

Supplemental Environmental Assessment

Nevada City – Fuel Reduction – Deer Creek Environs Program

City of Nevada City

PDMC-PJ-09-CA-2007-022

April 2013



FEMA

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Department of Homeland Security
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Acronyms and Abbreviations

APE	Area of Potential Effect
BLM	Bureau of Land Management
BMP	Best Management Practice
CalEMA	California Emergency Management Agency
Cal FIRE	California Department of Forestry and Fire Protection
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
City	City of Nevada City
CO	carbon monoxide
CRLF	California red-legged frog
dbh	diameter at breast height
EO	Executive Order
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act of 1973
FEMA	Federal Emergency Management Agency
GCR	General Conformity Rule
GHG	greenhouse gas
IPCC	International Panel on Climate Change
MBTA	Migratory Bird Treaty Act of 1918
NAHC	(California) Native American Heritage Commission
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NO _x	nitrogen oxides
NRHP	National Register of Historic Places
O ₃	ozone
PA	Programmatic Agreement
PDM	Pre-Disaster Mitigation
PEA	Programmatic Environmental Assessment
SEA	Supplemental Environmental Assessment
SHPO	(California) State Historic Preservation Officer
SWRCB	State Water Resources Control Board

UAIC	United Auburn Indian Community
U.S.C.	U.S. Code
USFWS	U.S. Fish and Wildlife Service
VOCs	volatile organic compounds
WOUS	waters of the U.S.

**Supplemental Environmental Assessment (SEA)
to the Final Programmatic Environmental Assessment (PEA)
for Typical Recurring Actions Resulting From Flood, Earthquake,
Fire, Rain, and Wind Disasters in California**

Federal Emergency Management Agency

City of Nevada City
Nevada City – Fuel Reduction – Deer Creek Environs
PDMC-PJ-09-CA-2007-022
April 2013

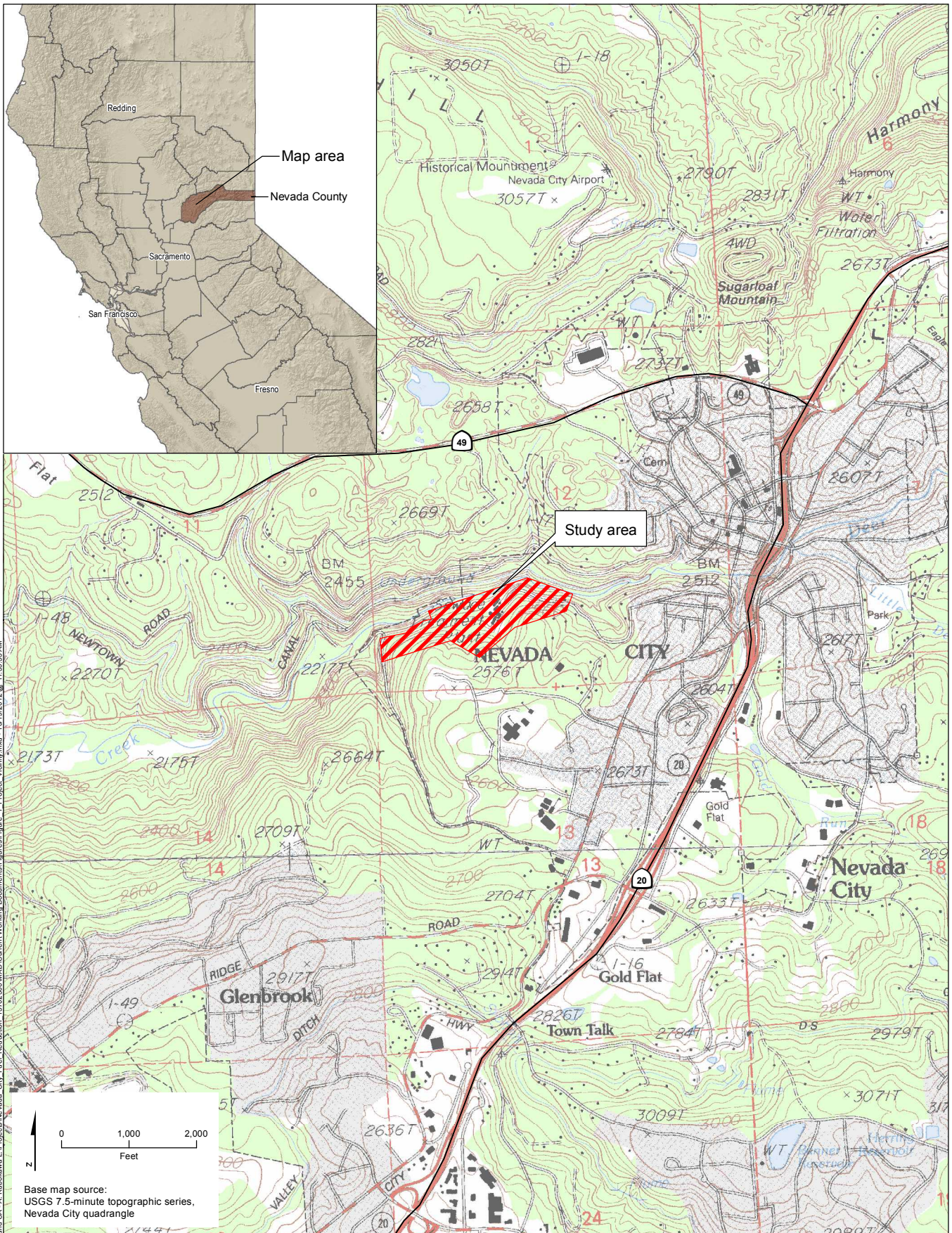
1. INTRODUCTION

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide Federal financial assistance (Federal action) to the City of Nevada City (subapplicant or City), through the California Emergency Management Agency (CalEMA), to implement a wildfire mitigation project (Proposed Project). The approximately 40-acre study area is in the Deer Creek Environs, a 44-acre City-owned open space area, in Nevada City, Nevada County, California (Figure 1). The purpose of the Proposed Project is to reduce wildfire hazards to residents and structures in the City.

The assistance would be provided through the Pre-Disaster Mitigation (PDM) Program. The PDM Program is authorized by Section 203 (42 U.S.C. § 5133) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, as amended, and provides funds to States and communities to implement sustained, pre-disaster, natural-hazard mitigation programs. The program is intended to reduce the hazard risk to the population and structures and reduce reliance on financial assistance from disaster declarations.

This Supplemental Environmental Assessment (SEA) has been prepared to comply with the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. §§ 4321–4327), and to tier from the *Final Programmatic Environmental Assessment (PEA) for Typical Recurring Actions Resulting from Flood, Earthquake, Fire, Rain, and Wind Disasters in California* (FEMA 2003). The PEA assesses common impacts of the action alternatives that are under consideration for the Proposed Project. The PEA adequately assesses potential impacts for some resource areas for the Proposed Project. This SEA fully assesses the additional potential impacts to resources that are not completely addressed in the PEA.

The PEA is incorporated into this SEA by reference in accordance with 40 CFR § 1508.28. The PEA is available at <http://home.fema.gov/plan/ehp/envdocuments/ea-region9.shtm>.



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Base map source:
 USGS 7.5-minute topographic series,
 Nevada City quadrangle

PDMC-PJ-09-CA-2007-022

City of Nevada City
 Nevada City - Fuel Reduction - Deer Creek Environs

Figure 1
 Project vicinity

1.1 PURPOSE OF AND NEED FOR ACTION

The City recognizes wildfires at its wildland/urban interface as the greatest natural hazard in the City (Nevada County 2006). A wildfire in the wildland/urban interface poses a threat to public health and safety and to property. The purpose of the Federal action is to provide PDM Program Federal financial assistance to the City, through CalEMA, to reduce the risk of death and injury to people and damage to property from wildfire.

The City and its immediate surroundings are designated as a “very high fire hazard severity zone” by the California Department of Forestry and Fire Protection (CAL FIRE) (CAL FIRE 2008). The *DMA 2000 [Disaster Mitigation Act of 2000] Multi-Jurisdictional Multi-Hazard Mitigation Plan for Nevada County* identifies the Deer Creek Environs as being vulnerable to a wildfire (Nevada County 2006). This vulnerability is due to steep terrain combined with overgrown vegetation that can provide fuel in a wildfire.

The wildfire hazard in the study area poses a risk to the adjacent Nevada City Downtown Historic District, several public school campuses, a high-tech business park, and surrounding residential neighborhoods. A wildfire in the study area would also threaten the City’s only wastewater treatment plant. Critical facilities near the study area also include two state highways and two fire stations.

The City has concluded that there is a need to reduce the wildfire hazard in the study area by thinning trees whose growth has been suppressed due to the density of vegetation in the study area and by removing brush and other ladder fuels. Therefore, the purpose of the proposed Federal action is to reduce the risk of wildfire in the study area to help protect the health and safety of the public and property within the City.

2. DESCRIPTION OF PROPOSED PROJECT AND ALTERNATIVES

2.1 NO ACTION ALTERNATIVE

A No Action Alternative is required to be included in the environmental analysis and documentation pursuant to the Council on Environmental Quality's (CEQ's) regulations implementing NEPA (40 CFR Parts 1500–1508). The No Action Alternative is defined as maintaining the status quo, with no Federal financial assistance for any action alternative, and is described in Section 2.1 of the PEA. The No Action Alternative is used to evaluate the effects of not providing eligible assistance for the proposed project, thus providing a benchmark against which action alternatives can be evaluated.

Under the No Action Alternative, it is assumed that the City would be unable to mitigate potential wildfires in the study area because of the lack of Federal financial assistance. Therefore, under the No Action Alternative, the existing wildfire hazard would continue, and the health and safety risks to people and damage to property from wildfires in the study area would not be reduced.

2.2 PROPOSED PROJECT

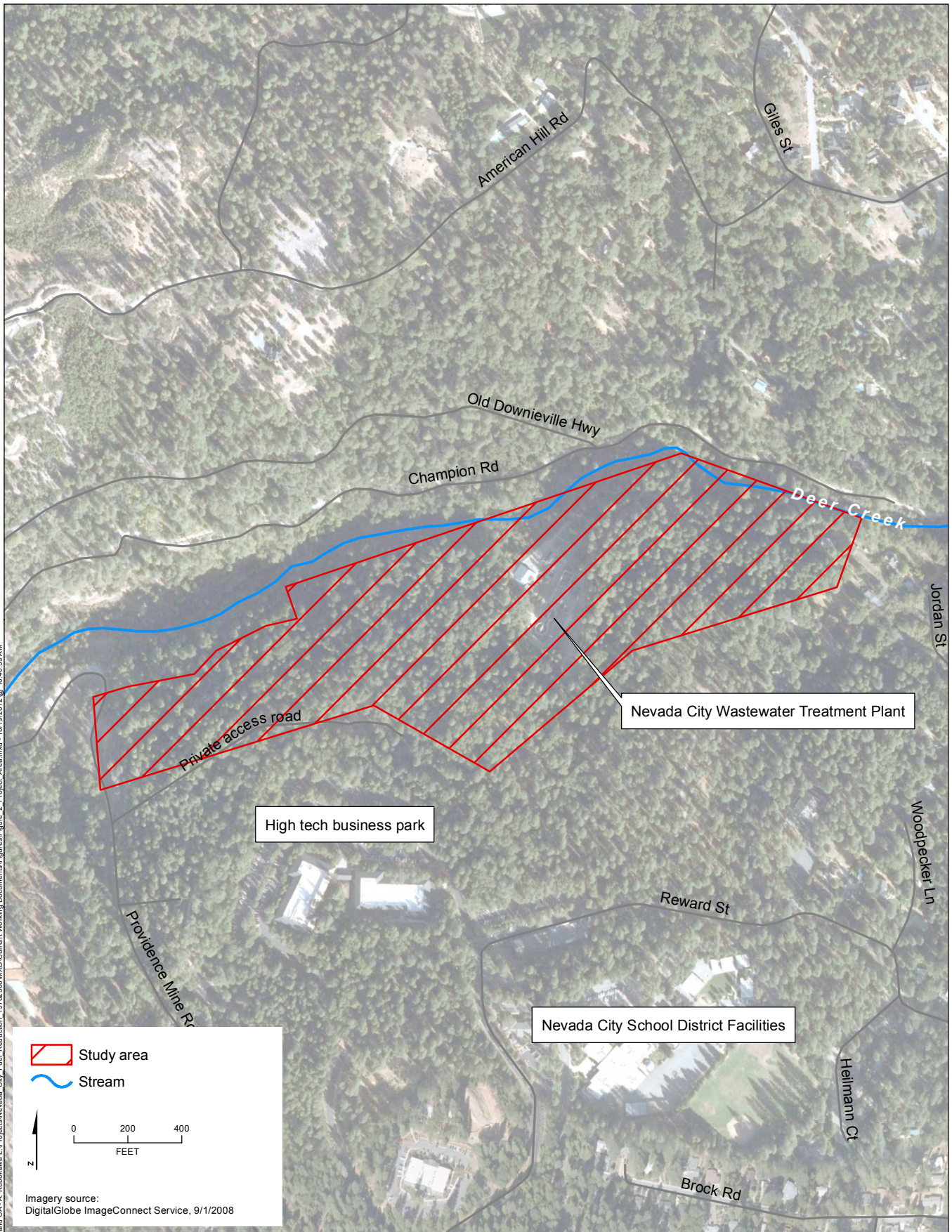
The Proposed Project falls under the “Vegetation Management” action alternative defined in Section 2.5.1 of the PEA.

The City proposes to conduct vegetation management (treatment) in the project area. The project area is within the study area. Parts of the study area would not receive treatment and are excluded from the project area. Some boundaries of the project area have been defined while other boundaries would be defined prior to project implementation. The project area boundaries and any areas that would be excluded from treatment, such as nonwork areas, would be established in the field prior to initiating treatment. Additional details about the project area and nonwork areas are described below.

The study area is approximately 40 acres with an average length of 2,950 feet and an average width of 610 feet. The study area is bounded by a high-tech business park, school facilities, and a residential neighborhood to the south; a residential neighborhood to the east; undeveloped, forested lands to the west; and Deer Creek to the north (Figure 2).

The northern downslope boundary of the project area would be 200 feet uphill of the high water mark of Deer Creek. Nonwork areas would be designated and flagged with vinyl flagging tape or wire stake flags by the City. Nonwork areas would include any areas of sensitive plants, sensitive habitats, and watercourses. Flagging would be removed after the work is completed.

The City proposes to reduce the biomass in the project area by thinning trees whose growth has been suppressed due to the density of vegetation in the project area and by removing brush and other ladder fuels. Ground cover would be retained and identified sensitive plant species, such as living hardwood trees, would be protected. Approximately 600 tons of flammable dead and



URS Corp. - Oakland CA - A. Kubokawa L:\Projects\Nevada_City_Fuel_Reduction_15702306\MXD\Current Working Documents\Figures\Figure 2 - Project Area.mxd - 10/19/2012 @ 10:46:39 AM

downed trees, brush, poison oak (*Toxicodendron diversilobum*), blackberry (*Rubus* sp.), and ladder fuels from live trees would be removed to reduce the potential for wildfires. After completion of the Proposed Project, most of the remaining vegetation in the study area would consist of native ground cover, large trees with pruned lower branches, and appropriately spaced, healthy, smaller trees.

