



RESOLUTION No. 23-113

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING ACCEPTANCE OF THE FEMA HAZARD MITIGATION GRANT PROGRAM FUNDS FOR THE HMGP FM-5380-335-03R PONDEROSA WEST GRASS VALLEY AND SOUTH COUNTY FUELS REDUCTION PHASE 1 IN THE AMOUNT OF \$256,040 FOR USE DURING THE PERIOD JANUARY 13, 2023 THROUGH MARCH 13, 2024 AND AUTHORIZING THE DIRECTOR OF EMERGENCY SERVICES TO EXECUTE THE GRANT AGREEMENT AND ALL ADDITIONAL DOCUMENTS REQUIRED TO FULFILL THE REQUIREMENTS OF THE GRANT ON BEHALF OF THE COUNTY OF NEVADA

WHEREAS, the County of Nevada has a severe and present danger from wildfire presenting a threat to public health and safety and the Federal Emergency Management Agency (“FEMA”) released Hazard Mitigation Grant Program (HMGP) funding to reduce their losses from natural hazards; and

WHEREAS, the Ponderosa West Grass Valley Defense Zone has been a priority project identified in the current Community Wildfire Protection Plan (2016 CWPP), the Local Hazard Mitigation Plan (LHMP), and the CAL FIRE Nevada-Yuba-Place Unit (NEU) Strategic Plan; and

WHEREAS, the South County Shaded Fuel Break has been identified as priority by CAL FIRE in the NEU Strategic Plan; and

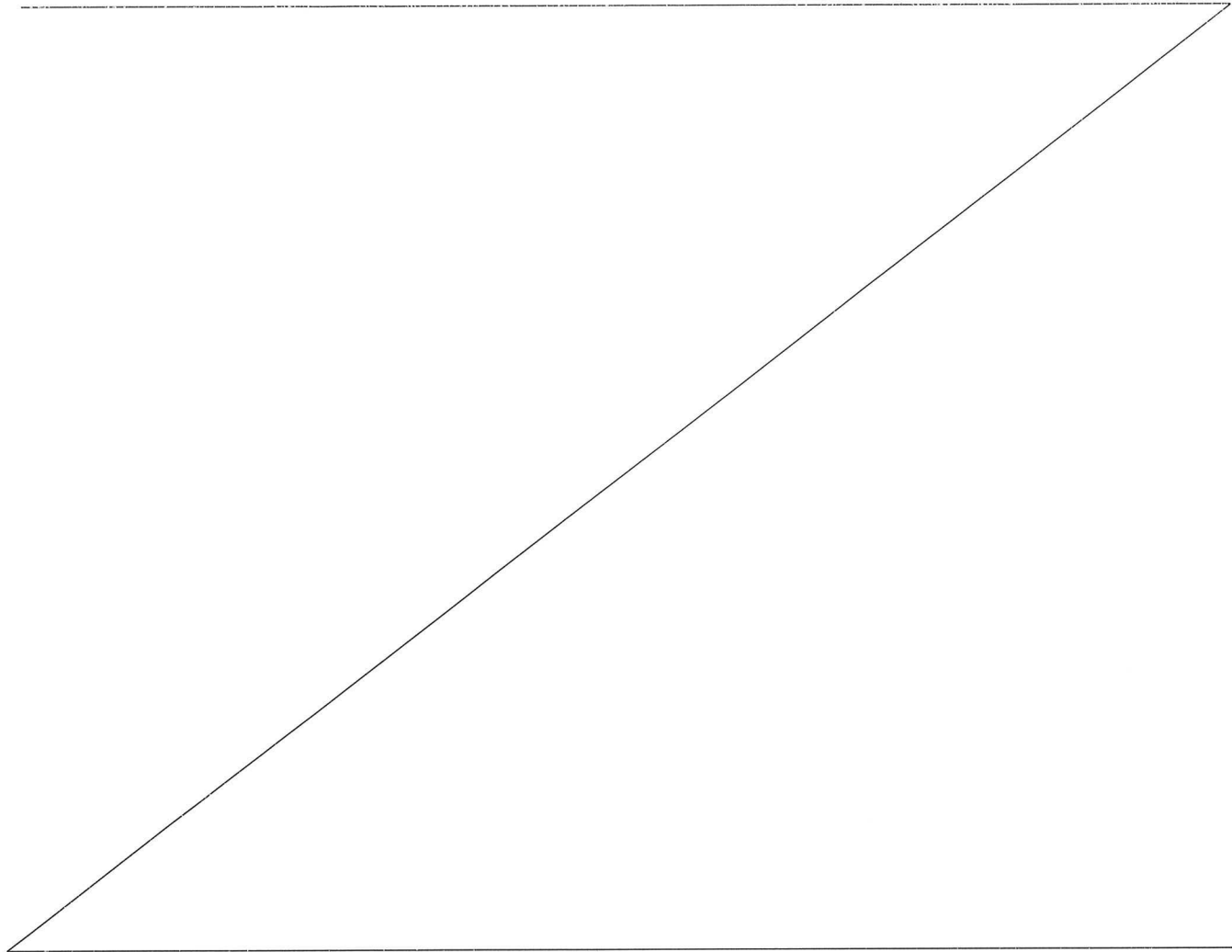
WHEREAS, the Office of Emergency Services submitted a grant proposal to the FEMA HMGP on January 27, 2020, for the Ponderosa West Grass Valley Defense Zone and the South County Shaded Fuel Break; and

