



# RESOLUTION No. 21-426

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

**RESOLUTION APPROVING ACCEPTANCE OF THE DEPARTMENT OF HOMELAND SECURITY'S FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) HAZARD MITIGATION GRANT PROGRAM (HMGP) FUNDING FOR THE NEVADA COUNTY HMGP DR-4353-023-033R, "NEVADA COUNTY ABATEMENT PROGRAM, PHASE I" FOR THE TERM OF SEPTEMBER 28, 2021 THROUGH SEPTEMBER 13, 2022 IN THE MAXIMUM AMOUNT OF \$ 516,273.75 FOR THE 75% FEDERAL SHARE WITH A 25% NON-FEDERAL, LOCAL SHARE OF \$ 172,091.25**

WHEREAS, HMGP is authorized by Section 404 of the Stafford Act, 42 U.S.C. 5170c. The key purpose of HMGP is to ensure that the opportunity to take critical mitigation measures to reduce the risk of loss of life and property from future disasters; and

WHEREAS, HMGP funding is available, when authorized under a Presidential major disaster declaration, in the areas of the State requested by the Governor; and

WHEREAS, the Governor of the State of California issued an emergency declaration on December 20, 2017 due to wildfires beginning on December 4, 2017 and continuing. The Governor requested a declaration for Individual Assistance and Public Assistance, including direct Federal assistance for four counties and Hazard Mitigation statewide; and

WHEREAS, On January 2, 2018, President Trump declared that a major disaster exists in the State of California. This declaration made Public Assistance, including direct Federal assistance requested by the Governor available to state and eligible local governments and certain private nonprofit organizations on a cost-sharing basis for emergency work and the repair or replacement of facilities damaged by the wildfires in Santa Barbara and Ventura Counties. This declaration also made Hazard Mitigation Grant Program assistance requested by the Governor available for hazard mitigation measures statewide; and

WHEREAS, in June of 2018 the County of Nevada applied for HMGP funding and FEMA approved and issued HMGP funds for HMGP DR-4353-023-033R, "Nevada County Abatement Program, Phase I" on July 13, 2021; and

WHEREAS, on June 26, 2018, the County of Nevada Board of Supervisors authorized the Director of Emergency Services to execute the application in Resolution No. 18-317; and

WHEREAS, grant funds will help mitigate the threat of wildfire by providing residents of Nevada County with defensible space assistance to reduce hazardous vegetation around their residences. Phase I will consist of defensible space treatment on 78 properties that have expressed interest and have been pre-inspected for eligibility, along with pre-inspections of an additional 400+ homes that would be eligible for treatment in Phase II, along with community awareness training. The treatment prescription is for the management of vegetation within 100 feet, and up to 300 ft, of structures depending on home siting, vegetation type, and overall fuel loading. In addition, treatment will include 10 feet along the road/driveway shoulder with a 15-foot vertical clearance for emergency equipment response, as funding allows; and

WHEREAS, The Designation of Subrecipient's Agent Resolution for Hazard Mitigation Grant Program and Pre-Disaster Mitigation Program which shall remain in effect for all open and future Disasters/Grants up to three (3) years following the approval date is brought concurrently to the Board for approval as part of the grant acceptance by the Board approval for the HMGP DR-4344-703-150R, Access and Functional Needs Program, Phase I.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada, State of California, that the County is hereby directs:

1. That the County of Nevada accepts the FEMA HMGP funding for the Nevada County HMGP DR-4353-023-033R, Nevada County Abatement Program, Phase I for the term of September 28, 2021 through September 13, 2022 in the maximum amount of \$516,273.75 for the 75% Federal share with a 25% local share of \$172,091.25.
2. The Director of Emergency Services is hereby authorized to execute for and on behalf the County of Nevada this grant agreement and all ancillary documents required to fulfill the grant requirements.
3. The Auditor Controller to deposit grant funding into the Emergency Management Budget Funds as funding is received into revenue account: 0101-20702-414-000 / 446700.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 28th day of September, 2021, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Hardy Bullock.

Noes: None.