In stands of large trees, trees less than 6 inches in diameter at breast height (dbh) would be thinned to be approximately 10 to 15 feet apart. Dead trees 10 inches in dbh or less and all undesirable trees, such as those with multiple tops, dead or broken tops, insect infestation or disease, and suppressed growth would be cut down. Stumps would be cut to within 4 inches of the ground or below the lowest limb, whichever is lower. Large fallen trees in excess of 18 inches in dbh would be evaluated for potential use as water bars for erosion and landslide control. Plants beneath the canopy of retained trees would also be removed.

The lower branches of healthy trees left standing would be pruned to a minimum of 10 feet above ground or one-half the live crown ratio (height of the portion with live branches divided by the total height of the tree), whichever is less, to reduce potential ladder fuels while ensuring that enough live crown is left on smaller trees. Trees with large limbs would not be pruned. Pruning would be accomplished by hand cutting limbs flush with the branch collar without damaging the trunk. Living hardwood trees such as maple (*Acer* sp.), oak (*Quercus* sp.), and madrone trees (*Arbutus menziesii*) would not be disturbed. Partially or completely dead standing trees greater than 10 inches in dbh would also be left in place. Most native shrubs would not be cut, but large stands may be thinned. Non-native plants, which include invasive plant species, would be targeted for removal during project implementation.

Protected plant species would be excluded from the project area and would not be removed. No ground-disturbing activities (e.g., excavation, grading) would occur in the study area. The treatment would be completed with the exclusive use of hand labor. Tools used for hand treatment would include chainsaws, handsaws, pruners, weed-eaters, clippers, shovels, rakes, and similar tools. This equipment would be serviced and refueled outside the ephemeral drainages in the study area.

Crews would vary in size; up to 16 individuals would work in the project area at any one time. Crews would commute to the site each work day.

Cut vegetation would be chipped in the study area at or near existing roadways using a 12-inch drum style chipper towed by a pickup truck. Chipped material would be blown into chip trailer vehicles for off-hauling. All chipping and staging areas for the Proposed Project would take place on existing roads or previously disturbed areas.

2.2.1 Project Schedule

The Proposed Project would occur during approximately 113 nonconsecutive days over 3 years. All work activities would occur during the dry season as defined by the U.S. Fish and Wildlife Service (USFWS) in Appendices A and B—the period between April 15 and the first qualifying

rain event on or after October 15. The qualifying rain event is defined as precipitation of more than 0.5 inch over a 24-hour period.

After the Proposed Project has been implemented, the City would conduct annual maintenance of the project area for 20 years. Maintenance would include monitoring native vegetation regrowth, removing invasive plant species, and maintaining a fire-safe vegetation density following treatment methods used in the Proposed Project. The City would determine the proper extent of fuel load maintenance to maintain a fire-safe vegetation density.

2.3 ALTERNATIVES

FEMA considered other alternatives in addition to the No Action Alternative and the Proposed Project. The other alternatives were fuel reduction using heavy mechanical equipment such as masticators, large-scale herbicidal treatments, prescribed burning, and biological controls such as grazing mammals. These alternatives are described in Section 2.5 of the PEA.

3. AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

The PEA describes the affected environment and the impacts of the Proposed Project on all resource areas except geology, seismicity, and soils; air quality; water resources; biological resources; historic properties; public services and recreation; visual resources; climate change and greenhouse gas (GHG) emissions; and cumulative impacts. The affected environment and environmental consequences for these resources are described in this section, which is intended to supplement the information in the PEA.

Mitigation, minimization, and avoidance measures that are stipulated in the PEA or that are appropriate for the Proposed Project, based on the results of the impact analysis in the PEA and SEA, are discussed in Section 4.

The effects of the No Action Alternative for applicable resource areas are described in the PEA and this SEA. The environmental consequences of the other alternatives considered by FEMA are described in Section 4 of the PEA and are not reiterated in this document.

3.1 GEOLOGY, SEISMICITY, AND SOILS

The study area lies on the north-facing side of a steep canyon on the western slope of the Sierra Nevada. The elevation of the study area is approximately 2,500 feet above mean sea level.

3.1.1 No Action Alternative

Under the No Action Alternative, there would be no treatment and therefore no direct effects to geology, seismicity, or soils. If a wildfire occurred in the project area, soil erosion could occur as a result of the loss of the existing vegetation that stabilizes the soil. This indirect effect on soil in the project area would continue until the soil in the burn area has stabilized. Therefore, adverse short- and long-term indirect effects could occur to soil resources if a wildfire occurred in the project area.

3.1.2 Proposed Project

The Proposed Project would involve minimal ground disturbance caused by foot traffic of work crews on the steep slopes. The combination of this minor disturbance, the steep terrain, and the loss of vegetative cover in the project area could increase erosion in the project area.

The potential for loss of topsoil and hazards associated with unstable soils would be minimized by leaving rootballs of cut vegetation in place, avoiding tree skidding, and allowing heavy equipment such as chippers only on existing roads and previously disturbed areas. The potential for erosion would also be further minimized if fallen trees in excess of 18 inches in dbh were used as water bars. Additionally, the City would implement the measures developed by FEMA and the USFWS to further minimize erosion that could result from implementation of the Proposed Project. These measures are described in Section 3.4.2 and Section 4.1.

The Proposed Project would not change the geology, seismic risk, or vulnerability to additional risks associated with known earthquake faults, strong seismic ground shaking, or seismic-related ground failure (including liquefaction). The Proposed Project would not include activities such as excavation that could increase seismic-related landslide hazards.

Therefore, the Proposed Project would result in minor, short-term, direct effects to soils and no long-term direct or indirect effects. The Proposed Project would have no impacts on geology or seismicity.

3.2 AIR QUALITY

The Proposed Project is within the Mountain Counties Air Basin and under the jurisdiction of the Northern Sierra Air Quality Management District. The U.S. Environmental Protection Agency (EPA) currently designates the portion of the Mountain Counties Air Basin known as western Nevada County, where the study area is located, as being in nonattainment for the Federal 8-hour ozone (O₃) National Ambient Air Quality Standard and in attainment for all other criteria pollutants (EPA 2012).

3.2.1 No Action Alternative

Under the No Action Alternative, no mechanical equipment would be used, no equipment emissions would occur, and no direct effects to air quality would occur.

The wildfire risk would remain unmitigated. There is potential for indirect impacts to air quality if a wildfire occurred in the project area. A wildfire would temporarily increase levels of most criteria pollutants and many hazardous air pollutants. In the long term, particulate matter emissions could increase from soils in the project area that are exposed by a wildfire. Therefore, the No Action Alternative could result in indirect, short- and long-term adverse effects to air quality if a wildfire occurred in the project area.

3.2.2 Proposed Project

FEMA calculated the predicted emissions of the Proposed Project to determine whether a conformity determination is required under the General Conformity Rule (GCR) (40 CFR § 51.853). The calculations included a consideration of the direct or indirect emission rates of the precursors of O₃—nitrogen oxides (NO_x) and volatile organic compounds (VOCs)—to determine whether the emission rates would equal or exceed any of the *de minimis* threshold emission rates specified in the GCR. The applicable *de minimis* threshold emission rates in the GCR are 100 tons per year for both NO_x and VOC (EPA 2012).

Implementation of the Proposed Project would result in a temporary deterioration of air quality as a result of exhaust from the use of mechanical equipment including chain saws and from the transport of green waste. Impacts to air quality would occur only during treatment.

Table 3-1 shows the calculated annual estimated emissions for NO_x and VOCs from the implementation of the Proposed Project. The calculations conservatively assumed the following: (1) vegetation clearing would be performed by a team of 16 people working 8-hour days for approximately 113 nonconsecutive days in 2013, 2014, and 2015, (2) the team would use diesel equipment such as onsite haul trucks, and (3) 12 truck trips per year would be required to move green waste to a nearby landfill. Handheld gasoline equipment would result in negligible emissions, which were not included in the calculations.

Table 3-1: Annual Estimated Emissions of Nonattainment Criteria Pollutants from the Proposed Project and the GCR de Minimis Thresholds

Emissions of Nonattainment Criteria Pollutants (Precursors)	Criteria Pollutant (tons/year)	
	VOCs	NO _x
Proposed Project	0.16	0.63
GCR <i>de minimis</i> thresholds	100	100

GCR = General Conformity Rule
 NO_x = nitrogen oxides
 VOCs = volatile organic compounds

As shown in Table 3-1, implementation of the Proposed Project would result in substantially less than 100 tons per year of the applicable criteria pollutants. Therefore, the Proposed Project qualifies as a GCR exemption, and no further analysis is required to establish conformity with the State Implementation Plan.

The Proposed Project would therefore have negligible short-term and no long-term impacts on air quality.

3.3 WATER RESOURCES

The study area is located in the Deer Creek watershed. The creek flows west from the Sierra Nevada, through several reservoirs, and into the Yuba River, which eventually joins the Sacramento River and drains into the San Francisco Bay. The reach of Deer Creek that is adjacent to the study area has a low-to-moderate gradient. The creek banks are relatively steep and contain areas with boulders and dense vegetation. The substrate of the creek consists of coarse sand and gravel with some cobbles and a few boulders. Large woody debris, leaf litter, aquatic insects, and rainbow trout are present in the creek. There is a passive diversion dam immediately upstream of the study area. Several unnamed ephemeral drainages flow through the study area into Deer Creek. The study area is not in the 100-year floodplain.

The water quality of Deer Creek degrades in its downstream reaches outside the study area. Causes of the degradation include ongoing pesticide and herbicide use, heavy metal deposition, seasonal events such as agricultural runoff, runoff from historical mining operations, and storm

runoff from urban areas (Sierra Streams Institute 2004). Deer Creek is an impaired waterway due to mercury pollution and is on the Section 303(d) List (33 U.S. Code § 1251(a)) of the Clean Water Act of 1977, as amended (SWRCB 2011).

A formal delineation of wetlands and waters of the United States (WOUS) has not been performed for the study area. The unnamed ephemeral drainages in the study area may be considered WOUS under the jurisdiction of the U.S. Army Corps of Engineers. No potential wetlands were identified in the project area during reconnaissance surveys conducted by biologists under contract to FEMA.

3.3.1 No Action Alternative

Under the No Action Alternative, no direct effects to water resources would occur. Soil erosion and sedimentation could occur as a result of the loss of existing vegetation if a wildfire occurred in the project area, which would negatively affect water quality in Deer Creek. This indirect effect on water quality would continue until the soil in the burned area has stabilized. Therefore, adverse short- and long-term indirect effects could occur to water resources if a wildfire occurred in the project area.

3.3.2 Proposed Project

The unnamed ephemeral drainages in the study area would be flagged by the City and avoided because they are considered sensitive habitats and watercourses. The Proposed Project would not include any activities that would alter drainage patterns or hydrology in the study area or the adjacent Deer Creek.

The presence of work crews on steep slopes and the loss of vegetation cover could result in sedimentation in waterbodies. However, sedimentation would be reduced by the following components of the Proposed Project and additional minimization measures:

- leaving rootballs of cut vegetation in place, avoiding tree skidding, allowing heavy equipment such as chippers only on existing roads and previously disturbed areas, performing treatment outside the rainy season, and potentially using large fallen trees as water bars,
- avoiding waterbodies through use of exclusion flagging to delineate unnamed ephemeral drainages in the project area,
- establishing the project area boundary 200 feet uphill from the high water mark of Deer Creek with a vegetated forest buffer between the project area and the creek, and
- implementing the measures developed by FEMA and the USFWS to further minimize potential erosion and sedimentation (see Sections 3.4.2 and 4.1).

As a result, the potential for degradation of water quality in Deer Creek would be minor and temporary and would diminish as the soils in the project area stabilized after treatment.

Therefore, the Proposed Project is anticipated to have negligible direct effects to the hydrology of the drainages in the study area. The Proposed Project would have minor indirect effects to water quality. The Proposed Project would have no long-term effects to water resources.

3.4 BIOLOGICAL RESOURCES

The study area is dominated by mixed conifer forests interspersed with sparsely scattered patches of black oak community (*Quercus kelloggii*) and riparian corridors. The dominant tree species are Douglas fir (*Pseudotsuga menziesii*) and incense cedar (*Calocedrus decurrens*) with scattered white fir (*Abies concolor*) and Ponderosa pine (*Pinus ponderosa*). Dogwoods (*Cornus* sp.) are common in the understory while open areas and canopy edges tend to have high concentrations of invasive species including English ivy (*Hedera helix*), Scotch broom (*Cytisus scoparius*), and Himalayan blackberry (*Rubus armeniacus*).

Riparian vegetation extends over a narrow area along Deer Creek and includes species such as white alder (*Alnus rhombifolia*), bigleaf maple, willows (*Salix* sp.), and Oregon ash (*Fraxinus latifolia*). Blackberry and dogwoods are found in the riparian understory.

Common wildlife species that may occur in the study area include the California newt (*Taricha torosa*), Pacific tree frog (*Pseudacris regilla*), western fence lizard (*Sceloporus occidentalis*), western terrestrial garter snake (*Thamnophis elegans*), broad-footed mole (*Scapanus latimanus*), big brown bat (*Eptesicus fuscus*), brush rabbit (*Sylvilagus bachmani*), western gray squirrel (*Sciurus griseus*), and Botta's pocket gopher (*Thomomys bottae*) (Sanders and Chainey-Davis 2008).

Common birds that may occur in the vicinity of Deer Creek include the red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*), great horned owl (*Bubo virginianus*), Anna's hummingbird (*Calypte anna*), downy woodpecker (*Picoides pubescens*), tree swallow (*Tachycineta bicolor*), Bewick's wren (*Thryomanes bewickii*) and western bluebird (*Sialia mexicana*) (Sanders and Chainey-Davis 2008).

Special-status¹ bird species that have been observed in the riparian habitat along Deer Creek near the study area include the yellow-breasted chat (*Icteria virens*), yellow warbler (*Dendroica petechial brewsteri*) and Cooper's hawk (*Accipiter cooperii*) (BLM 2008). California spotted owl (*Strix occidentalis occidentalis*) has been observed during surveys outside the study area (BLM 2008). Deer Creek also provides suitable habitat for special-status reptiles and amphibians such as the western pond turtle (*Actinemys marmorata*) and foothill yellow-legged frog (*Rana boylei*) (Sanders and Chainey-Davis 2008). No special-status plant species are anticipated to occur in the study area.

¹ Any species listed or proposed for listing as threatened or endangered under the provisions of the Federal Endangered Species Act or the California Endangered Species Act, protected by the California Department of Fish and Wildlife, local regulations, or protected under the Migratory Bird Treaty Act.

In 2009, FEMA-contracted biologists conducted a reconnaissance survey and a review of background information, and determined that the project area may provide habitat suitable to support the California red-legged frog (CRLF) (*Rana draytonii*), a federally listed species under USFWS jurisdiction. In addition, FEMA determined that the study area does not contain designated critical habitat for any federally listed species.