WHEREAS, FEMA awarded funds for this project on January 13, 2023 through the grant HMGP FM-5380-335-03R; and

WHEREAS, FEMA grant HMGP FM-5380-335-03R includes \$240,037.50 Federal Share and Management Costs of \$16,002.50; and

WHEREAS, a 25% local match (\$80,012.50) is required for this project that shall be satisfied by General Fund allocated to the Office of Emergency Services for grant-funded project needs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Nevada, State of California, accepts FEMA Hazard Mitigation Grant Program Funds for HMGP FM-5380-335-03R Ponderosa West Grass Valley and South County Fuels Reduction, Phase 1 in the amount of \$256,040, with a 25% local match requirement, provided by FEMA for the term of January 13, 2023 through March 13, 2024, and authorizes the Director of Office of Emergency Services to execute the Grant Agreement and all additional documents required to fulfill the requirements of the grant on behalf of the County of Nevada.



PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 14th day of March, 2023, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarouth,
Susan Hoek and Hardy Bullock.
Noes: None.
Absent: None.
Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Edward C. Scofield, Chair

3/14/2023 cc: OES*
AC*



FEMA

January 13, 2023

Nancy Ward, Director
Governor's Authorized Representative
California Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, CA 95655

Reference: Application Approval, HMGP FM-5380-335-03R
Nevada County, California
Ponderosa West Grass Valley and South County Hazardous Fuels Reduction, Phase 1
FIPS Code: 057-99057, Supplement 5

Dear Nancy Ward:

We approve and issue Hazard Mitigation Grant Program (HMGP) Post-Fire funds for Nevada County, California (sub-recipient), HMGP Post-Fire FM-5380-335-03R, Ponderosa West Grass Valley and South County Hazardous Fuels Reduction, Phase 1.

The total project cost for Phase 1 is \$320,050.00. As shown in the enclosed Obligation Report - Supplement 5, we are obligating \$240,037.50 for the 75 percent Federal share; the 25 percent non-Federal share is \$80,012.50. We are obligating \$16,002.50 for the 100% Federal share Subrecipient Management Costs. These funds are available in SmartLink for immediate and eligible disbursements. The following is a summary of the approved funding:

Project Phase:	Federal Share:	Non-Federal Share:	Total Project Cost:
Phase 1, Supplement 5	\$240,037.50	\$80,012.50	\$320,050.00
Phase 1, Management Costs	\$16,002.50	\$0	\$16,002.50

This HMGP project approval and obligation of funds are subject to the following conditions:

- 1. Scope of Work (SOW)** – Phase 1 will include completing necessary environmental studies pursuant to the California Environmental Quality Act (CEQA), engaging with private landowners and gaining right-of-entry permissions, and procuring project contractors to complete hazardous fuels reduction activities, which would be completed during Phase 2 of the project. No ground disturbing activities are permitted during Phase 1 without prior FEMA approval.