Absent: None..

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Dan Miller, Chair

9/28/2021 cc: OES\*  
AC\*



**FEMA**

July 13, 2021

Mark S. Ghilarducci, Director  
Governor's Authorized Representative  
California Governor's Office of Emergency Services  
3650 Schriever Avenue  
Mather, CA 95655

Reference: Application Approval, HMGP DR-4353-023-033R  
Nevada County, California  
Nevada County Abatement Program, Phase One  
FIPS Code: 057-99057, Supplement 65

Dear Mr. Ghilarducci:

We approve and issue Hazard Mitigation Grant Program (HMGP) funds for the Nevada County, HMGP DR-4353-023-033R, Nevada County Abatement Program, Phase One.

The total project cost for Phase One is \$688,365. As shown in the enclosed Obligation Report - Supplement 65, we are obligating \$516,273.75 for the 75 percent Federal share; the 25 percent non-Federal share is \$172,091.25. These funds are available in SmartLink for immediate and eligible disbursements. The following is a summary of the approved funding:

<b>Project Phase:</b>	<b>Federal Share:</b>	<b>Non-Federal Share:</b>	<b>Total Project Cost:</b>
Phase One, Supplement 65	\$516,273.75	\$172,091.25	\$688,365

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

- 1. Scope of Work (SOW)** – Nevada County will provide residents of Nevada County with defensible space by reducing hazardous vegetation around their residences. Phase One will consist of defensible space treatment on 78 properties that have expressed interest and have been pre-inspected for eligibility, along with pre-inspections of an additional 400+ homes that would be eligible for treatment in Phase Two, along with community awareness training. The treatment prescription is for the management of vegetation within 100 – 300 feet of structures that is dependent upon home siting, vegetation model and overall fuel loading as well as 10 feet along the road/driveway shoulder with a 15-foot vertical clearance for emergency equipment response. The hazardous vegetation piles will be processed through a woodchipper, blown back onto the property, and can be used as mulch, or will be hauled offsite depending on project specific recommendations

from the program manager. No structural, excavation, tunneling or demolition activities are planned for the project duration.

The following Phase One activities and deliverables are expected:

<b>Phase One Activity</b>	<b>Estimated Timeline</b>
Project Pre-Inspections	5 Month
Defensible Space Treatment	9 Months
Community Awareness Training	14 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 One Completion Date** – The work schedule included with the project application indicates that Phase One will take 14 months to complete; therefore, the Phase One completion date is September 13, 2022. All Phase One project deliverables must be submitted to the assigned FEMA HMA Specialist by the Phase One 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 Two Approval** – Please inform the sub-recipient that Phase Two approval is contingent on programmatic review and Environmental and Historical Preservation (EHP) approval. Phase Two activities may not commence until written approval has been received. Any Phase Two activities completed prior to approval may be de-obligated. In addition, if Phase Two is unapproved, federal funds may be de-obligated for previously completed Phase One activities.
- 4. Record of Environmental Considerations (REC)** – Project activities are covered in the FEMA 2014 Programmatic Environmental Assessment for Recurring Actions in Arizona, California, and Nevada as described in Section 2.5.1 (Mechanical or Hand Clearing of Vegetation). As the proposed action would not result in substantial impacts to the environment beyond those described in the PEA, no additional NEPA-specific public noticing or documentation is required. Any changes to this scope of work must be resubmitted to FEMA for review prior to initiation of any work. Noncompliance with these requirements may jeopardize federal 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.

Mr. Ghilarducci  
June 25, 2021  
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If you have any questions or need further assistance please contact Thomas Berry, Sr. Grants Management Specialist, by email [thomas.berry@fema.dhs.gov](mailto:thomas.berry@fema.dhs.gov), or phone (510) 627-7180.