3.4.1 No Action Alternative

Under the No Action Alternative, there would be no fuel reduction and no direct effects to existing biological resources. A large wildfire in the project area, such as a fire that removes the existing forest, could harm the existing terrestrial wildlife habitat and result in the mortality of individual wildlife species, both of which would be indirect impacts. Existing vegetation would be burned down and the existing habitat would not immediately regrow. Additional indirect impacts would occur to existing aquatic habitat and resources because fire residue and eroded soils could be washed into local streams and reservoirs. The indirect impacts associated with the loss of existing vegetation would continue until the fire residue and soils in the burned area stabilized. Therefore, adverse short- and long-term indirect effects could occur to the existing biological resources if a wildfire occurred in the project area.

3.4.2 Proposed Project

Effects to Wildlife and Vegetation

The Proposed Project would not convert habitat types in the project area to other habitat types because although vegetation density would be reduced, the vegetation communities would not be substantially altered. The Proposed Project would not change the native species composition in the existing vegetation communities (i.e., mixed conifer forest, black oak, and riparian). The following would be retained: all hardwoods; trees greater than 6 inches in dbh; a limited number of healthy trees under 6 inches in dbh; large, standing dead trees; ground cover; native understory vegetation; and the forest canopy.

Effects to sensitive plants, sensitive habitats, and the unnamed ephemeral drainages in the study area, which could include species mortality or erosion, would be minimized because these biological resources would be designated as nonwork areas (i.e., areas excluded from the project area and protected from treatment). Nonwork areas would be flagged with vinyl flagging tape or wire stake flags by the City. Flagging would be removed after completion of the work.

As noted in Section 2.2, the City will maintain a 200-foot buffer of vegetated forest between the project area boundary and the high water mark of Deer Creek. Because of this buffer, direct effects to the biological resources in the creek would not occur, and indirect effects to aquatic habitats and species downstream in Deer Creek as a result of erosion and sedimentation would be minor. Additionally, the City would implement the measures developed by FEMA and the USFWS to further minimize erosion and sedimentation that could result from implementation of the Proposed Project. These measures are described in the *Endangered Species Act* section below

and in Section 4.1. As a result, the indirect effects to aquatic habitats and species in Deer Creek would be temporary and would diminish as the soils in the project area stabilize after treatment.

The use of hand tools (such as chainsaws and weed-eaters) and the presence of work crews (of up to 16 individuals) in the project area have the potential to directly affect wildlife species, including special-status bird species, in or adjacent to the project area through forced dispersal or behavior modification. The general disturbances associated with work crews in the project area (e.g., noise generation, visual disruption, dust generation, ground vibrations) could disturb birds, mammals, and other wildlife using project area vegetation for cover, nesting, or foraging.

Wildlife species, including special-status bird species such as the yellow-breasted chat, yellow warbler, Cooper's hawk, and the California spotted owl could be disturbed by project activities and experience an interruption of their typical behavior and may disperse to adjacent quieter areas without human presence. These effects would be temporary and would occur only when project activities are occurring.

The City would need to comply with the Migratory Bird Treaty Act of 1918 (MBTA), as amended (16 U.S.C. §§ 703–711), and implement measures to avoid take of migratory birds, as defined under MBTA. Trees containing active nests would be considered sensitive habitat, and thus would be flagged as nonwork areas and avoided. The City would be responsible for all necessary coordination with USFWS for compliance with the MBTA.

Therefore, the Proposed Project is anticipated to result in direct, minor, short-term effects to wildlife and vegetation. Indirect effects are expected to be minor, temporary, and limited to downstream aquatic habitat and species. No long-term effects to wildlife and vegetation are anticipated.

Endangered Species Act

FEMA determined that the project area provides habitat suitable to support CRLF, a federally listed species under USFWS jurisdiction. The project area provides upland habitat suitable to support dispersal and aestivation for this species. Therefore, there is potential for CRLF to occur in the project area.

On February 1, 2012, FEMA submitted a Biological Assessment to the USFWS (FEMA 2012) and requested formal consultation with the USFWS to comply with Section 7 (16 U.S.C. § 1536) of the Endangered Species Act of 1973 (ESA), as amended (see Appendix A). On May 31, 2012, the USFWS provided its determination that the Proposed Project, with implementation of the appropriate conservation measures proposed by FEMA (listed below and in Section 4.1), may affect but is not likely to adversely affect the CRLF (see Appendix B).

The City is responsible for implementing the following measures to avoid adverse effects to CRLF and their habitat:

- If CRLF are found at any time during the implementation of the Proposed Project, work shall stop, and the USFWS shall be contacted immediately by the City for further guidance.

- Environmental awareness training shall be conducted prior to onset of treatment for all personnel to brief them on how to recognize CRLF. Workers shall be informed that if a CRLF is encountered in the work area, construction shall stop, and the USFWS shall be contacted for guidance.
- Staging areas and fueling and maintenance activities shall be located a minimum of 100 feet from riparian or aquatic habitats. A spill prevention and clean-up plan shall be prepared and implemented by the City.
- The City shall implement the following Best Management Practices (BMPs) to protect water quality and control erosion and sedimentation:
 - Apply standard BMPs and erosion-control measures during implementation of the Proposed Project to minimize possible discharge of sediment into aquatic habitats. These practices and measures include, but are not limited to, installing and maintaining straw wattles immediately downhill of disturbed areas as needed.
 - Remove sediment from sediment control devices once the sediment has reached one-third of the exposed height of the control. Sediment collected in these devices shall be disposed of away from the collection site at appropriately permitted disposal sites.
- Plastic monofilament netting shall not be used in the project area because CRLF or other animals may become entangled or trapped in it. Acceptable substitutes include coconut coir or tackified hydroseeding compounds.

With the implementation of these conservation measures, the Proposed Project would result in minor, short-term direct and indirect effects to CRLF. Long-term effects to ESA-listed species and habitat are not anticipated.

Executive Order 13112: Invasive Species

Non-native plants, which include invasive plant species, would be targeted for removal during implementation and maintenance. The Proposed Project would therefore not result in the introduction or spread of invasive plant species and would therefore comply with Executive Order (EO) 13112, Invasive Species.

The Proposed Project would result in a beneficial effect by reducing invasive plant species in the project area. Funding of the Proposed Project would comply with EO 13112.

3.5 HISTORIC PROPERTIES

Investigations were undertaken to identify historic properties in the Area of Potential Effect (APE) for the Proposed Project in compliance with Section 106 (16 U.S.C. § 470f) of the National Historic Preservation Act of 1966 (NHPA), as amended, and the 2005 First Amended Programmatic Agreement (PA) between FEMA, the California State Historic Preservation Officer (SHPO), CalEMA, and the Advisory Council on Historic Preservation.

In accordance with 36 CFR § 800.4(a)(4), FEMA sent an informational letter to the California Native American Heritage Commission (NAHC) on January 29, 2009, to request a review of its

Sacred Lands File and a list of the individuals and groups that the NAHC believed should be contacted regarding information or concerns related to the study area (see Appendix C). The NAHC responded on February 5, 2009, with negative results for its search of the Sacred Lands File (see Appendix D). FEMA transmitted an informational letter dated April 9, 2009, to the six potentially interested parties identified by the NAHC (see Appendix E).

FEMA contacted the NAHC again on September 19, 2011, to request a review of the Sacred Lands File for the current APE and to obtain a new list of individuals and groups that the NAHC believed should be contacted regarding the Proposed Project (see Appendix H). On October 4, 2011, informational letters were sent to the nine contacts identified by the NAHC (see Appendices I and J).

Gregory S. Baker, Tribal Administrator of the United Auburn Indian Community (UAIC) of the Auburn Rancheria, responded in a letter dated November 16, 2011 (see Appendix K). As requested in the response, FEMA provided a copy of its NHPA-compliance document to the UAIC. FEMA will also provide a copy of this SEA to the UAIC to give the UAIC an opportunity to comment on potential impacts and proposed mitigation measures related to resources that may be of importance to the UAIC (see Appendix L). To date, FEMA has not received any other responses.

FEMA-contracted archaeologists and an architectural historian conducted a records search at the North Central Information Center of the California Historical Resources Information System on February 2, 2009, and conducted a pedestrian survey of the APE on March 25 and March 26, 2009, to identify historic properties that may exist in the APE. Several historic-era resources were identified in the APE. These resources were assumed by FEMA to be eligible for listing in the National Register of Historic Places (NRHP) for their potential to yield important information regarding the history of gold mining in the Deer Creek Environs.

3.5.1 No Action Alternative

Under the No Action Alternative, no direct impacts to historic properties would occur because no treatment would occur. The No Action Alternative could result in indirect effects to historic properties if a wildfire occurred that damaged such properties.

3.5.2 Proposed Project

FEMA initially consulted with the SHPO about the Proposed Project in a letter dated December 4, 2009 (see Appendix F), and received conditional concurrence on its determination of “no adverse effect to historic properties” on January 21, 2010 (see Appendix G). The concurrence was dependent on compliance with the management conditions proposed by the SHPO (listed below and in Section 4.2) to protect historic properties during treatment. The APE was subsequently revised by the City to be commensurate with the current study area. On July 3, 2012, FEMA informed the SHPO that the City had agreed to comply with the management conditions, and FEMA requested the SHPO’s concurrence to its determination of the revised

APE and that the Proposed Project would result in no adverse effects to historic properties (see Appendix M).

No response was received from the SHPO during the 30-day response period stipulated in the NHPA. On September 5, 2012, FEMA assumed concurrence by the SHPO pursuant to Stipulation III B of the PA or 36 CFR § 800.5(c)(1) (Consulting Party Review, Agreement with or No Objection to Finding).

The City is responsible for complying with the following management conditions, which are listed below. The delineation and monitoring tasks will be performed by CAL FIRE Registered Professional Foresters with certification as archaeological surveyors.

- Vehicle and mechanical activities will be restricted to existing roads and disturbed areas. Additional land needed for such work must be cleared by a qualified cultural resource specialist before use.
- Fuels reduction work proposed for immediate implementation will be restricted from portions of the current APE that have not been surveyed. Future work in these areas will not be implemented prior to field survey in order to identify the potential for the proposed undertaking to impact any cultural resource that may be located on this land.
- Boundaries of identified cultural resources will be physically delineated prior to immediate and future implementations of fuels reduction work. Physical delineation must be completed either by or under the direct supervision of a qualified cultural resource specialist and it can be accomplished by tying a line of coded flagging around resource boundaries. Resources must remain delineated throughout the duration of work, and the method used for doing so must be removed after said work is completed.
- Cultural resources must be monitored by a qualified cultural resource specialist when fuels reduction work is implemented within their boundaries and immediate vicinities. This condition will be completed during immediate and future implementations of the proposed undertaking.
- Trees and other vegetation felled or cut within cultural resource boundaries may be left in place so long as the individual and cumulative effects of the action do not impact their potential NRHP eligibilities. This work must be monitored by a qualified cultural resource specialist during immediate and future implementation of the proposed undertaking.
- Trees and other forest debris felled within cultural resource boundaries will be removed only by means of above -ground suspension. By definition, techniques for above -ground suspension include the use of hand crews or hand carrying such materials offsite. This work must be monitored by a qualified cultural resource specialist during immediate and future implementations of the proposed undertaking.
- All cut trees, brush, and ladder fuels that need to be removed from cultural resources will be transported outside the site boundaries shortly after cutting. Cutting of vegetation within site boundaries will be cut above the surface so as to cause no ground disturbance and damage. Cut vegetation will not be stockpiled within the boundaries of cultural resources.

- Routes for transporting cut vegetation will not be established through the boundaries of cultural resources as the cumulative effects of this action can be disruptive and damaging.
- Chipped materials will not be distributed within the boundaries of cultural resources.
- Logs used for erosion control will not be placed within cultural resource boundaries or in areas that promote runoff into cultural resource sites.
- Implementation of future maintenance with the potential to disturb the ground will not be initiated without additional cultural resource investigations and SHPO consultation to determine if the activities may result in adverse effects pursuant to 36 CFR Part 800.5.

In accordance with 36 CFR § 800.5(d)(1), FEMA has fulfilled its responsibilities to comply with Section 106 of the NHPA.

3.6 PUBLIC SERVICES AND RECREATION

The Nevada City Wastewater Treatment Plant, which provides wastewater treatment service to the entire City, is the only public service infrastructure in the study area. The facility is developed, terraced, and generally paved. Vegetation management that would occur on the facility site, if any, would be minimal. The Proposed Project is not anticipated to affect or change the use or operations of the wastewater treatment plant.

An approximately 1.75 mile-long stretch of public trail is located in the study area. The City intends for this trail to be the end segment of a larger multi-use trail system known as the Deer Creek Tribute Trail. The surrounding areas of Nevada City contain 260 acres of parkland and open space, which include Pioneer Park, Calanan Park, and Hirschman's Pond. There is no fencing or signage that restricts public access to the study area except at the wastewater treatment plant. However, with the exception of the trail, the density of vegetation and ground cover limits public access in the study area.

3.6.1 No Action Alternative

Under the No Action Alternative, no public facilities would be improved, and no public services or recreational opportunities would be affected. However, public services and recreational opportunities would not be protected from damage caused by future wildfires. Without fuel reduction, the No Action Alternative could result in disruptions to public services.

A wildfire could increase public access opportunities in the project area because the density of vegetation and ground cover would be reduced or eliminated, resulting in a beneficial impact to recreation. Therefore, the No Action Alternative could result in adverse, indirect impacts to public services and beneficial indirect impacts to recreation.

3.6.2 Proposed Project

During treatment, access to the Deer Creek Tribute Trail could be temporarily reduced or restricted because areas where treatment is occurring would be temporarily closed to the public. Individuals using or intending to use the trail in the study area are likely to experience minor

disturbances from temporary restrictions to trail access and noise from treatment. Public access to other trails, parkland, and open space in the vicinity would not be affected by the Proposed Project.

To minimize the inconvenience of the temporary restrictions of public access to the project area, FEMA would require the City to notify the public before implementation of the Proposed Project, including posting signs at trailheads informing recreational users of any trail closures, work duration, and safety measures.

The Proposed Project would remove the current access limitations to the study area that are caused by existing dense vegetation. Although no additional trails or designated public access points would be created as a result of the Proposed Project, the reduction in vegetation density would result in opportunities for new formal or informal trails to be created, enabling hikers to use the open space area. Therefore, in the longterm, the Proposed Project could result in additional public access and recreational opportunities in the study area, resulting in a long -term benefit to recreation.

There would be minor, short-term, direct impacts to public access and the use of existing recreational resources. The impacts would be minimized by the use of the minimization measures identified above. Indirect impacts are anticipated to be negligible. Long-term impacts on recreational resources are anticipated to be beneficial.

3.7 VISUAL RESOURCES

The visual character of the study area is dominated by mixed conifer forests interspersed with hardwood stands. Primary viewers of the study area are recreational trail users and individuals, including residents, along roadways on the opposite (north side) of Deer Creek.

The study area has two primary viewsheds: a vista-based viewshed where the study area is viewed from afar, such as from the roads and by residences, and the viewshed from within the study area along the existing trail. Views of the study area from adjacent roads, such as Providence Mine Road, are obscured by the adjacent steep terrain. The study area is generally not visible from adjacent private properties because of dense vegetation or landscaping on the private properties and the steepness of the hillside.