The following Phase 1 activities and deliverables are expected:

Phase 1 Activity	Estimated Timeline
CEQA	9 Months
Right of Entry	5 Months

Please provide the above-referenced deliverables once completed to the assigned FEMA Hazard Mitigation Assistant (HMA) Specialist for review and inclusion within the official grant file.

2. **Phase 1 Completion Date** – The work schedule included with the project application indicates that Phase 1 will take 14 months to complete; therefore, the Phase 1 completion date is March 13, 2024. All Phase 1 project deliverables must be submitted to the assigned FEMA HMA Specialist by the Phase 1 completion date. Please inform the sub-recipient that work completed after this date is not eligible for federal funding, and that federal funds may be de-obligated for work completed outside the completion date when there is no approved time extension.
3. **Phase 2 Approval** – Please inform the sub-recipient that Phase 2 approval is contingent on programmatic review and Environmental and Historical Preservation (EHP) approval. Phase 2 activities may not commence until written approval has been received. Any Phase 2 activities completed prior to approval may be de-obligated. In addition, if Phase 2 is unapproved, federal funds may be de-obligated for previously completed Phase 1 activities.
4. **Record of Environmental Considerations (REC)** – Phase 1 of this project has been determined to be Categorical Excluded from the need to prepare either an Environmental Impact Statement or Environmental Assessment in accordance with FEMA Instruction 108-1-1 and FEMA Directive 108-1-1 as authorized by DHS Instruction Manual 023-01-001-01, Revision 1. Categorical Exclusion A4 (information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents) has been applied. Particular attention should be given to the project conditions before and during project implementation. Failure to comply with these conditions may jeopardize federal assistance, including funding.
5. **Standard Conditions** – This project approval is subject to the enclosed *Standard Mitigation Grant Program (HMGP) Conditions*, amended August 2018. Please note that federal funds may be de-obligated for work that does not comply with these conditions.

If you have any questions, please contact Stephanie Stephens, Hazard Mitigation Assistance Specialist, by email Stephanie.Stephens@fema.dhs.gov, or phone (202) 893-1604.

Sincerely,

KATHRYN J LIPIECKI

Digitally signed by KATHRYN J
LIPIECKI
Date: 2023.01.13 08:12:01 -08'00'

Kathryn Lipiecki
Director, Mitigation Division
FEMA Region 9

Nancy Ward
January 13, 2023
Page 3 of 3

Enclosures (3):

Obligation Report - Supplement 5
Record of Environmental Considerations
(REC) Standard Mitigation Grant (HMGP)
Conditions

cc: Jacy Hyde, Ph.D., Acting State Hazard Mitigation Officer, California Governor's Office of
Emergency Services
Robert McCord, Chief, Hazard Mitigation Assistance Branch, FEMA Region 9

HAZARD MITIGATION GRANT PROGRAM

Obligation

Disaster No	FEMA Project No	Amendment No	State Application ID	Action No	Supplemental No	State	Recipient
5380	3-R	0	335	1	5	CA	Statewide

Subrecipient: Nevada (County)

Project Title : Ponderosa West Grass Valley and South County Hazard Fuel Reduction and Defensib

Subrecipient FIPS Code: 057-99057

Total Amount Previously Allocated	Total Amount Previously Obligated	Total Amount Pending Obligation	Total Amount Available for New Obligation
\$240,037.50	\$240,037.50	\$0.00	\$0.00

Project Amount	Subrecipient Management Cost Amount	Total Obligation	IFMIS Date	IFMIS Status	FY
\$240,037.50	\$16,002.50	\$256,040.00	12/12/2022	Accept	2023

Comments

Date: 12/12/2022 User Id: RHIRST

Comment: Obligate funds for approved FM-5380-335-03R Phase 1 Nevada County - Ponderosa West Grass Valley and South County Hazard Fuel Reduction and Defensible Space for \$240,037.50 federal share with SRMC of \$16,002.50 for a total of \$256,040

