



RESOLUTION No. 25-105

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING ACCEPTANCE OF THE FEMA HAZARD MITIGATION GRANT PROGRAM FUNDS FOR THE HMGP DR-4683-1084-57 LOWER DEER CREEK – PENN VALLEY HAZARDOUS FUELS REDUCTION PROJECT IN THE AMOUNT OF \$653,222.25 (FEDERAL SHARE), \$217,740.75 (NON-FEDERAL SHARE), AND \$43,548.15 (MANAGEMENT COSTS) WITH FIREWISE COMMUNITY IN-KIND VOLUNTEER WORK TO SERVE AS THE REQUIRED MATCH FOR USE DURING THE PERIOD OF FEBRUARY 6, 2025, TO AUGUST 6, 2026, 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, AND DIRECTING THE AUDITOR CONTROLLER TO AMEND THE FISCAL YEAR 2024/25 OFFICE OF EMERGENCY SERVICES BUDGET (4/5 AFFIRMATIVE VOTE REQUIRED)

WHEREAS, the Office of Emergency Services is responsible for mitigating wildfire hazards in the County; and

WHEREAS, the County of Nevada has a severe and present danger of wildfire presenting a threat to public health and safety; and

WHEREAS, the Lower Deer Creek – Penn Valley Hazardous Fuels Reduction Project is strategically located to reduce the risk of wildfire in heavily populated, socially vulnerable, and high hazard risk communities; and

WHEREAS, the Office of Emergency Services submitted the Lower Deer Creek – Penn Valley Hazardous Fuels Reduction Project grant proposal to the FEMA Hazard Mitigation Grant Program (HMGP) on May 15, 2024; and

WHEREAS, FEMA awarded funds for this project on February 6, 2025, through the grant HMGP DR-4683-1084-57 Phase 1; and

WHEREAS, FEMA HMGP DR-4683-1084-57 Phase 1 includes \$653,222.25 Federal Share, \$217,740.75 Non-Federal Share, and Phase 1 Management Costs of \$43,548.15, for a total project value of \$914,511.15 with the FEMA grant totaling \$696,770.40; and

WHEREAS, the Office of Emergency Services received a commitment from Firewise Communities to provide in-kind volunteer work to serve as the local match (Non-Federal Share).

NOW, THEREFORE, BE IT RESOLVED by a four-fifths affirmative vote, that the Board of Supervisors of Nevada County, California accepts the FEMA Hazard Mitigation Grant Program funds for the HMGP DR-4683-1084-57 Lower Deer Creek – Penn Valley Hazardous Fuels Reduction Project in the amount of \$653,222.35 (Federal Share), \$217,740.75 (Non-Federal Share), and Phase 1 Management Costs of \$43,548.15 with Firewise Community in-kind volunteer work to satisfy the match requirement, authorizes the Director of Emergency Services to execute all additional documents required to fulfill the requirements of the grant on behalf of the County of Nevada, and directs the Auditor Controller to amend the fiscal year 2024/25 Office of Emergency Services budget as follows:

Increase:

0101-20702-414-1000 / 446700	\$653,222.35
0101-20702-414-1000 / 521520	\$653,222.35

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 25th day of March 2025, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Robb Tucker, Lisa Swarthout, Susan Hoek, and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

Recuse: None.

ATTEST:

TINE MATHIASSEN
Chief Deputy Clerk of the Board of Supervisors

By: 


Heidi Hall, Chair



FEMA

February 6, 2025

Robyn Fennig
Assistant Director Hazard Mitigation
Governor's Authorized Representative
California Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, CA 95655

Reference: Application Approval, HMGP DR 4683-1084-57
Nevada County
PCM: Lower Deer Creek - Penn Valley Hazardous Fuels Reduction Project
FIPS Code: 057-99057, Supplement 68

Dear Robyn Fennig:

We approve and issue Hazard Mitigation Grant Program (HMGP) funds for the Nevada County, DR 4683-1084-57, PCM: Lower Deer Creek - Penn Valley Hazardous Fuels Reduction Project -Phase 1.

The total project cost for phase one is \$870,963.00. As shown in the enclosed January 14, 2025, Obligation Report - Supplement 68, we are obligating \$653,222.25 for the 75 percent Federal share; the 25 percent non-Federal share is \$217,740.75. We are obligating \$43,548.15 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 68	\$653,222.25	\$217,740.75	\$870,963.00
Phase 1, Management Costs	\$43,548.15	\$0.00	\$43,548.15

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

- 1. Scope of Work (SOW)** – Nevada County proposes to implement a fuels reduction project to reduce hazardous fuels along Lower Deer Creek and in Penn Valley in Nevada County, California. Phase 1 would be limited to permitting activities, biological surveys, desktop reviews, preparation of studies and technical reports, and developing a prescription plan for Phase 2.