The vista-based viewshed provides views of a canopied conifer forest on a steep hillside. The view is a homogenous pattern of organic textures dominated by tones of green. The existing trail in the study area provides views that are generally shaded because of the forest canopy and northern aspect of the hillside and are limited and confined because of the dense ground cover and understory vegetation adjacent to the trail. The dense ground cover and understory vegetation provide views of random overgrown patterns of vines and shrubs dominated by shaded tones of green and brown. There are occasional breaks in the vegetation that provide long, narrow vistas of the steep forested canyon terrain on the opposite side of Deer Creek.

3.7.1 No Action Alternative

Under the No Action Alternative, fuel reduction would not occur, and the visual character of the study area would not change. Therefore, no direct impacts to visual resources would occur. The No Action Alternative would not reduce fuel loads in the study area; therefore, if a wildfire occurred, smoke could cause adverse, short-term, indirect impacts to visual resources. Views of severely burned vegetation and bare ground from a wildfire could cause long-term, indirect impacts to visual resources in the study area.

3.7.2 Proposed Project

For the vista-based viewshed, the Proposed Project would result in a negligible change in the visual character of the study area because the tree canopy in the project area would not be substantially altered. For viewsheds along the trail in the study area, the change in the vegetation density would be noticeable. The vegetation patterns would change and appear more uniform, but the dominant tones would not change. Views from the trail of the understory vegetation and ground cover under a canopied forest would still be present, but new, longer views in the study area would be available because of the reduced density of understory vegetation. No new viewsheds would be created as a result of the Proposed Project.

Short-term impacts to views of the study area would occur during vegetation clearing when crews are working. Work crews, equipment and vegetation flagging are not typical components of the viewshed and would be noticeable to viewers using the trail in the study area if access is available. Because the crews would be working among the vegetation, views of the work crews would be minimal and intermittent. Fugitive dust from work in the project area could temporarily affect vistas during project work hours, but the impact would be minor and short-term. Flagging would be removed after completion of the work.

Therefore, the Proposed Project would result in no short-term adverse impacts and beneficial long-term impacts to visual resources in the study area.

3.8 CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS

On February 18, 2010, the CEQ released a memorandum, *Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions* (CEQ 2010), which provides guidance on how Federal agencies should consider climate change in their NEPA decision-making documents. The guidance advises that the consideration of climate change address the GHG emission effects of a Proposed Project. The CEQ guidance states that “if a proposed action would be reasonably anticipated to cause direct emissions of 25,000 metric tons or more of carbon dioxide [CO₂]-equivalent GHG emissions on an annual basis, agencies should consider this an indicator that a quantitative and qualitative assessment may be meaningful to decision makers and the public” (CEQ 2010).

The guidance also advises that the Federal agency’s consideration of climate change address the effects of climate change on a Proposed Project. The CEQ advises the “analysis to be focused on

the aspects of the environment that are affected by the Proposed Project and the significance of climate change for those aspects of the affected environment” (CEQ 2010).

3.8.1 No Action Alternative

The No Action Alternative would have no impacts on climate change or GHG emissions because no construction or other activities resulting in air emissions would occur. However, under this alternative, no fuel reduction would occur, and the risk of wildfire would remain high.

A wildfire would result in the release of CO₂ into the atmosphere from burning vegetative fuels. An intense wildfire in the project area would result in CO₂ emissions below the CEQ annual threshold of 25,000 metric-tons. Therefore, the No Action Alternative could result in minor, short- and long-term indirect effects on climate change and GHG emissions.

3.8.2 Proposed Project

The Proposed Project would result in minimal direct and indirect GHG emissions. Direct GHG emissions would result from the short-term use of vehicles and mechanical equipment during implementation of the Proposed Project and follow-up maintenance. Direct emissions during project implementation would be approximately 95 metric tons per year, and direct emissions during maintenance would be considerably smaller. Therefore, GHG emissions as a result of the Proposed Project would be well below the 25,000 metric ton threshold described by the CEQ. Indirect emissions would also be considerably smaller than the threshold dictated by the CEQ. Accounting for the regrowth and vegetation removal during maintenance in the project area, indirect GHG emissions would be negligible because young vegetation stands (i.e., regrowth) tend to sequester carbon at a faster rate than older vegetation stands. As treatment areas cycle through regrowth and maintenance, future carbon sequestration rates in the project area may meet or exceed the current sequestration rate.

The effects of global climate change on the Proposed Project would be negligible. The Proposed Project would be implemented over a relatively short period, and global climate change would not have a dramatic effect on fuel loads in the project area during this period. Maintenance operations would sustain the level of fuel loads resulting from the Proposed Project. Treatment would be adaptive to address the fuel loads in the area undergoing maintenance and would therefore be adaptive to how fuel loads may change as a result of global climate change.

The Proposed Project would be implemented in a manner that would have minimal effects on the environment. The treatment methods described in Section 2.2 in combination with the measures listed in Section 4 would continue to be implemented during maintenance and would therefore also have minimal effects on the environment. Because of the adaptive nature of the Proposed Project and maintenance, global climate change is not expected to have a substantial effect on the resources affected by the Proposed Project.

The Proposed Project would have minor, direct and indirect, short-term impacts on GHG emissions. The Proposed Project would make a negligible contribution to long-term global climate change.

3.9 CUMULATIVE IMPACTS

CEQ defines a cumulative impact as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions...” (40 CFR § 1508.7). Present and reasonably foreseeable actions were identified based on information obtained from the City and FEMA. Because the impacts associated with the project alternatives would be minimal, primarily short-term, and localized, the analysis of cumulative impacts is focused on activities in the Deer Creek Environs.

Past actions in the area include logging, construction and operation of two water conveyance systems, and hard rock mining activities. All of these actions began in the middle of the 19th century and continued into the first half of the 20th century. Once these activities stopped, vegetation in the study area was allowed to regrow. Except for the Nevada City Wastewater Treatment Plant site, the study area eventually became overgrown. The 2006 renovation of wastewater treatment plant is the most recent past action in the study area. These past actions are assumed to have created the existing, affected environment. Ongoing actions in the Deer Creek Environs are limited to the operations of the wastewater treatment plant, use of the area for recreation, implementation of the Deer Creek Tribute Trail and Restoration Project, and cleanup of the Providence Mine. No reasonably foreseeable future actions have been identified by FEMA or the City.

The Deer Creek Tribute Trail and Restoration Project is supported by a partnership between the City, Nevada County, two nonprofit organizations, and the State of California Sierra Nevada Conservancy. In the Deer Creek Environs, the project includes creating approximately 1.75 miles of public trail and restoring 8.4 acres of habitat. Most of the public trail construction is complete. The trail follows the general alignment of informal “use trails.” The restoration part of the project includes removing invasive species and replanting native riparian and upland vegetation. The City has stated that the project would be implemented in accordance with the *Nevada City General Plan* (City of Nevada City 1986) and the City’s ordinances and applicable environmental regulations. BMPs would be implemented and environmental impacts would be avoided, minimized, or mitigated.

The Providence Mine cleanup project is funded by two EPA Brownfields Program grants provided to the City. The Providence Mine cleanup project is being initiated on approximately 2 acres adjacent to the northwest corner of the study area. The City has indicated that cleanup activities would include removing contaminated soil, capping contaminated areas with clean soil, regrading and stabilizing the slope at the mine waste rock area to prevent releases of contamination into the creek, restoring the bank of Deer Creek, and using plants in phytoremediation techniques to extract contaminants from near surface soils. A trailhead for the Deer Creek Tribute Trail is planned to be constructed in the southwestern corner of the

Providence Mine cleanup project site. The trail would extend east from the trailhead across the EPA-funded project site. The City applied for the EPA Brownfields Cleanup grants to remediate contamination because the proposed alignment of the trail would cross the former mining site. The City identified the need to clean up the contamination to be able to safely open that portion of the Deer Creek Environs for recreation. At a minimum, compliance would occur with the substantive requirements of all applicable federal, state and local environmental regulations. As such, environmental impacts would be minimized, avoided, or mitigated to the extent practicable.

3.9.1 No Action Alternative

As described in Sections 3.1 to 3.8 of this SEA and Sections 4.1 to 4.12 of the PEA, implementation of the No Action Alternative would result in no direct impacts to social, cultural, or natural resources. This alternative would not reduce the risk associated with potential wildfire events in the project area, and such events could have short- and long-term adverse indirect impacts to air quality, water quality, biological resources, historic properties, public services and recreation, and visual resources.

The ongoing and reasonably foreseeable actions in the Deer Creek Environs could result in short-term impacts to air quality, water quality, biological resources, recreation, noise, and visual resources. These activities are not anticipated to occur concurrently with a wildfire event. Therefore, the No Action Alternative, when considered along with other past, present, and reasonably foreseeable future projects, could result in minor cumulative impacts to each of these resource areas.

3.9.2 Proposed Project

The Proposed Project would contribute to cumulative impacts to soil, air quality, water quality, biological resources, recreation, noise, and visual resources. The Deer Creek Tribute Trail and Restoration Project and the Providence Mine cleanup project could both have minor to moderate short-term effects to soils and water quality through erosion and sedimentation. Additionally, construction of these two projects could result in short term effects to air quality, biological resources, and noise. The Proposed Project would also cause short term impacts to these resources which, if implemented simultaneously with these other projects, would exacerbate these impacts. The cumulative impacts that would result from the contribution of the Proposed Project would be minor and limited in time to when the Proposed Project is being implemented. The Proposed Project's contribution is not expected to be cumulatively substantial.

The Deer Creek Tribute Trail and Restoration Project and the Providence Mine cleanup project could both have long term beneficial effects to recreation and visual resources. The Proposed Project would also result in long term beneficial impacts to these resources. These impacts from the Proposed Project would incrementally add to the potential impacts to these resource areas resulting from the other ongoing and reasonably foreseeable future projects and would therefore result in long term beneficial cumulative impacts.

The GHG emissions and reduction in carbon sinks as a result of the Proposed Project would have a negligible impact on global climate change. However, when added with all other GHG emissions and carbon sink reductions in the past and present, they combine to create a perceptible change to climate (IPCC 2007). Because of the extended amount of time that GHGs remain in the atmosphere, any amount of GHG emissions or reduction in carbon sinks can be reasonably expected to contribute to future climate change impacts. The amount of CO₂ emissions from the Proposed Project would be small but measurable. On a global scale, the Proposed Project is expected to contribute a negligible amount to global cumulative effects to climate change because vegetation will grow back.

Therefore, the short-term impacts of the Proposed Project, when considered with other past, present, or reasonably foreseeable future projects, would not result in cumulatively substantial effects.

4. MITIGATION, MINIMIZATION, AND AVOIDANCE MEASURES

The mitigation, minimization, and avoidance measures discussed in this section are from Section 4 of the PEA or were developed for this SEA based on site-specific impacts.

4.1 BIOLOGICAL RESOURCES

The City is responsible for implementing the following measures to avoid adverse effects to nesting birds and CRLFs and their habitat. Some of these measures would be implemented to minimize effects to soils and water resources.

- If project activities occur during the nesting season, the City will comply with MBTA to avoid take of nesting migratory birds..
- If CRLF are found at any time during the implementation of the Proposed Project, work shall stop, and the USFWS shall be contacted immediately by the City for further guidance.
- Environmental awareness training shall be conducted prior to onset of treatment for all personnel to brief them on how to recognize CRLF. Workers shall be informed that if a CRLF is encountered in the work area, construction shall stop, and the USFWS shall be contacted for guidance.
- Staging areas and fueling and maintenance activities shall be a minimum of 100 feet from riparian or aquatic habitats. A spill prevention and clean-up plan shall be prepared and implemented by the City.
- The City shall implement the following Best Management Practices (BMPs) to protect water quality and control erosion and sedimentation:
 - Apply standard BMPs and erosion-control measures during implementation of the Proposed Project to minimize possible discharge of sediment into aquatic habitats. These practices and measures include, but are not limited to, installing and maintaining straw wattles immediately downhill of disturbed areas as needed.
 - Remove sediment from sediment control devices once the sediment has reached one-third of the exposed height of the control. Sediment collected in these devices shall be disposed of away from the collection site at appropriately permitted disposal sites.
- Plastic monofilament netting shall not be used in the project area because CRLF or other animals may become entangled or trapped in it. Acceptable substitutes include coconut coir or tackified hydroseeding compounds.

4.2 HISTORIC PROPERTIES

The City is responsible for complying with the SHPO's management conditions listed below. The delineation and monitoring tasks will be performed by CAL FIRE with certification as archaeological surveyors.

- Vehicle and mechanical activities will be restricted to existing roads and disturbed areas. Additional land needed for such work must be cleared by a qualified cultural resource specialist before use.
- Fuels reduction work proposed for immediate implementation will be restricted from portions of the current APE that have not been surveyed. Future work in these areas will not be implemented prior to field-survey in order to identify the potential for the proposed undertaking to impact any cultural resource that may be located on this land.
- Boundaries of identified cultural resources will be physically delineated prior to immediate and future implementations of fuels reduction work. Physical delineation must be completed either by or under the direct supervision of a qualified cultural resource specialist; and it can be accomplished by tying a line of coded flagging around resource boundaries. Resources must remain delineated throughout the duration of work and the method used for doing so must be removed after said work is completed.
- Identified cultural resources must be monitored by a qualified cultural resource specialist when fuel reduction work is implemented within their boundaries and immediate vicinities. This condition will be completed during immediate and future implementations of the proposed undertaking.
- Trees and other vegetation felled or cut within cultural resource boundaries may be left in place as long as the individual and cumulative effects of the action do not impact their potential NRHP eligibilities. This work must be monitored by a qualified cultural resource specialist during immediate and future implementation of the proposed undertaking.
- Trees and other forest debris felled within cultural resource boundaries will be removed only by means of above -ground suspension. By definition, techniques for above -ground suspension include the use of hand crews or hand carrying such materials offsite. This work must be monitored by a qualified cultural resource specialist during immediate and future implementations of the proposed undertaking.
- All cut trees, brush, and ladder fuels that need to be removed from cultural resources will be transported outside the site boundaries shortly after cutting. Cutting of vegetation within site boundaries will be cut above the surface so as to cause no ground disturbance and damage. Cut vegetation will not be stockpiled within the boundaries of cultural resources.
- Routes for transporting cut vegetation will not be established through the boundaries of cultural resources as the cumulative effects of this action can be disruptive and damaging.
- Chipped materials will not be distributed within the boundaries of cultural resources.
- Logs used for erosion control will not be placed within cultural resource boundaries or in areas that promote runoff into cultural resource sites.
- Implementation of future maintenance with the potential to disturb the ground will not be initiated without additional cultural resource investigations and SHPO consultation to determine if the activities may result in adverse effects pursuant to 36 CFR Part 800.5

If a discovery of an artifact and/or human remains is made during implementation of the Proposed Project, and in compliance with Stipulation X (Unexpected Discoveries) of the PA, the City will cease all activity and notify CalEMA immediately. CalEMA will notify FEMA and ensure that all reasonable measures are taken to avoid or minimize harm to the resource until FEMA completes additional consultation with the SHPO and the appropriate tribes. If human remains are found, the City will also contact the Nevada County Coroner/Medical Examiner and the local law enforcement office. Pursuant to the California Health and Safety Code, if the Coroner/Medical Examiner determines that the human remains are or may be of Native American origin, the discovery will be treated in accordance with Section 5097.98 (a-d) of the California Health and Safety Code.