Sincerely,

KATHRYN J LIPIECKI

Digitally signed by KATHRYN J  
LIPIECKI  
Date: 2021.07.13 09:13:08 -07'00'

Kathryn Lipiecki  
Director, Mitigation Division  
FEMA Region 9

Enclosures (4):

Obligation Report - Supplement 65  
Project Management Report  
Record of Environmental Considerations (REC)  
Standard Mitigation Grant (HMGP) Conditions

cc:

Noah Aiona, Hazard Mitigation Grant Specialist, California Governor's Office of  
Emergency Services  
Concepcion Chavez, Manager, Inland Unit, California Governor's Office of Emergency  
Services  
Robert McCord, Chief, Hazard Mitigation Assistance Branch, FEMA Region 9

FEDERAL EMERGENCY MANAGEMENT AGENCY  
HAZARD MITIGATION GRANTS PROGRAM  
Obligation Report w/ Signatures

Disaster No	FEMA Project No	Amendment No	State Application ID	Action No	Supplemental No	State	Recipient
4353	33 -R	0	23	1	65	CA	Statewide

Subrecipient: Nevada (County)

Project Title : Nevada County Abatement Program

Subrecipient FIPS Code: 057-99057

Total Amount Previously Allocated	Total Amount Previously Obligated	Total Amount Pending Obligation	Total Amount Available for New Obligation			
\$516,273.75	\$516,273.75	\$0.00	\$0.00			
Project Amount	Subrecipient Management Cost Amount	Total Obligation	IFMIS Date	IFMIS Status	FY	
\$516,273.75	\$0.00	\$516,273.75	06/25/2021	Accept	2021	

**Comments**

Date: 06/25/2021 User Id: SSCOTT39

Comment: Approved funding for HMGP 4353-23-33R-Nevada County Abatement Program for \$516,273.75.

**Authorization**

Preparer Name: STEVEN SCOTT

Preparation Date: 06/25/2021

HMO Authorization Name: THOMAS BERRY

HMO Authorization Date: 06/25/2021

**KATHRYN J LIPIECKI**  
Digitally signed by KATHRYN J LIPIECKI  
Date: 2021.07.13 09:13:34 -07'00'

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FEDERAL EMERGENCY MANAGEMENT AGENCY  
HAZARD MITIGATION GRANT PROGRAM

HMGP-AP-01

Project Management Report

Disaster Number	FEMA Project Number	Amendment Number	App ID	State	Recipient
4353	33-R	0	23	CA	Statewide

Subrecipient: Nevada (County)  
FIPS Code: 057-99057

Project Title : Nevada County Abatement Program

**Mitigation Project Description**

Amendment Status : Approved

Approval Status: Approved

Project Title : Nevada County Abatement Program

Recipient : Statewide

Subrecipient : Nevada (County)

Recipient County Name : Nevada

Subrecipient County Name : Nevada

Recipient County Code : 57

Subrecipient County Code : 57

Recipient Place Name : Nevada (County)

Subrecipient Place Name : Nevada (County)

Recipient Place Code : 0

Subrecipient Place Code : 99057

Project Closeout Date : 00/00/0000

**Work Schedule Status**

Amend #	Description	Time Frame	Due Date	Revised Date	Completion Date
0	Phase 1 - Project Initiation	5 Months	00/00/0000	00/00/0000	00/00/0000
0	1 - 78 Residences pre-inspections, defens space, pos	9 Months	00/00/0000	00/00/0000	00/00/0000
0	Phase 2 - See Revised Materials	16 Months	00/00/0000	00/00/0000	00/00/0000

**Approved Amounts**

Total Approved Net Eligible	Federal Share Percent	Total Approved Federal Share Amount	Non-Federal Share Percent	Total Approved Non-Fed Share Amount
\$688,365.00	75.000000000	\$516,273.75	25.00000000	\$172,091.25

**Allocations**

Allocation Number	IFMIS Status	IFMIS Date	Submission Date	FY	ES/DFSC Support Req ID	ES/DFSC Amend Nr	Proj Alloc Amount Fed Share	Subrecipient Management Cost	Total Alloc Amount
39	A	06/25/2021	06/25/2021	2021	3231141	10	\$516,273.75	\$0.00	\$516,273.75
Total							\$516,273.75	\$0.00	\$516,273.75