Authorization

Preparer Name: REILLY HIRST

Preparation Date: 12/12/2022

HMO Authorization Name: STEVEN SCOTT

HMO Authorization Date: 12/12/2022

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-5380-0003-CA (5380-335-03) (1)

Title: Ponderosa West Grass Valley and South County Hazard Fuel Reduction and Defensible Space (Phase 1)

NEPA DETERMINATION

Non Compliant Flag: No	EA Draft Date:	EA Final Date:
EA Public Notice Date:	EA Fonsi	Level: CATEX
EIS Notice of Intent	EIS ROD Date:	

Comment The County of Nevada, in coordination with Cal Fire and the Fire Safe Council of Nevada, proposes to conduct fuels reduction activities across 1,540 acres of private lands within the wildland-urban interface in the western portion of the county. These activities would span two locations. The first location is centered east of the Condon Park community to the north and south of State Route 20 west of State Route 49 (39.205670, -121.107498) adjacent to areas treated as part of another recent County of Nevada hazardous fuels reduction project. Project activities at this location will involve thinning 1,201 acres of overgrown forested lands. The second location is centered to the south in the community of Alta Sierra east of State Route 49 and west of Dog Bar Road (39.149709, -121.036629). Project activities at this location will include thinning hazardous fuels within a 150-foot-wide corridor along 12 miles of roadway, spanning a total of 339 acres. Hazardous fuels in both locations would be thinned to maximize tree spacing so the crowns no longer touch. Lower branches would be pruned, and shrubs and dead or downed material would be removed to reduce surface and ladder fuels. This would be accomplished using hand tools and mechanical equipment. Phase 1 of the project would involve completing necessary environmental studies pursuant to the California Environmental Quality Act, engaging with private landowners and gaining right-of-entry permissions, and procuring project contractors to complete hazardous fuels reduction activities, which would be completed during Phase 2 of the project. This review covers Phase 1 actions only. Phase 2 actions will require a separate review. No ground disturbing activities are permitted during Phase 1 without prior notice to FEMA.

Phase 1 of this project has been determined to be Categorically Excluded from the need to prepare either an Environmental Impact Statement or Environmental Assessment in accordance with FEMA Instruction 108-1-1 and FEMA Directive 108-1-1 as authorized by DHS Instruction Manual 023-01-001-01, Revision 1. Categorical Exclusion A4 (information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents) has been applied. Particular attention should be given to the project conditions before and during project implementation. Failure to comply with these conditions may jeopardize federal assistance, including funding. - lholm2 - 12/02/2022 01:32:20 GMT

CATEX CATEGORIES

Catex Category Code	Description	Selected
a4	(a4) Information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents. If any of these activities result in proposals for further action, those proposals must be covered by an appropriate CATEX. Examples include but are not limited to: (a) Document mailings, publication and distribution, training and information programs, historical and cultural demonstrations, and public affairs actions. (b) Studies, reports, proposals, analyses, literature reviews; computer modeling; and non-intrusive intelligence gathering activities.	Yes

EXTRAORDINARY

Extraordinary Circumstance Code	Description	Selected ?
	No Extraordinary Circumstances were selected	

ENVIRONMENTAL LAW / EXECUTIVE ORDER

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-5380-0003-CA (5380-335-03) (1)

Title: Ponderosa West Grass Valley and South County Hazard Fuel Reduction and Defensible Space (Phase 1)