4.3 PUBLIC SERVICES AND RECREATION

The City will be responsible for notifying the public before implementation of the Proposed Project. Notification may include posting fliers at information centers and at trailheads to inform recreational users of any trail closures, the work duration, and safety measures.

4.4 NOISE

The City will be responsible for ensuring that noise from the implementation of the Proposed Project does not exceed the noise standards in the City's zoning ordinance and that noise-generating activities, such as the operation of equipment, take place between 7:00 am and 7:00 pm on weekdays; between 8:00 am and 6:00 pm on Saturdays; and not on Sundays or Federal holidays. In addition, all noise-producing project equipment and vehicles using internal combustion engines will be equipped with properly operating mufflers and air inlet silencers, when appropriate, that meet or exceed original factory specifications. This measure will ensure that noise emissions from vehicles and other equipment are limited to the minimum feasible levels.

5. IRREVERSIBLE OR IRRETRIEVABLE COMMITMENT OF RESOURCES AND SHORT-TERM USES OF THE ENVIRONMENT AND MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

5.1 IRREVERSIBLE OR IRRETRIEVABLE COMMITMENT OF RESOURCES

For the purposes of this document, irreversible commitment of resources is interpreted to mean that once resources are committed, the production or use of those resources would be lost for other purposes throughout the life of the alternative being implemented. An irretrievable commitment of resources defines the resources that are used, consumed, destroyed, or degraded during the life of the alternative that could not be retrieved or replaced during or after the life of the alternative.

The No Action Alternative would not directly require the commitment of human or fiscal resources. However, ongoing wildfire risk and its potential to damage facilities and result in loss of social, natural, and historic properties and cultural resources within the City would continue.

The Proposed Project would require the commitment of human and fiscal resources. The additional expenditure of labor required for this alternative would occur predominately during implementation. However, maintenance would continue throughout the life of the alternative. Funding for the Proposed Project would not be available for other uses and would therefore be irretrievable.

Nonrenewable and irretrievable fossil fuels and construction equipment (e.g., hand tools) would be required. Labor and materials are also irretrievably committed during the preparation and distribution of materials and equipment. However, the Proposed Project would require only a small amount of these materials, the materials are abundant, and use would not result in a measurable impact to the availability of these resources.

Although the Proposed Project would result in the commitment of resources as described above, the alternative would decrease the risk of loss to critical facilities and residential properties in the City.

5.2 SHORT-TERM USES OF THE ENVIRONMENT AND MAINTENANCE OF LONG-TERM PRODUCTIVITY

Implementation of the Proposed Project would result in short-term uses of and short- and long-term impacts on the environment, as documented in Sections 3.1 through 3.11. However, the uses of the environment would be balanced by the long-term reduction in the risk of damage to critical facilities and residential properties as a result of wildfire. The vegetation management would enhance the long-term productivity of resources by appropriately addressing wildfire risks.

6. PUBLIC PARTICIPATION AND AGENCY COORDINATION

FEMA is the lead Federal agency for conducting the NEPA compliance process for the Proposed Project. The lead Federal agency is responsible for expediting the preparation and review of NEPA documents in a way that is responsive to the needs of City residents while meeting the spirit and intent of NEPA and complying with all NEPA provisions.

The public will be notified of the availability of this SEA through the FEMA website and publication of a public notice in *The Union*. During the public comment period, FEMA will accept written comments on the SEA addressed to FEMA Region IX Environmental and Historic Preservation Office, 1111 Broadway, Suite 1200, Oakland, California 94607 or donna.meyer@fema.dhs.gov.

At the end of the comment period, FEMA will review the comments and consider them in its determination of a finding (either a Finding of No Significant Impact or a finding that an Environmental Impact Statement must be prepared). FEMA will publish the finding on its website and in *The Union*.

7. REFERENCES

- BLM (Bureau of Land Management). 2008. *Tribute Trail and Stocking Flat Restoration Project*. Environmental Assessment.
- CAL FIRE (California Department of Forestry and Fire Protection). 2008. Fire Hazard Severity Zones in LRA [Local Responsibility Area]. FRAP [Fire and Resource Assessment Program] Map. Map ID: Nevada County.
- CEQ (Council on Environmental Quality). 2010. *Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions*.
- City of Nevada City. 1986. *Nevada City General Plan*. Available at . Accessed March 2013.
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- Nevada County. 2006. *DMA 2000 Multi-Jurisdiction Multi-Hazard Mitigation Plan for Nevada County*. Prepared by Dennis Cassella. Nevada City Office of Emergency Services, CA.
- Sanders, S. and C. Chainey-Davis. 2008. *Deer Creek Tribute Trail Biological Inventory, Nevada County*. Susan Sanders Biological Consulting. Nevada City, CA.
- Sierra Streams Institute. 2004. *Deer Creek Coordinated Resource Management Plan*.
- SWRCB (State Water Resources Control Board). 2011. *Final California 2010 Integrated Report (303(d) List/305(b) Report)*. Available at . Accessed February 2013.

8. LIST OF PREPARERS

Federal Emergency Management Agency, Region IX

Donna M. Meyer, Deputy Regional Environmental Officer

URS Group, Inc.

Geoff Thornton, Senior Environmental Planner

Linda Peters, Senior Environmental Planner

Florentina Craciun, Environmental Planner

Manira Sandhir, Environmental Planner

Daisy Allen, Environmental Planner

Maureen Kick, Historic Properties

Lorena Solorzano-Vincent, Biological Resources

Avanti Tamhane, Air Quality

Emily Whiteman, Climate Change

Diana Burke, Senior Technical Editor

Appendix A:
FEMA Consultation Letter to the USFWS



FEMA

February 1, 2012

Mr. Ryan Olah
Acting Forest-Foothills Branch Chief
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-3901
Attn: Arnold Roessler

Re: Nevada City – Fuel Reduction – Deer Creek Environs
PDMC-PJ-09-CA-2007-022
Subapplicant: City of Nevada City

Dear Mr. Olah:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide Federal financial assistance (Federal action) to the City of Nevada City (subapplicant), through the California Emergency Management Agency (Cal EMA), for a wildfire fuel-reduction project in Nevada City, Nevada County, California (proposed project). The assistance would be provided under FEMA's Pre-Disaster Mitigation Program. The proposed project would reduce the risk of wildfire in the Deer Creek Environs, which surrounds the Nevada City Wastewater Treatment Plant. The project area covers approximately 40 acres.

The proposed project would reduce the biomass in the project area by thinning trees with suppressed growth (trees less than 6 inches in diameter at breast height [dbh]) and by removing brush and other ladder fuels. Ground cover would be retained, and identified sensitive plant species would be protected. Approximately 600 tons of vegetation would be removed, including flammable dead and downed trees less than 10 inches in dbh, brush, and ladder fuels from live trees. Brush such as poison-oak (*Toxicodendron diversilobum*), manzanita (*Arcostaphylos* sp.), Himalayan blackberry (*Rubus armeniacus*), periwinkle (*Vinca major*), and diseased trees would be cleared throughout most of the project area. Most of the vegetation remaining after completion of the proposed project would be native ground cover, large trees with pruned lower branches, and healthy trees less than 6 inches in dbh spaced 10 to 15 feet apart.

FEMA has prepared this submittal to evaluate the potential effects of the proposed project on species that are listed or proposed for listing under the Endangered Species Act (ESA) of 1973 (16 U.S.C. §§ 1531–1544) and that are regulated by the U.S. Fish and Wildlife Service (USFWS). Potential effects on federally listed species have been evaluated in accordance with Section 7 of the ESA (16 U.S.C. § 1536).

FEMA reviewed the following sources for information on species that are listed as endangered or threatened or proposed for listing as endangered or threatened under the ESA and that may occur in the project area:

- California Natural Diversity Database (CNDDB) for federally listed species occurrences within 10 miles of the project area
- USFWS species list of the Nevada City U.S. Geological Survey 7.5-minute quadrangle and the eight surrounding quadrangles (Chicago Park, Grass Valley, Rough and Ready, Pike, North Bloomfield, Camptonville, Challenge, and French Corral)
- Critical habitat designations from the USFWS for species identified as potentially occurring in the project area

A site reconnaissance survey of the project area was conducted by FEMA's consultant, URS Group, Inc., on March 25, 2009. General habitat characteristics of the project area were evaluated, and qualitative assessments of habitat were used to determine which of the identified species, if any, are likely to occur in the project area based on the presence of suitable habitat. Available literature was reviewed to identify the habitat requirements and distribution of these species.

As a result of the reconnaissance survey and background information review, FEMA has determined that the project area provides habitat suitable to support one federally listed species regulated by the USFWS under the ESA: the threatened California red-legged frog (*Rana draytonii*).

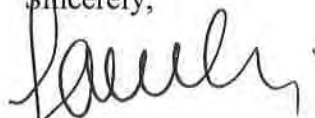
The proposed project is likely to adversely affect the California red-legged frog because of the documented occurrences of this species near the project area and the presence of suitable upland dispersal and aestivation habitat in the project area. However, the proposed project would incorporate avoidance and minimization measures to reduce and/or eliminate potential adverse effects to this species. In addition, the proposed project would have no effect on designated critical habitat for this species because the project area does not overlap designated critical habitat for the California red-legged frog.

This letter represents FEMA's request for formal consultation with the USFWS under Section 7 of the ESA for the proposed project. Accordingly, FEMA is submitting the enclosed Biological Assessment of the proposed project for your review and for the preparation of a Biological Opinion for the subject project. If you require any additional information about the proposed project or FEMA's request, please do not hesitate to

Mr. Ryan Olah
February 1, 2012
Page 3

contact me at (510) 627-7027 or fema-rix-ehp-documents@dhs.gov. Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Alessandro Amaglio". The signature is written in a cursive style with a large initial "A".

Alessandro Amaglio
Environmental Officer

Enclosure

cc: Dennis Castrillo, Cal EMA
Lynda McClanahan, Cal EMA
Dennis Cassella, City of Nevada City
David Brennan, City of Nevada City
Joanne Drummond, City of Nevada City

Appendix B:
USFWS Concurrence Letter



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

In Reply Refer To:
08ESMF00-2012-I-0234-1

MAY 3 1 2012

Mr. Alessandro Amaglio
Environmental Officer
U.S. Department of Homeland Security FEMA
1111 Broadway, Suite 1200
Oakland, California 94607-4052

Subject: Informal Endangered Species Consultation on the Proposed Nevada City Fuel Reduction Project, Nevada County, California

Dear Mr. Amaglio:

This is in response to your February 1, 2012, request for formal consultation with the U.S. Fish and Wildlife Service (Service) on the Nevada City Fuel Reduction Project, Nevada County, California. The project is located in the Deer Creek Environs just south of Deer Creek, approximately 0.5 mile west of the city of Nevada City, in Nevada County, California. At issue are the potential effects to the threatened California red-legged frog (*Rana draytonii*). This letter is issued pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

The applicant proposes to reduce the biomass on the 40 acre project site by hand thinning trees with suppressed growth (less than 6 inches in diameter at breast height [dbh]) and by removing brush and other ladder fuels. Approximately 600 tons of vegetation would be removed, including flammable dead and downed trees less than 10 inches in dbh, brush, and ladder fuels from live trees. No project activities would occur within 200 feet of the high water mark of Deer Creek and servicing and refueling of equipment would occur outside of riparian areas. The project would occur during approximately 113 nonconsecutive days over 3 years. The City would conduct annual maintenance of the project area for 20 years, including maintaining a fire-safe vegetation density, monitoring native vegetation regrowth, and removing invasive plant species.

Our response is based on: (1) the February 1, 2011, letter to initiate formal consultation from FEMA; (2) the January 2012 *Nevada City - Fuel Reduction - Deer Creek Environs Biological Assessment*; (3) the May 8, 2012, site visit by the Service; (4) the May 17, 2012, email from FEMA with the revised timing of the project and attached map of the project area and potential

California red-legged frog habitat within a 1-mile radius; and (4) other information available to the Service.

The project is within the range of the California red-legged frog and the nearest recorded occurrence is the Sailor Flat population located approximately 5 miles northeast of the project area. The project site does not contain suitable breeding habitat, and there is no potential breeding habitat within dispersal distance of the project area due to significant barriers to dispersal. Therefore, the project area's upland and dispersal habitat potential is questionable. The applicant has proposed the following conservation measures to minimize or prevent the potential for adverse effects to the California red-legged frog:

- 1) If California red-legged frogs are found at any time during project work, construction shall stop and the Service shall be contacted immediately for further guidance.
- 2) Environmental awareness training will be conducted prior to onset of construction activities for construction personnel to brief them on how to recognize California red-legged frogs. Construction personnel shall also be informed that if a California red-legged frog is encountered in the work area, construction shall stop, and the Service shall be contacted for guidance.
- 3) Construction should be conducted during the dry season. The dry season is defined generally as that time between April 15th and the first qualifying rain event on or after October 15th defined as precipitation of more than one half of an inch for 24 hours.
- 4) Staging areas as well as fueling and maintenance activities shall be a minimum of 100 feet from riparian or aquatic habitats. A spill prevention and clean-up plan shall be prepared and implemented.
- 5) The contractor shall implement Best Management Practices to protect water quality and control erosion.
- 6) Plastic mono-filament netting shall not be used at the project site because the California red-legged frog or other animals may become entangled or trapped in it. Acceptable substitutes include coconut coir matting or tackified hydroseeding compounds.

Given the distance to known populations of California red-legged frogs, the absence of potential breeding habitat within dispersal distance of the project area, significant barriers to dispersal, and project implementation during the dry season, the Service disagrees with your determination that the Nevada City Fuel Reduction Project may affect, and is likely to adversely affect the California red-legged frog. The Service has determined that the project may affect, and is not likely to adversely affect the California red-legged frog. Unless new information reveals effects of the proposed action that may affect federally listed species in a manner or to an extent not considered, or a new species or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Act, is necessary. Please note this letter does not authorize take of the California red-legged frog or other listed species.

Mr. Alessandro Amaglio

3

Please address any questions or concerns regarding this response on the proposed Nevada City Fuel Reduction Project to Casey Collins biologist or Ryan Olah, Coast Bay/Forest Foothills Division Chief, at (916) 414-6600, or via email at Casey_Collins@fws.gov or Ryan_Olah@fws.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ryan Olah".

for Eric Tattersall
Deputy Assistant Field Supervisor

Appendix C:
2009 Records Request to NAHC

January 29, 2009

Ms. Sally Torpy, Coordinator
North Central Information Center
California State University, Sacramento
6000 J Street, Adams Bldg., Suite 208
Sacramento, CA 95819-6100

Re: Records Search Update Request for Fire Hazard Mitigation Project, Nevada City, Nevada County, CA
(NCIC File No.: NEV-07-55)

Dear Ms. Torpy:

I am writing to request a records search update for a project that is under consideration for funding by FEMA under its Pre-Disaster Mitigation Program. This project was initiated in August 2007 and then placed on hold. Our office originally requested a record search from NCIC in August 2007. The NCIC File Number for this search is NEV-07-55. In the new record search please include only sites and reports that have been recorded since 2007.

The project is located along Deer Creek, in Nevada City, CA. A very slight change was made to the project footprint. Please see the accompanying map. The proposed action involves the hand reduction of vegetation including removal of dead trees, thinning of brush and removal of tree limbs up to 10 feet. No ground disturbance is anticipated to occur during this project.