**Obligations**

Action Nr	IFMIS Status	IFMIS Date	Submission Date	FY	SFS Support Req ID	SFS Amend Number	Suppl Nr	Project Obligated Amt - Fed Share	Subrecipient Management Cost	Total Obligated Amount
1	A	06/25/202	06/25/2021	2021	3615560	0	65	\$516,273.75	\$0.00	\$516,273.75
Total								\$516,273.75	\$0.00	\$516,273.75

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP 4353-23-33 (Phase 1)

Title: Nevada County Abatement Program (Phase 1)

NEPA DETERMINATION

Non Compliant Flag: No

EA Draft Date: 10/21/2014

EA Final Date: 03/01/2019

EA Public Notice Date: 03/01/2019

EA Fonsi 03/08/2019

Level: EA

EIS Notice of Intent

EIS ROD Date:

**Comment** Nevada County proposes to provide residents of Nevada County with defensible space by reducing hazardous vegetation around their residences. Phase 1 will consist of defensible space treatment on 78 properties that have expressed interest and have been pre-inspected for eligibility, along with pre-inspections of an additional 400+ homes that would be eligible for treatment in Phase 2 and community awareness training. The treatment prescription is for the management of vegetation within 100 - 300 feet of structures that is dependent upon home siting, vegetation model and overall fuel loading as well as 10 feet along the road/driveway shoulder with a 15-foot vertical clearance for emergency equipment response. The hazardous vegetation piles will be processed through a woodchipper, blown back onto the property and can be used as mulch, or will be hauled offsite depending on project specific recommendations from the program manager. No structural, excavation, tunneling or demolition activities are planned for the project duration.

Project activities are covered in the FEMA 2014 Programmatic Environmental Assessment for Recurring Actions in Arizona, California, and Nevada as described in Section 2.5.1 (Mechanical or Hand Clearing of Vegetation). As the proposed action would not result in substantial impacts to the environment beyond those described in the PEA, no additional NEPA-specific public noticing or documentation is required. Any changes to this scope of work must be resubmitted to FEMA for review prior to initiation of any work. Noncompliance with these requirements may jeopardize federal funding. - dcohen3 - 05/27/2021 00:30:13 GMT

EXTRAORDINARY

Extraordinary Circumstance Code	Description	Selected ?
	No Extraordinary Circumstances were selected	

ENVIRONMENTAL LAW / EXECUTIVE ORDER

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	

## RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP 4353-23-33 (Phase 1)

Title: Nevada County Abatement Program (Phase 1)

Environmental Law/ Executive Order	Status	Description	Comment
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	
	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	FEMA has determined the proposed actions would result in No Effect to federally protected 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. - dcohen3 - 05/27/2021 00:25:39 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	
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 not located in or near Essential Fish Habitat - Review concluded	
National Historic Preservation Act (NHPA)	Completed	Applicable executed Programmatic Agreement. Activity meets Programmatic Allowance (enter date and # in comments) - Review concluded	David Cohen, PhD, reviewed this Undertaking per 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 29, 2019. Per Stipulation I.B.1.a of the Agreement, Dr. Cohen meets the Secretary of the Interior's Professional Qualifications for archaeology. The Undertaking meets the following

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP 4353-23-33 (Phase 1)

Title: Nevada County Abatement Program (Phase 1)

Environmental Law/ Executive Order	Status	Description	Comment
			Programmatic Allowances in Appendix B of the Agreement: II.F.2.a (creation of defensible space around structures) and II.F.2.d (chipping and broadcasting of vegetative debris). Thus, the Undertaking does not require SHPO review, and FEMA has no further Section 106 responsibilities in accordance with the Agreement. - dcohen3 - 05/26/2021 06:59:46 GMT
Wild and Scenic Rivers Act (WSR)	Completed	Project is not along and does not affect Wild and Scenic River - Review concluded	

CONDITIONS

**Special Conditions required on implementation of Projects:**

Compliance with the Migratory Birds Act is a requirement of the subapplicant.

Source of condition: Migratory Bird Treaty Act (MBTA)

Monitoring Required: No

**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.