The following Phase 1 activities and deliverables are expected:

Phase 1 Activity	Estimated Timeline
Project Management	17 Months
Outreach and Engagement	16 Months
Project Design	16 Months
Environmental Permitting	15 Months
Phase 1 Finalization and Submission	1 Month
Total	18 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 18 months to complete; therefore, the Phase 1 completion date is August 6, 2026. 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 Exclusions A4 (information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents) and A7 (the commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature) have 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. Please reference the enclosed REC for further information.
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.

Robyn Fennig
February 6, 2025
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If you have any questions please contact Andrea Harvey, Sr. Grants Management Specialist, by email at andrea.harvey@fema.dhs.gov, or phone at (202) 430-4878.

Sincerely,

Kathryn Lipiecki
Director, Mitigation Division
FEMA Region 9

Enclosures (3):

Obligation Report - Supplement 68
Record of Environmental Considerations (REC)
Standard Mitigation Grant (HMGP) Conditions

CC: Melissa Boudrye: Resilience Branch Chief, California Governor's Office of Emergency Services
Concepcion Chavez: Technical Assistance Division Chief, California Governor's Office of Emergency Services
Ron Miller: Hazard Mitigation Assistance Branch Chief, California Governor's Office of Emergency Services
Joe Purvis: HM Grants Division Chief, California Governor's Office of Emergency Services
Ryan Massello: HM Quality Assurance Division Chief, California Governor's Office of Emergency Services
Robert McCord, Chief, Hazard Mitigation Assistance Branch, FEMA Region 9

1/14/2025

FEDERAL EMERGENCY MANAGEMENT AGENCY

HMGP-OB-01

2:42 PM

HAZARD MITIGATION GRANT PROGRAM

Obligation

Disaster No	FEMA Project No	Amendment No	State Application ID	Action No	Supplemental No	State	Recipient
4683	57 -R	0	1084	1	68	CA	Statewide

Subrecipient: Nevada (County)

Project Title : PCM: Lower Deer Creek - Penn Valley Hazardous Fuels Reduction Project

Subrecipient FIPS Code: 057-99057

Total Amount Previously Allocated	Total Amount Previously Obligated	Total Amount Pending Obligation	Total Amount Available for New Obligation
\$653,222.25	\$653,222.25	\$0.00	\$0.00

Project Amount	Subrecipient Management Cost Amount	Total Obligation	IFMIS Date	IFMIS Status	FY
\$653,222.25	\$43,548.15	\$696,770.40	01/14/2025	Accept	2025

Comments

Date: 01/14/2025 User Id: SSCOTT39

Comment: Approved funding for DR-4683-1084-57 PCM: Lower Deer Creek - Penn Valley Hazardous Fuels Reduction Project - Federal Share: \$653,222.25 Sub Recipient Management Costs: \$43,548.15

Authorization

Preparer Name: STEVEN SCOTT

Preparation Date: 01/14/2025

HMO Authorization Name: ANDREA HARVEY

HMO Authorization Date: 01/14/2025

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: HMGP-4683-0057-CA (4683-01084-0057) (1)

Title: PCM: Lower Deer Creek - Penn Valley Hazardous Fuels Reduction Project

NEPA DETERMINATION

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

Comments: Nevada County proposes to implement a fuels reduction project to reduce hazardous fuels along Lower Deer Creek and in Penn Valley in Nevada County, California. The total project area would span 1,011 acres and would reduce the risk of future wildfires for five rural communities (Nevada City, Rough and Ready, Lake Wildwood, Penn Valley, and Grass Valley). The project would involve abatement of hazards threatening communities and infrastructure, improvement of ingress and egress, and protection of the Deer Creek Watershed. The project would be conducted in two phases. Phase 1 would be limited to permitting activities, biological surveys, desktop reviews, preparation of studies and technical reports, and developing a prescription plan for Phase 2, which would include fuels reduction activities. This review is for Phase 1 actions only. No ground disturbing activities are proposed under Phase 1 of the project, and none are permitted without prior notice to FEMA. Phase 2 of this project will require a separate review by FEMA prior to project implementation. 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 Exclusions A4 (information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents) and A7 (the commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature) have 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. - shosse1 - 01/10/2025 19:23:15 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
a7	(a7) The commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature. If any of these commitments result in proposals for further action, those proposals must be covered by an appropriate CATEX. Examples include, but are not limited to: (a) Activities designed to support the improvement or upgrade management of natural resources, such as surveys for threatened and endangered species, wildlife and wildlife habitat, historic properties, and archeological sites; wetland delineations; timber stand examination; minimal water, air, waste, material and soil sampling; audits, photography, and interpretation. (b) Minimally-intrusive geological, geophysical, and geo-technical activities, including mapping and engineering surveys. (c) Conducting Facility Audits, Environmental Site Assessments and Environmental Baseline Surveys, and (d) Vulnerability, risk, and structural integrity assessments of infrastructure.	Yes