Environmental Law/ Executive Order	Status	Description	Comment
Clean Air Act (CAA)	Completed	Project will not result in permanent air emissions - Review concluded	
Coastal Barrier Resources Act (CBRA)	Completed	Project is not on or connected to CBRA Unit or otherwise protected area - Review concluded	
Clean Water Act (CWA)	Completed	Project would not affect any water of the U.S. - Review concluded	
Coastal Zone Management Act (CZMA)	Completed	Project is not located in a coastal zone area and does not affect a coastal zone area - Review concluded	
Executive Order 11988 - Floodplains	Completed	No effect on floodplain/flood levels and project outside floodplain - Review concluded	
Executive Order 11990 - Wetlands	Completed	No effects on wetlands and project outside wetlands - Review concluded	
Executive Order 12898 - Environmental Justice for Low Income and Minority Populations	Completed	Low income or minority population in or near project area	FEMA has determined that project Phase 1 activities have limited or no potential to affect minority or low-income populations and FEMA has no further responsibilities with regards to EO 12898. - lholm2 - 12/02/2022 01:29:26 GMT
	Completed	No disproportionately high and adverse impact on low income or minority population - Review concluded	
Endangered Species Act (ESA)	Completed	Listed species and/or designated critical habitat present in areas affected directly or indirectly by the federal action	The proposed action to conduct non-ground disturbing environmental studies would result in no impacts to endangered species. The proposed scope of work for Phase 1 of this project will not destroy or adversely modify suitable habitat and will not affect any listed or proposed species. It is therefore determined that the proposed action would have "No Effect" on listed species, and consultation with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) under Section 7 of the Endangered Species Act is not required. - lholm2 - 12/02/2022 01:09:23 GMT
	Completed	No effect to species or designated critical habitat (See comments for justification) - Review concluded	
Farmland Protection Policy Act (FPPA)	Completed	Project does not affect designated prime or unique farmland - Review concluded	

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-5380-0003-CA (5380-335-03) (1)

Title: Ponderosa West Grass Valley and South County Hazard Fuel Reduction and Defensible Space (Phase 1)

Environmental Law/ Executive Order	Status	Description	Comment
Fish and Wildlife Coordination Act (FWCA)	Completed	Project does not affect, control, or modify a waterway/body of water - Review concluded	
Migratory Bird Treaty Act (MBTA)	Completed	Project located within a flyway zone	The project is in the Flyway, however, there is no potential for take of migratory birds during environmental studies and administrative actions associated with Phase 1 of the project. - lholm2 - 12/02/2022 01:12:57 GMT
	Completed	Project does not have potential to take migratory birds - Review concluded	
Magnuson-Stevens Fishery Conservation and Management Act (MSA)	Completed	Project not located in or near Essential Fish Habitat - Review concluded	
National Historic Preservation Act (NHPA)	Completed	Not type of activity with potential to affect historic properties - Review concluded	The Undertaking complies with Stipulation I.A.7.F (assistance provided for planning, studies, design, and engineering costs) of the Programmatic Agreement among the Federal Emergency Management Agency (FEMA), State Historic Preservation Office (SHPO), and California Office of Emergency Services (Cal OES), signed October 30, 2019. Thus, the Undertaking does not require SHPO review, and FEMA has no further Section 106 responsibilities in accordance with 36 CFR 800.3(a)(1). - lholm2 - 12/02/2022 01:08:35 GMT
Wild and Scenic Rivers Act (WSR)	Completed	Project is not along and does not affect Wild and Scenic River - Review concluded	

CONDITIONS

Standard Conditions:

Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

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. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

Standard Mitigation Grant Program (HMGP) Conditions

FEMA Region IX, August, 2018

The following list applies to Recipients and Subrecipients accepting HMGP funds from the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security (DHS):