The study area is located within the following USGS 7.5 minute quadrangle:

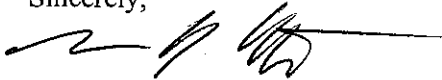
• Nevada City

Please search the project area and a **1/4-mile** radius around it for updates to the following since August 2007:

- Plotted locations and a list of all recorded sites from the Historic Properties Directory, the CA Inventory of Historic Resources, the Historic Property Data File, and any local inventories.
- Current status of each site: National Register status (formally determined eligible/not eligible, recommended eligible/not eligible by agency, recommended eligible/not eligible by consultant).
- Copies of entire site records.
- A bibliographic reference of all survey reports.

If you estimate this records search will **exceed \$250.00**, please let me know. Thank you for your assistance.

Sincerely,



Ben Elliott, RPA
Archaeologist
URS Corporation
1333 Broadway, Suite 800
Oakland, CA 94612
(510) 874-3107
(510) 874-3268 fax

Enclosure: Map

Appendix D:
2009 NAHC Response to Records Request

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

**NATIVE AMERICAN HERITAGE
COMMISSION**915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
Fax (916) 657-5390

February 5, 2009

Ben Elliott, RPA
Archaeologist
URS Corporation
1333 Broadway, Suite 800
Oakland, CA 94612Sent by Fax: 510-874-3268
Number of Pages: 2

Re: Proposed Pre-Disaster Mitigation Program, Deer Creek in Nevada City; Nevada County.

Dear Mr. Elliott:

A record search of the sacred lands file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 653-4040.

Sincerely,

A handwritten signature in black ink that reads "Katy Sanchez".

Katy Sanchez
Program Analyst

Native American Contact
Nevada County
February 3, 2009

Jill Harvey
 11799 McCourtney Road
 Grass Valley , CA 95949
 (530) 273-1749

Maidu
 Miwok

NEW

X T'Si-akim Maidu
 Grayson Coney, Cultural Director
 760 So. Auburn Street, # 2-C
 Grass Valley , CA 95945
 (530) 477-0711

United Auburn Indian Community of the Auburn Rancheria
 Jessica Tavares, Chairperson
 10720 Indian Hill Road
 Auburn , CA 95603
 530-883-2390
 530-883-2380 - Fax

Maidu
 Miwok

NEW

United Auburn Indian Community of the Auburn
 Tribal Preservation Committee
 10720 Indian Hill Road
 Auburn , CA 95603
 530-883-2390
 530-883-2380 - Fax

Maidu
 Miwok

NEW

Todd Valley Miwok-Maidu Cultural Foundation
 Christopher Suehead, Cultural Representative
 PO Box 1490
 Foresthill , CA 95631
 tvmmcf@foothill.net

Miwok
 Maidu

X T'Si-akim Maidu
 Eileen Moon, Vice Chairperson
 760 So. Auburn Street Ste 2-C
 Grass Valley , CA 95945
 (530) 477-0711

Maidu

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed Pre-Disaster Mitigation Program, Deer Creek In Nevada City; Nevada County.

Appendix E:
2009 FEMA Native American Notification Letters



FEMA

April 9, 2009

Ms. Jill Harvey
Maidu/Miwok
11799 McCourtney Road
Grass Valley, CA 95949

Re: Nevada City Fuel Reduction, Deer Creek Environs
FEMA-PDMC-PJ-09-CA-2007-022
Subgrantee: City of Nevada City, CA

Dear Ms. Harvey:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide Pre-Disaster Mitigation assistance to the City of Nevada City (City), California, through the California Emergency Management Agency (Cal EMA) f/k/a Governor's Office of Emergency Services (OES) to complete a wildfire fuel-reduction proposal. The attached map shows the location of the proposed project. Current fuel density and the potential intensity of a wildfire in the project area preclude firefighters, fire engines, and bulldozers from entering the area to fight the fire from the ground.

FEMA contacted the California Native American Heritage Commission (NAHC) to request a review of its Sacred Lands Files for any known sacred lands that have been identified in the project area and to request a list of the individuals and groups who the NAHC believed should be contacted regarding information or concerns related to the project area. The NAHC responded that the Sacred Lands Files do not list any identified sacred lands in the project area and provided a list of groups and individuals who may have specific knowledge of cultural resources in the project area or have other concerns. Your name was included on the list.

The proposed project would decrease the potential for damage from a catastrophic wildfire to the City's sewage treatment plant, Deer Creek Elementary School, and residents of the City. The proposed project would involve the reduction of fuels on 44 acres along Deer Creek. Fuel reduction would include the selective removal of young conifers smaller than 6 inches in diameter at breast height, downed logs, woody debris, and pruning of shrubs and removal of tree limbs to 8 feet above ground surface. All work would be conducted by hand crews. Ground disturbance is not anticipated.

FEMA's consultant, URS Group, Inc. conducted a pedestrian survey for cultural properties in the project area on March 24 and 25, 2009. Native American cultural properties were not identified

Ms. Jill Harvey
March 31, 2009
Page 2

during the pedestrian survey. Should you have knowledge of any cultural properties in the project area, know of other groups or individuals who may have such knowledge, or have other concerns about the project area, please telephone me at (510) 627-7027, send me an email at or fema-rix-ehp-documents@dhs.gov, or write to me at the letterhead address.

If I do not hear from you within 2 weeks of receipt of this letter, FEMA will assume you have no comments regarding the proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna M. Meyer", with a long horizontal flourish extending to the right.

Donna M. Meyer
Deputy Environmental and Historic
Preservation Officer

Enclosure



FEMA

April 9, 2009

Ms. Jessica Tavares
United Auburn Indian Community of the Auburn Rancheria
10720 Indian hill Road
Auburn, CA 95603

Re: Nevada City Fuel Reduction, Deer Creek Environs
FEMA-PDMC-PJ-09-CA-2007-022
Subgrantee: City of Nevada City, CA

Dear Chairperson Tavares:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide Pre-Disaster Mitigation assistance to the City of Nevada City (City), California, through the California Emergency Management Agency (Cal EMA) f/k/a Governor's Office of Emergency Services (OES) to complete a wildfire fuel-reduction proposal. The attached map shows the location of the proposed project. Current fuel density and the potential intensity of a wildfire in the project area preclude firefighters, fire engines, and bulldozers from entering the area to fight the fire from the ground.

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The proposed project would decrease the potential for damage from a catastrophic wildfire to the City's sewage treatment plant, Deer Creek Elementary School, and residents of the City. The proposed project would involve the reduction of fuels on 44 acres along Deer Creek. Fuel reduction would include the selective removal of young conifers smaller than 6 inches in diameter at breast height, downed logs, woody debris, and pruning of shrubs and removal of tree limbs to 8 feet above ground surface. All work would be conducted by hand crews. Ground disturbance is not anticipated.

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Ms. Jessica Tavares

March 31, 2009

Page 2

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Sincerely,

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Donna M. Meyer
Deputy Environmental and Historic
Preservation Officer

Enclosure



FEMA

April 9, 2009

United Auburn Indian Community of the Auburn Tribal Preservation Committee
10720 Indian Hill Road
Auburn, CA 95603

Re: Nevada City Fuel Reduction, Deer Creek Environs
FEMA-PDMC-PJ-09-CA-2007-022
Subgrantee: City of Nevada City, CA

Sir or Madam:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide Pre-Disaster Mitigation assistance to the City of Nevada City (City), California, through the California Emergency Management Agency (Cal EMA) f/k/a Governor's Office of Emergency Services (OES) to complete a wildfire fuel-reduction proposal. The attached map shows the location of the proposed project. Current fuel density and the potential intensity of a wildfire in the project area preclude firefighters, fire engines, and bulldozers from entering the area to fight the fire from the ground.

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March 31, 2009

Page 2

FEMA's consultant, URS Group, Inc. conducted a pedestrian survey for cultural properties in the project area on March 24 and 25, 2009. Native American cultural properties were not identified during the pedestrian survey. Should you have knowledge of any cultural properties in the project area, know of other groups or individuals who may have such knowledge, or have other concerns about the project area, please telephone me at (510) 627-7027, send me an email at or fema-rix-ehp-documents@dhs.gov, or write to me at the letterhead address.

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Sincerely,

A handwritten signature in black ink, appearing to read "Donna M. Meyer", with a long horizontal flourish extending to the right.

Donna M. Meyer
Deputy Environmental and Historic
Preservation Officer

Enclosure



FEMA

April 9, 2009

Mr. Christopher Suehead
Todd Valley Miwok/Maidu Cultural Foundation
PO Box 1490
Foresthill, CA 95631

Re: Nevada City Fuel Reduction, Deer Creek Environs
FEMA-PDMC-PJ-09-CA-2007-022
Subgrantee: City of Nevada City, CA

Dear Vice Chairperson Moon:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide Pre-Disaster Mitigation assistance to the City of Nevada City (City), California, through the California Emergency Management Agency (CalEMA) f/k/a Governor's Office of Emergency Services (OES) to complete a wildfire fuel-reduction proposal. The attached map shows the location of the proposed project. Current fuel density and the potential intensity of a wildfire in the project area preclude firefighters, fire engines, and bulldozers from entering the area to fight the fire from the ground.

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FEMA notified you previously of the proposed project in a letter dated September 7, 2007. During the comment period for the letter, FEMA did not receive comments related to the proposal. The proposal was subsequently placed on hold but has now been reactivated.

The proposed project would decrease the potential for damage from a catastrophic wildfire to the City's sewage treatment plant, Deer Creek Elementary School, and residents of the City. The proposed project would involve the reduction of fuels on 44 acres along Deer Creek. Fuel reduction would include the selective removal of young conifers smaller than 6 inches in diameter at breast

Mr.Christopher Suehead

March 31, 2009

Page 2

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Sincerely,

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Donna M. Meyer
Deputy Environmental and Historic
Preservation Officer

Enclosure



FEMA

April 9, 2009

Ms. Eileen Moon
T'Si-akim Maidu
760 So. Auburn Street
Suite 2-C
Grass Valley, CA 95945

Re: Nevada City Fuel Reduction, Deer Creek Environs
FEMA-PDMC-PJ-09-CA-2007-022
Subgrantee: City of Nevada City, CA

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FEMA contacted the California Native American Heritage Commission (NAHC) to request a review of its Sacred Lands Files for any known sacred lands that have been identified in the project area and to request a list of the individuals and groups who the NAHC believed should be contacted regarding information or concerns related to the project area. The NAHC responded that the Sacred Lands Files do not list any identified sacred lands in the project area and provided a list of groups and individuals who may have specific knowledge of cultural resources in the project area or have other concerns. Your name was included on the list.

FEMA notified you previously of the proposed project in a letter dated September 7, 2007. During the comment period for the letter, FEMA did not receive comments related to the proposal. The proposal was subsequently placed on hold but has now been reactivated.

The proposed project would decrease the potential for damage from a catastrophic wildfire to the City's sewage treatment plant, Deer Creek Elementary School, and residents of the City. The proposed project would involve the reduction of fuels on 44 acres along Deer Creek. Fuel reduction would include the selective removal of young conifers smaller than 6 inches in diameter at breast

Ms.Eileen Moon

March 31, 2009

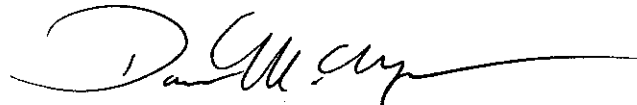
Page 2

height, downed logs, woody debris, and pruning of shrubs and tree limbs to 8 feet above ground surface. All work would be conducted by hand crews. Ground disturbance is not anticipated.

FEMA's consultant, URS Group, Inc. conducted a pedestrian survey for cultural properties in the project area on March 24 and 25, 2009. Native American cultural properties were not identified during the pedestrian survey. Should you have knowledge of any cultural properties in the project area, know of other groups or individuals who may have such knowledge, or have other concerns about the project area, please telephone me at (510) 627-7027 or write to me at the letterhead address.

If I do not hear from you within 2 weeks of receipt of this letter, FEMA will assume you have no comments regarding the proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna M. Meyer", with a long horizontal flourish extending to the right.

Donna M. Meyer
Deputy Environmental and Historic
Preservation Officer

Enclosure



FEMA

April 9, 2009

Mr. Grayson Coney
T'Si-akim Maidu
760 So. Auburn Street
Suite 2-C
Grass Valley, CA 95945

Re: Nevada City Fuel Reduction, Deer Creek Environs
FEMA-PDMC-PJ-09-CA-2007-022
Subgrantee: City of Nevada City, CA

Dear Vice Chairperson Moon:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide Pre-Disaster Mitigation assistance to the City of Nevada City (City), California, through the California Emergency Management Agency (CalEMA) f/k/a Governor's Office of Emergency Services (OES) to complete a wildfire fuel-reduction proposal. The attached map shows the location of the proposed project. Current fuel density and the potential intensity of a wildfire in the project area preclude firefighters, fire engines, and bulldozers from entering the area to fight the fire from the ground.

FEMA contacted the California Native American Heritage Commission (NAHC) to request a review of its Sacred Lands Files for any known sacred lands that have been identified in the project area and to request a list of the individuals and groups who the NAHC believed should be contacted regarding information or concerns related to the project area. The NAHC responded that the Sacred Lands Files do not list any identified sacred lands in the project area and provided a list of groups and individuals who may have specific knowledge of cultural resources in the project area or have other concerns. Your name was included on the list.

FEMA notified you previously of the proposed project in a letter dated September 7, 2007. During the comment period for the letter, FEMA did not receive comments related to the proposal. The proposal was subsequently placed on hold but has now been reactivated.

The proposed project would decrease the potential for damage from a catastrophic wildfire to the City's sewage treatment plant, Deer Creek Elementary School, and residents of the City. The proposed project would involve the reduction of fuels on 44 acres along Deer Creek. Fuel reduction would include the selective removal of young conifers smaller than 6 inches in diameter at breast

Mr.Grayson Coney

March 31, 2009

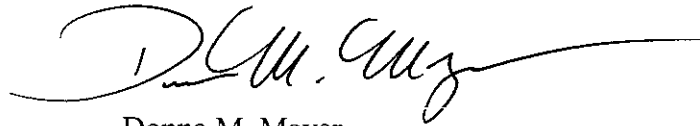
Page 2

height, downed logs, woody debris, and pruning of shrubs and tree limbs to 8 feet above ground surface. All work would be conducted by hand crews. Ground disturbance is not anticipated.

FEMA's consultant, URS Group, Inc. conducted a pedestrian survey for cultural properties in the project area on March 24 and 25, 2009. Native American cultural properties were not identified during the pedestrian survey. Should you have knowledge of any cultural properties in the project area, know of other groups or individuals who may have such knowledge, or have other concerns about the project area, please telephone me at (510) 627-7027 or write to me at the letterhead address.

If I do not hear from you within 2 weeks of receipt of this letter, FEMA will assume you have no comments regarding the proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read "D. M. Meyer", with a long horizontal flourish extending to the right.