EXTRAORDINARY CIRCUMSTANCES

Extraordinary Circumstance Code	Description	Selected ?
	No Extraordinary Circumstances were selected	

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: HMGP-4683-0057-CA (4683-01084-0057) (1)

Title: PCM: Lower Deer Creek - Penn Valley Hazardous Fuels Reduction Project

ENVIRONMENTAL LAW / EXECUTIVE ORDER

Environmental Law/ Executive Order	Status	Description	Comments
Clean Air Act (CAA)	Completed	Project will not result in permanent air emissions - Review concluded	The scope of work associated with this project would not cause emissions of criteria pollutants or their precursors. Therefore, the scope of work associated with this undertaking is exempt from a conformity determination under the General Conformity Rule. - shosse1 - 01/10/2025 19:28:12 GMT
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	The scope of work associated with this project would not cause emissions of criteria pollutants or their precursors. Therefore, the scope of work associated with this undertaking is exempt from a conformity determination under the General Conformity Rule. - shosse1 - 01/10/2025 19:26:50 GMT
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	This Phase 1 project is limited to conducting surveys and studies, which do not involve potential impacts to the floodplain. See attached map. - shosse1 - 01/10/2025 19:31:25 GMT
Executive Order 11990 - Wetlands	Completed	No effects on wetlands and project outside wetlands - Review concluded	This Phase 1 project is limited to conducting surveys and studies, which do not involve potential impacts to wetlands. See attached map. - shosse1 - 01/10/2025 19:32:26 GMT
Executive Order 12898 - Environmental Justice for Low Income and Minority Populations	Completed	Low income or minority population in or near project area	This project has been determined to have limited or no potential to adversely affect minority or low-income populations according to Exemptions VI.g. (hazard mitigation planning) and VI.h. (planning-related activities) in Step 1 of the EO 12898 Interim Guidance, dated September 2023. FEMA has no further EO 12898 responsibilities with regard to these activities. - shosse1 - 01/10/2025 19:33:24 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	A No Effect Memorandum has been prepared as it has been determined that the proposed actions would result in No Effect to federally listed species or designated critical habitat. Consultation with the US Fish and Wildlife Service and/or the National Marine Fisheries Service is not required. See attached No Effect Memorandum. - shosse1 - 01/10/2025 19:25:23 GMT

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: HMGP-4683-0057-CA (4683-01084-0057) (1)

Title: PCM: Lower Deer Creek - Penn Valley Hazardous Fuels Reduction Project

Environmental Law/ Executive Order	Status	Description	Comments
	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	
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	
	Completed	Project does not have potential to take migratory birds - Review concluded	
Magnuson-Stevens Fishery Conservation and Management Act (MSA)	Completed	Project located in or near Essential Fish Habitat	Determination based on November 25, 202, review of the NOAA Essential Fish Habitat Mapper site at: https://www.habitat.noaa.gov/apps/efhmapper/ , the project is located in or near EFH but will not adversely affect EFH because the proposed project is limited to conducting surveys and studies that do not involve physical activities with the potential to impact EFH. See attached No Effect Memorandum. - shossei1 - 01/10/2025 19:29:31 GMT
	Completed	Project does not adversely affect Essential Fish Habitat - Review concluded	
National Historic Preservation Act (NHPA)	Completed	Not type of activity with potential to affect historic properties - Review concluded	Pursuant to Stipulation I.A.7.f, for data gathering and planning costs, of the Programmatic Agreement among the Federal Emergency Management Agency (FEMA), the California State Historic Preservation Officer (SHPO), and the California Governor's Office of Emergency Services), signed October 29, 2019, FEMA has determined that the undertaking as described will have no potential to affect historic properties. 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). - shossei1 - 01/10/2025 19:25:05
Wild and Scenic Rivers Act (WSR)	Completed	Project is not along and does not affect Wild and Scenic River - Review concluded	

CONDITIONS

Standard Conditions:

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: HMGP-4683-0057-CA (4683-01084-0057) (1)

Title: PCM: Lower Deer Creek - Penn Valley Hazardous Fuels Reduction Project

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, subpplication, 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.