1. **Applicable Federal, State, and Local Laws and Regulations.** The Recipient/Subrecipient must comply with all applicable Federal, State, and Local laws and regulations, regardless of whether they are on this list or other project documents. DHS financial assistance Recipients and Subrecipients are required to follow the provisions of the State HMGP Administrative Plan, applicable Hazard Mitigation Assistance Uniform Guidance, and Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located in Title 2 of the Code of Federal Regulations (CFR) Part 200, adopted by DHS in 2 CFR 3002.
2. **Financial Management Systems.** The Recipient and Subrecipient must maintain financial management systems to account for and track funds, as referenced in 2 CFR 200.302.
3. **Match or Cost Share.** Non-federal match or cost share must comply with 2 CFR 200.306, the scope of work (SOW), and any agreements among the Subrecipient, the Recipient, and FEMA.
4. **Budget Changes.** Unanticipated adjustments are permitted within the approved total cost. However, if costs exceed the federal share, the Subrecipient must notify the Governor's Authorized Representative (GAR) of overruns before implementation. The GAR shall submit a written request for approval to FEMA Region IX. The subaward must continue to meet HMGP requirements, including cost effectiveness and cost share. Refer to 2 CFR 200.308 for additional information.
5. **Real Property and Land.** The acquisition, use, and disposition must comply with 2 CFR 200.311.
6. **Equipment.** The acquisition, use, and disposition must comply with 2 CFR 200.313.
7. **Supplies.** Upon project completion, FEMA must be compensated for unused supplies, exceeding \$5,000 (fair market value), and not needed for other federal programs. Refer to 2 CFR 200.314.
8. **Procurement.** Procurement procedures must be in conformance with 2 CFR 200.318-320.
9. **Monitoring and Reporting Program Performance.** The Recipient and Subrecipient must submit quarterly progress reports, as referenced in the 2 CFR 200.328 and State HMGP Administrative Plan.
10. **Records Retention.** In accordance with 2 CFR 200.333, financial/ programmatic records related to expenditures must be maintained at least 3 years after the date of Recipient's final expenditure report.
11. **Enforcement and Termination.** If the Recipient or Subrecipient fails to comply with the award or subaward terms, whether stated in a Federal statute or regulation, the State HMGP Administrative Plan, subapplication, a notice of award, an assurance, or elsewhere, FEMA may take one or more of the actions outlined in 2 CFR 200.338, including termination or partial termination of the award or subaward outlined in 2 CFR 200.339.
12. **Allowable Costs.** Funds are to be used for allowable costs in compliance with 2 CFR 200.403, the approved SOW, and any agreements among the Subrecipient, Recipient, and FEMA.

13. **Non-Federal Audit.** The Recipient and Subrecipient are responsible for obtaining audits in accordance with the Single Audit Act of 1984, in compliance with 2 CFR 200.501.
14. **Debarred and Suspended Parties.** Recipients and Subrecipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, and 2 CFR 180. These regulations restrict federal financial assistance awards, subawards, and contracts with parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in the federal assistance programs or activities.
15. **Equipment Rates.** Rates claimed for use of Subrecipient-owned equipment in excess of the FEMA-approved rates must be approved under State guidelines issued by the State Comptroller's Office or must be certified by the Recipient to include only those costs attributable to equipment usage less any fixed overhead and/or profit.
16. **Duplication of Funding between Public Assistance (PA) and HMGP.** Funding for PA Section 406 and HMGP Section 404 are permitted on the same facility/location, but the activities identified under each program must be distinct with separately accounted funds. At closeout, FEMA may adjust the funding to ensure the Subrecipient was reimbursed for eligible work from only one funding source.
17. **Historic Properties and Cultural Resources.** In compliance with 2 CFR 800, if a potential historic property or cultural resource is discovered during construction, the Subrecipient must cease work in the area and take all reasonable measures to avoid or minimize harm to the discovered property/resource. During construction, the Subrecipient will monitor ground disturbance activity, and if any potential archeological resources are discovered, will immediately cease work in that area, and notify the Recipient and FEMA. Construction in the area may resume with FEMA's written approval after FEMA's consultation, if applicable, with the State Historic Preservation Officer (SHPO).
18. **NEPA and Changes to the Scope of Work (SOW).** To comply with the National Environmental Policy Act (NEPA), and other Laws and Executive Orders, any change to the approved SOW shall be re-evaluated before implementation. Construction associated with a SOW change, prior to FEMA approval, may be ineligible for funding. Acceptance of federal funding requires environmental permits and clearances in compliance with all appropriate federal, state and local laws, and failure to comply may jeopardize funding.

Within their authority, the Recipient and Subrecipient must use of all practicable means, consistent with other essential policies, to create and maintain productive harmony for people and nature, and fulfill the social, economic, and other needs of present and future generations of Americans.