, on operational overtime and related personnel costs under Operations Order # 22-BLWBLW-10-001 V1. This request is consistent with the terms and conditions of the grant award and is necessary for the continued success of border security operations. This request is approved pursuant to the waiver authority provided by 6 U.S.C § 609(b)(2)(B).

As a reminder, future personnel waiver requests must be submitted to FEMA for prior approval. Please contact your Preparedness Officer, Dale P. Finney, at [dale.finney@fema.dhs.gov](mailto:dale.finney@fema.dhs.gov) or (202) 236-9308 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacey N. Street".

Stacey N. Street  
Director  
Office of Grants Administration

Cc: Willie G. Nunn, Regional Administrator, Region X  
Kerry L. Thomas, Director, Homeland Security Programs Division  
Patrick Marcham, Grants Division Director, Region X  
Alexander R. Mrazik, Jr., Branch Chief, Homeland Security Programs Division  
Mark Silveira, Branch Chief, Homeland Security Programs Division  
Patrick M. Pugh, Section Chief, Homeland Security Programs Division  
Dale P. Finney, Preparedness Officer, Homeland Security Programs Division