Donna M. Meyer
Deputy Environmental and Historic
Preservation Officer

Enclosure

Appendix F:
2009 FEMA Consultation Letter to the SHPO



FEMA

December 4, 2009

Mr. Milford Wayne Donaldson, FAIA
State Historic Preservation Officer
Office of Historic Preservation
1416 9th Street, Room 1442-7
Sacramento, CA 95814
Attention: Ms. Susan Stratton

Re: Nevada City-Fuel Reduction-Deer Creek Environs
PDMC-PJ-09-CA-2007-022

Dear Mr. Donaldson:

The City of Nevada City (Subgrantee) is proposing to implement a wildfire mitigation program within the Deer Creek Environs surrounding the Nevada City Wastewater Treatment Plant to reduce the risk of wildfire in the Deer Creek Environs and the threat a wildfire would pose to the population, buildings, and infrastructure of Nevada City in Nevada County, California.

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to fund the proposal, through the California Emergency Management Agency (CalEMA), under the Pre-Disaster Mitigation Program. FEMA's action of providing Federal financial assistance meets the definition of a Federal Undertaking in accordance with 36 C.F.R. Part 800.16(y), and therefore requires the completion of Section 106 review in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. §§ 470 et seq. [2008]).

FEMA has identified an area of potential effect and has reviewed the Subgrantee's proposal in compliance with Section 106 and the 2005 First Amended Programmatic Agreement (PA) between FEMA, your office, CalEMA, and the Advisory Council on Historic Preservation. FEMA has determined that the Subgrantee's proposal and FEMA's subsequent Undertaking would result in no adverse effect to historic properties, pursuant to 36 C.F.R. Part 800.5(b).

FEMA requests your concurrence on our finding compliant with Stipulation VII.C of the PA and is attaching documentation in accordance with 36 C.F.R. Part 800.11(e). FEMA

Mr. Milford Wayne Donaldson

December 4, 2009

Page 2

may authorize funding for the Subgrantee's proposal unless you notify FEMA of your non-concurrence within 21 days of your receipt of this documentation.

If you should require any additional information about FEMA's request, please do not hesitate to contact me at (510) 627-7027 or fema-rix-ehp-documents@dhs.gov.

Sincerely,

A handwritten signature in cursive script that reads "Donna M. Meyer". The signature is written in black ink and is positioned above the typed name.

Donna M. Meyer
Deputy Environmental and
Historic Preservation Officer

Attachment

cc: Dennis Cassella, City of Nevada City

Paul Ransom, CalEMA

Dennis Castrillo, CalEMA

Appendix G:
2010 SHPO Conditional Concurrence Letter

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov
www.ohp.parks.ca.gov

January 21, 2010

Reply in Reference To: FEMA091207A

Donna M. Meyer, Deputy Environmental and Historic Preservation Officer
U.S. Department of Homeland Security
Federal Emergency Management Agency
1111 Broadway, Suite 1200
Oakland, CA 94607-4052

Re: Consultation on compliance with Stipulation VII.C of the PA for the Nevada City-Fuel Reduction-Deer Creek Environs PSMC-PJ-09-CA-2007-022 (Nevada City – Fuel Reduction – Deer Creek EnvironsPDMC-PJ-CA-2007-022, FINDING OF NO ADVERSE EFFECT TO HISTORIC PROPERTIES).

Dear Ms Meyer:

Thank you for initiating consultation regarding the U.S. Department of Homeland Security – Federal Emergency Management Agency (FEMS) efforts to comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. 470f), as amended, and its implementing regulation found at 36 CFR Part 800. In support of a proposed fuels reduction project, you are seeking my comments on a finding of “No Historic Properties Affected” pursuant to 36 CFR Part 800.4(d), as derived by implementing the PA.

The FEMA has proposed a multi-year fuels reduction project, or undertaking, to reduce risks of catastrophic wildfire breaking out on ground adjacent to the Nevada City Wastewater Treatment Plant and threatening the nearby community of Nevada City. As described in the attached report, the current Area of Potential Effects (APE) encompasses approximately 44-acres of land identified as the “Deer Creek Environs.” The proposed undertaking involves an exclusive use of hand crews to remove nearly 600-tons of biomass by thinning the density of trees and removing brush and other ladder fuels. Fuels reduction work proposed for immediate implementation in the current APE includes the following:

- The restriction of vehicles and (mechanical) chipping equipment to existing roads and disturbed areas.
- The selective cutting and pruning of living and dead trees.
- The disposal of cut trees by -
 - Chipping logs felled within 200-feet (ft) of the above described roads and disturbed areas, and leaving the chipped debris in place.
 - Lopping logs into 4-ft sections and hand carrying sections off-site.
 - Using felled trees equal to or greater than 18-inches (in) diameter at breast height (dbh) for (potential) use as water bars in areas in need of erosion and landslide control.

- Mechanical chipping of removed brush and other ladder fuels within "accessible" distances to the above mentioned roads and disturbed areas.
- Stacking of removed vegetation into hand piles less than 4-ft high and burning during winter months.

To sustain low fuel loadings over the next 20-years, the FEMA report briefly describes future work in the current APE as:

- Maintaining of fire safe vegetation.
- Monitoring native plant re-growth.
- Removing invasive plant species.

The cultural resource investigation completed in support of the proposed undertaking consisted of archival research, Native American (NA) consultation and field-survey. A study area for archival work was defined as land within and out to a 0.5-of a mile of the current APE. Archival work consisted of a search of records on file at the North Central Information Center (NCIC), and it identified a total of 31 previously documented cultural resource sites; of which the following four are in the current APE:

- *Ca-Nev-213H*: A segment of the Rough and Ready Ditch.
- *Ca-Nev-276H*: A portion of the Providence Mine site.
- *Ca-Nev-277H*: A segment of the Precursor Ditch.
- *Ca-Nev-278H*: Two small mine shafts possibly associated with the Precursor Mine.

Native American consultation was initiated with a request for pertinent contacts and sacred lands from the NAHC. As described, the search identified no sacred lands and a list of six contacts. Contacts were sent letters in April of 2009 and, as reported, the FEMA has yet to receive any response. The FEMA report does not indicate additional attempts to make contact beyond initial consultation.

Additional communications with the FEMA indicated that field-survey consisted of walking 15.0-meter spaced transects in portions of the current APE with slopes less than 70°. This work resulted in relocating the four previously documented resources as well as identifying one additional historic-era prehistoric site and five historic-era isolated finds (IF). Newly identified resources are:

- *NC-01 (site)*: Historic-era residential camp consisting of a house pad with rock walls, a privy pit with artifacts, and an artifact scatter.
- *NC-ISO-01 (IF)*: Three geographically discrete segments of "rolled steel pile." The segments are individually identified as NC-ISO-01A, 01B and 01C.
- *NC-ISO-02 (IF)*: A sparse concentration of historic debris consisting of two bottle glass fragments.
- *NC-ISO-03 (IF)*: One intact and in-situ steam donkey boiler
- *NC-ISO-04 (IF)*: One metal pail with a twisted bail
- *NC-ISO-05 (IF)*: A concentration of historic features and debris consisting of a 25-ft wide by 75-ft long by 60-ft high pile of "pulverized granite" with a short drainage ditch at the down-slope base; sections of cast iron pipe embedded into

the drainage ditch; other features described as "scrap features" and the adjoining hillside; and, galvanized tin drainpipe.

Newly identified resources were documented on DPR 523 site record forms and their locations plotted on appropriate topographic maps. As none of the resources had been evaluated for listing on the National Register of Historic Places (NRHP); the FEMA report indicated that, for the proposed undertaking, all would be assumed potentially eligible as they might contain important information on historic gold mining.

In conclusion, the FEMA report prepared in support of the proposed undertaking indicated that historic-era "features" would not be "be removed or altered" by personnel implementing the proposed undertaking; and that ground disturbance caused by fuels reduction work, in general, would be "minimal." The FEMA report too included NC-01 in the above scope of sites and indicated that an "exclusion zone could be established around the resource "if "deemed necessary." Short of the exclusion zone, the FEMA report provided no management conditions for protecting the 10 above discussed resources during immediate and future implementations of the proposed undertaking.

After reviewing the submitted documents, including a report entitled *Nevada City – Fuel Reduction – Deer Creek Environs PDMC-PJ-CA-2007-022, FINDING OF NO ADVERSE EFFECT TO HISTORIC PROPERTIES*, I have the following comments:

- 1) Pursuant to 36 CFR Parts 800.4(a)(1) and 800.16(d), I find the Area of Potential Effects (APE) adequately determined and documented.
- 2) Pursuant to 36 CFR Parts 800.5(b), I concur with a finding of "No Adverse Affects", but with inclusion of the following management conditions for both immediate and future implementations of proposed fuels reduction work:
 - A) As stated above, vehicle (and mechanical) activities should be restricted to existing roads and disturbed areas. Additional land needed for such work must be cleared by a qualified cultural resource specialist before use.
 - B) Fuels reduction work proposed for immediate implementation should be restricted from portions of the current APE that have not been surveyed. Future work in these areas should not be implemented prior to field-survey in order to identify the potential for the proposed undertaking to impact any cultural resource that may be located on this land.
 - C) Cultural resources discussed in the FEMA report should be physically delineated prior to immediate and future implementations of fuels reduction work. Physical delineation must be completed either by or under the direct supervision of a qualified cultural resource specialist; and it can be accomplished by tying a line of coded flagging around resource boundaries. Resources must remain delineated throughout the duration of work and the method used for doing so must be removed after said work is completed.

- D) Cultural resources discussed in the FEMA report must be monitored by a qualified cultural resource specialist when fuels reduction work is implemented within their boundaries and immediate vicinities. This condition should be completed during immediate and future implementations of the proposed undertaking.
- E) Trees and other vegetation felled or cut within cultural resource boundaries may be left in place so long as the individual and cumulative effects of the action do not impact their potential NRHP eligibilities. This work must be monitored by a qualified cultural resource specialist during immediate and future implementations of the proposed undertaking.
- E) Trees and other forest debris felled within cultural resource boundaries should be removed only by means of above ground suspension. By definition, techniques for above ground suspension include the use of hand crews for hand carrying such materials off-site. This work must be monitored by a qualified cultural resource specialist during immediate and future implementations of the proposed undertaking.
- G) All cut trees; brush and ladder fuels that need to be removed from cultural resources should be transported outside the site boundaries shortly after cutting. Cutting of vegetation within site boundaries should be done above the surface so as to cause no ground disturbance and damage. Also, cut vegetation should not be stock-piled within the boundaries of cultural resources for removal at later dates.
- H) Routes for transporting cut vegetation to various locations within the current APE should not be established through the boundaries of cultural resources as the cumulative effects of this action can be disruptive and damaging.
- I) Burn piles should not be established within the boundaries of cultural resources.
- J) Chipped materials should not be distributed within the boundaries of cultural resources.
- K) Logs used for erosion control should not be placed within cultural resource boundaries or in areas that promote runoff into cultural resource sites. As this action can result in ground disturbance and damage to cultural resources, additional consultation with the SHPO will be required to determine if the placement of logs in such areas have potential to result in adverse effects; pursuant to 36 CFR Part 800.5
- L) As the method of implementing future fuels reduction activities discussed above (maintenance of fire-safe vegetation, monitoring of native plant re-growth, and removal of invasive species) has not been described, it should be assumed that such work can result in ground disturbance and damage to cultural resources. Implementations of future work with potential to disturb the ground should not be initiated without additional

cultural resource investigations and SHPO consultation to determine if the activities may result in adverse effects; pursuant to 36 CFR Part 800.5

M) Please sign the signature block at the end of this letter and return a copy to the OHP if you agree to the above described management conditions.

- 3) Prior to the immediate implementation of the proposed undertaking, please be advised that Native American (NA) consultation should include additional (written and phone) communications to contacts on the NAHC list; and, that periodic searches of NAHC files and NA consultation should continue throughout the 20-year duration of the proposed undertaking as new NA resources and contacts will be identified with the passage of time.
- 4) Please be advised that under certain circumstances, such as unanticipated discoveries of potentially significant remains within any portion of the current APE or (methodological and geographical) changes in project scope, you may have future responsibilities for this undertaking under 36 CFR Part 800.

Thank you for seeking my comments. If you have any questions or concerns about my comments, please contact Jeff Brooke of my staff at (916) 653-9019 or at email at jbrooke@parks.ca.gov.

Sincerely,

Susan H Stratton for

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Donna M. Meyer, Deputy Environmental and Historic Preservation Officer
U.S. Department of Homeland Security
Federal Emergency Management Agency

Appendix H:
2011 Records Request to NAHC

Facsimile Transmittal

Transmitted By:

Name: Jeanne Levine
Company: URS, Oakland, CA
Fax #: (510) 874-3268

Date: September 19, 2011
Number of Pages (including cover): 1
Phone #: (510) 874-3127

Please Deliver To:

Name: Ms. Debbie Pilas-Treadway
Company: NAHC
Fax #: (916) 657-5390

Office Phone #: (916) 653-4040

Subject: NACH Records Request for Fuel Reduction Project, Nevada City, CA

Dear Ms. Pilas-Treadway,

The purpose of this letter is to apprise you of a project that is under consideration for funding by the Department of Homeland Security's Federal Emergency Management Agency (FEMA) under its Pre-Disaster Mitigation Program. URS submitted a request to NAHC on FEMA's behalf when the project was originally initiated in August 2007 and again in January 2009. I would like to request that you review your files for any updates to your contact list and sacred lands files since the original request. The project is located along Deer Creek in Nevada City, Nevada County, CA. The proposed action includes the reduction of vegetation on approximately 40 acres along Deer Creek. No ground disturbance is anticipated to occur as a result of this project.

The project is located on the following USGS 7.5' quad and Townships, Ranges, and Sections:

Nevada County

Quad: Nevada City **Township:** 16 N **Range:** 8 E **Section:** 11 and 12

I am requesting the following information:

- Groups or individuals the NAHC believes should be notified regarding this project.
- Identification by the NAHC of any sacred lands within the subject lands that are listed within the Sacred Lands File.

Thank you for your attention to this request.

Sincerely,


Jeanne Levine

URS Corporation
1333 Broadway, Suite 800
Oakland, CA 94612
Phone: (510) 874-3127
Fax: (510) 874-3268

Appendix I:
NAHC Response to 2011 Records Request

~~STATE OF CALIFORNIA~~~~Edmund G. Brown Jr., Governor~~**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 384
SACRAMENTO, CA 95814
(916) 653-4082
Fax (916) 657-5390
Web Site www.nahc.ca.gov



September 26, 2011

Jeanne Levine
URS Corporation
1333 Broadway, Suite 800
Oakland, CA 94512

Sent by Fax: 510-874-3268
of Pages: 3

Re: Proposed Fuel Reduction Project; Nevada County

Dear Ms. Levine:

A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 653-4040.

Sincerely,

A handwritten signature in black ink, appearing to read "Katy Sanchez".

Katy Sanchez
Program Analyst

Native American Contact List
Nevada County
September 26, 2011

Jill Harvey
11799 McCourtney Road Maidu
Grass Valley, CA 95949 Miwok
(530) 273-1749

United Auburn Indian Community of the Auburn Rancheria
David Keyser, Chairperson
10720 Indian Hill Road Maidu
Auburn, CA 95603 Miwok
530-883-2390
530-883-2380 - Fax

T si-Akim Maidu
Eileen Moon, Vice Chairperson
1239 East Main St. Maidu
Grass Valley, CA 95945
(530) 477-0711

Washoe Tribe of Nevada and California
Waldo Walker, Chairperson
919 Highway 395 South Washoe
Gardnerville, NV 89410
waldo.walker@washoetribe.
775-265-4191
775-265-6240 Fax

Washoe Tribe of Nevada and California THPO
Darrel Cruz, Cultural Resources Coordinator
919 Highway 395 South Washoe
Gardnerville, NV 89410
darrel.cruz@washoetribe.
(775) 265-4191 ext 1212
(775) 546-3421 - cell
(775) 265-2254 FAX

T'Si-akim Maidu
Grayson Coney, Cultural Director
P.O. Box 1316 Maidu
Colfax, CA 95713
akimmaidu@att.net
(530) 383-7234

United Auburn Indian Community of the Auburn Rancheria
Marcos Guerrero, Tribal Preservation Committee
10720 Indian Hill Road Maidu
Auburn, CA 95603 Miwok
mguerrero@auburnrancheria.com
530-883-2364
530-883-2320 - Fax

April Wallace Moore
19630 Placer Hills Road Nisenan - So Maidu
Colfax, CA 95713 Konkow
530-637-4279 Washoe

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed Fuel Reduction Project, Nevada City; Nevada County.

Native American Contact List
Nevada County
September 26, 2011

United Auburn Indian Community of the Auburn Rancheria
Gregory S. Baker, Tribal Administrator

10720 Indian Hill Road Maidu
Auburn, CA 95603 Miwok

gbaker@auburnrancheria.

530-883-2390

530-883-2380 - Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7060.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed Fuel Reduction Project, Nevada City; Nevada County.

Appendix J:
2011 FEMA Native American Notification Letters



October 4, 2011

Ms. Jill Harvey
11799 McCourtney Road
Grass Valley, CA 95949

**Re: Nevada City – Fuel Reduction – Deer Creek Environs
PDMC-PJ-09-CA-2007-022
Subapplicant: City of Nevada City**

Dear Ms. Harvey:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide funding to the City of Nevada City, California, through the California Emergency Management Agency, for a wildfire fuel-reduction project in Nevada City, California (proposed project). A map showing the location of the project area is enclosed. The assistance would be provided under the Pre-Disaster Mitigation Program.

The proposed project would involve reducing fuels on approximately 40 acres in the Deer Creek Environs. Fuel reduction would include thinning trees, removing dead trees, clearing brush and other ladder fuels, and pruning tree limbs to 10 feet above ground surface. All work would be conducted by hand crews. Ground disturbance is not anticipated.

FEMA conducted a pedestrian survey for cultural resources in the project area on March 24 and 25, 2009. Native American cultural resources were not identified.

The California Native American Heritage Commission (NAHC) conducted a review of its Sacred Lands Files, and the review failed to indicate the presence of Native American cultural resources in the immediate project area. The NAHC also provided FEMA with a list of groups or individuals who may have knowledge of cultural resources in the project area or have other concerns about the project area. Your name was on this list.

If you have any knowledge of historic or cultural resources in the project vicinity, or if you have other concerns about the proposed project, please contact me at (510) 627-7270,

Ms. Jill Harvey
October 4, 2011
Page 2

at fema-rix-ehp-documents@dhs.gov, or at the letterhead address within 30 days of receipt of this letter. If you need additional time, please contact me; otherwise, if I do not hear from you within 30 days, I will assume that you have no comment regarding the proposed project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donna M. Meyer", with a long horizontal flourish extending to the right.

Donna M. Meyer, CEM/HPS
Deputy Regional Environmental Officer

Enclosure



FEMA

October 4, 2011

Mr. David Keyser
Chairperson
United Auburn Indian Community of the Auburn Rancheria
10720 Indian Hill Road
Auburn, CA 95603

**Re: Nevada City – Fuel Reduction – Deer Creek Environs
PDMC-PJ-09-CA-2007-022
Subapplicant: City of Nevada City**

Dear Mr. Keyser:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide funding to the City of Nevada City, California, through the California Emergency Management Agency, for a wildfire fuel-reduction project in Nevada City, California (proposed project). A map showing the location of the project area is enclosed. The assistance would be provided under the Pre-Disaster Mitigation Program.

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Mr. David Keyser
October 4, 2011
Page 2

If you have any knowledge of historic or cultural resources in the project vicinity, or if you have other concerns about the proposed project, please contact me at (510) 627-7270, at fema-rix-ehp-documents@dhs.gov, or at the letterhead address within 30 days of receipt of this letter. If you need additional time, please contact me; otherwise, if I do not hear from you within 30 days, I will assume that you have no comment regarding the proposed project.

Sincerely,



Donna M. Meyer, CEM/HPS
Deputy Regional Environmental Officer

Enclosure



FEMA

October 4, 2011

Ms. Eileen Moon
Vice Chairperson
T'Si-akim Maidu
1239 East Main Street
Grass Valley, CA 95945

**Re: Nevada City – Fuel Reduction – Deer Creek Environs
PDMC-PJ-09-CA-2007-022
Subapplicant: City of Nevada City**

Dear Ms. Moon:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide funding to the City of Nevada City, California, through the California Emergency Management Agency, for a wildfire fuel-reduction project in Nevada City, California (proposed project). A map showing the location of the project area is enclosed. The assistance would be provided under the Pre-Disaster Mitigation Program.

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Ms. Eileen Moon
October 4, 2011
Page 2

If you have any knowledge of historic or cultural resources in the project vicinity, or if you have other concerns about the proposed project, please contact me at (510) 627-7270, at fema-rix-ehp-documents@dhs.gov, or at the letterhead address within 30 days of receipt of this letter. If you need additional time, please contact me; otherwise, if I do not hear from you within 30 days, I will assume that you have no comment regarding the proposed project.

Sincerely,



Donna M. Meyer, CEM/HPS
Deputy Regional Environmental Officer

Enclosure



FEMA

October 4, 2011

Mr. Waldo Walker
Chairperson
Washoe Tribe of Nevada and California
919 Highway 395 South
Garnerville, NV 89410

**Re: Nevada City – Fuel Reduction – Deer Creek Environs
PDMC-PJ-09-CA-2007-022
Subapplicant: City of Nevada City**

Dear Mr. Walker:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide funding to the City of Nevada City, California, through the California Emergency Management Agency, for a wildfire fuel-reduction project in Nevada City, California (proposed project). A map showing the location of the project area is enclosed. The assistance would be provided under the Pre-Disaster Mitigation Program.

The proposed project would involve reducing fuels on approximately 40 acres in the Deer Creek Environs. Fuel reduction would include thinning trees, removing dead trees, clearing brush and other ladder fuels, and pruning tree limbs to 10 feet above ground surface. All work would be conducted by hand crews. Ground disturbance is not anticipated.

FEMA conducted a pedestrian survey for cultural resources in the project area on March 24 and 25, 2009. Native American cultural resources were not identified.

The California Native American Heritage Commission (NAHC) conducted a review of its Sacred Lands Files, and the review failed to indicate the presence of Native American cultural resources in the immediate project area. The NAHC also provided FEMA with a list of groups or individuals who may have knowledge of cultural resources in the project area or have other concerns about the project area. Your name was on this list.

Mr. Waldo Walker
October 4, 2011
Page 2

If you have any knowledge of historic or cultural resources in the project vicinity, or if you have other concerns about the proposed project, please contact me at (510) 627-7270, at fema-rix-ehp-documents@dhs.gov, or at the letterhead address within 30 days of receipt of this letter. If you need additional time, please contact me; otherwise, if I do not hear from you within 30 days, I will assume that you have no comment regarding the proposed project.

Sincerely,



Donna M. Meyer, CEM/HPS
Deputy Regional Environmental Officer

Enclosure



FEMA

October 4, 2011

Mr. Darrel Cruz
Cultural Resources Coordinator
Washoe Tribe of Nevada and California THPO
919 Highway 395 South
Gardnerville, NV 89410

**Re: Nevada City – Fuel Reduction – Deer Creek Environs
PDMC-PJ-09-CA-2007-022
Subapplicant: City of Nevada City**

Dear Mr. Cruz:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide funding to the City of Nevada City, California, through the California Emergency Management Agency, for a wildfire fuel-reduction project in Nevada City, California (proposed project). A map showing the location of the project area is enclosed. The assistance would be provided under the Pre-Disaster Mitigation Program.

The proposed project would involve reducing fuels on approximately 40 acres in the Deer Creek Environs. Fuel reduction would include thinning trees, removing dead trees, clearing brush and other ladder fuels, and pruning tree limbs to 10 feet above ground surface. All work would be conducted by hand crews. Ground disturbance is not anticipated.

FEMA conducted a pedestrian survey for cultural resources in the project area on March 24 and 25, 2009. Native American cultural resources were not identified.

The California Native American Heritage Commission (NAHC) conducted a review of its Sacred Lands Files, and the review failed to indicate the presence of Native American cultural resources in the immediate project area. The NAHC also provided FEMA with a list of groups or individuals who may have knowledge of cultural resources in the project area or have other concerns about the project area. Your name was on this list.

Mr. Darrel Cruz
October 4, 2011
Page 2

If you have any knowledge of historic or cultural resources in the project vicinity, or if you have other concerns about the proposed project, please contact me at (510) 627-7270, at fema-rix-ehp-documents@dhs.gov, or at the letterhead address within 30 days of receipt of this letter. If you need additional time, please contact me; otherwise, if I do not hear from you within 30 days, I will assume that you have no comment regarding the proposed project.

Sincerely,



Donna M. Meyer, CEM/HPS
Deputy Regional Environmental Officer

Enclosure



FEMA

October 4, 2011

Mr. Grayson Coney
Cultural Director
T'Si-akim Maidu
P.O. Box 1316
Colfax, CA 95713

**Re: Nevada City – Fuel Reduction – Deer Creek Environs
PDMC-PJ-09-CA-2007-022
Subapplicant: City of Nevada City**

Dear Mr. Coney:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide funding to the City of Nevada City, California, through the California Emergency Management Agency, for a wildfire fuel-reduction project in Nevada City, California (proposed project). A map showing the location of the project area is enclosed. The assistance would be provided under the Pre-Disaster Mitigation Program.

The proposed project would involve reducing fuels on approximately 40 acres in the Deer Creek Environs. Fuel reduction would include thinning trees, removing dead trees, clearing brush and other ladder fuels, and pruning tree limbs to 10 feet above ground surface. All work would be conducted by hand crews. Ground disturbance is not anticipated.

FEMA conducted a pedestrian survey for cultural resources in the project area on March 24 and 25, 2009. Native American cultural resources were not identified.

The California Native American Heritage Commission (NAHC) conducted a review of its Sacred Lands Files, and the review failed to indicate the presence of Native American cultural resources in the immediate project area. The NAHC also provided FEMA with a list of groups or individuals who may have knowledge of cultural resources in the project area or have other concerns about the project area. Your name was on this list.

Mr. Grayson Coney
October 4, 2011
Page 2

If you have any knowledge of historic or cultural resources in the project vicinity, or if you have other concerns about the proposed project, please contact me at (510) 627-7270, at fema-rix-ehp-documents@dhs.gov, or at the letterhead address within 30 days of receipt of this letter. If you need additional time, please contact me; otherwise, if I do not hear from you within 30 days, I will assume that you have no comment regarding the proposed project.

Sincerely,



Donna M. Meyer, CEM/HPS
Deputy Regional Environmental Officer

Enclosure



FEMA

October 4, 2011

Mr. Marcos Guerrero
Tribal Preservation Committee
United Auburn Indian Community of the Auburn Rancheria
10720 Indian Hill Road
Auburn, CA 95603

**Re: Nevada City – Fuel Reduction – Deer Creek Environs
PDMC-PJ-09-CA-2007-022
Subapplicant: City of Nevada City**

Dear Mr. Guerrero:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide funding to the City of Nevada City, California, through the California Emergency Management Agency, for a wildfire fuel-reduction project in Nevada City, California (proposed project). A map showing the location of the project area is enclosed. The assistance would be provided under the Pre-Disaster Mitigation Program.

The proposed project would involve reducing fuels on approximately 40 acres in the Deer Creek Environs. Fuel reduction would include thinning trees, removing dead trees, clearing brush and other ladder fuels, and pruning tree limbs to 10 feet above ground surface. All work would be conducted by hand crews. Ground disturbance is not anticipated.

FEMA conducted a pedestrian survey for cultural resources in the project area on March 24 and 25, 2009. Native American cultural resources were not identified.

The California Native American Heritage Commission (NAHC) conducted a review of its Sacred Lands Files, and the review failed to indicate the presence of Native American cultural resources in the immediate project area. The NAHC also provided FEMA with a list of groups or individuals who may have knowledge of cultural resources in the project area or have other concerns about the project area. Your name was on this list.

Mr. Marcos Guerrero
October 4, 2011
Page 2

If you have any knowledge of historic or cultural resources in the project vicinity, or if you have other concerns about the proposed project, please contact me at (510) 627-7270, at fema-rix-ehp-documents@dhs.gov, or at the letterhead address within 30 days of receipt of this letter. If you need additional time, please contact me; otherwise, if I do not hear from you within 30 days, I will assume that you have no comment regarding the proposed project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donna M. Meyer", with a long horizontal flourish extending to the right.

Donna M. Meyer, CEM/HPS
Deputy Regional Environmental Officer

Enclosure



FEMA

October 4, 2011

Ms. April Wallace Moore
19630 Placer Hills Road
Colfax, CA 95713

**Re: Nevada City – Fuel Reduction – Deer Creek Environs
PDMC-PJ-09-CA-2007-022
Subapplicant: City of Nevada City**

Dear Ms. Wallace Moore:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide funding to the City of Nevada City, California, through the California Emergency Management Agency, for a wildfire fuel-reduction project in Nevada City, California (proposed project). A map showing the location of the project area is enclosed. The assistance would be provided under the Pre-Disaster Mitigation Program.

The proposed project would involve reducing fuels on approximately 40 acres in the Deer Creek Environs. Fuel reduction would include thinning trees, removing dead trees, clearing brush and other ladder fuels, and pruning tree limbs to 10 feet above ground surface. All work would be conducted by hand crews. Ground disturbance is not anticipated.

FEMA conducted a pedestrian survey for cultural resources in the project area on March 24 and 25, 2009. Native American cultural resources were not identified.

The California Native American Heritage Commission (NAHC) conducted a review of its Sacred Lands Files, and the review failed to indicate the presence of Native American cultural resources in the immediate project area. The NAHC also provided FEMA with a list of groups or individuals who may have knowledge of cultural resources in the project area or have other concerns about the project area. Your name was on this list.

If you have any knowledge of historic or cultural resources in the project vicinity, or if you have other concerns about the proposed project, please contact me at (510) 627-7270,

Ms. April Wallace Moore
October 4, 2011
Page 2

at fema-rix-ehp-documents@dhs.gov, or at the letterhead address within 30 days of receipt of this letter. If you need additional time, please contact me; otherwise, if I do not hear from you within 30 days, I will assume that you have no comment regarding the proposed project.

Sincerely,



Donna M. Meyer, CEM/HPS
Deputy Regional Environmental Officer

Enclosure



FEMA

October 4, 2011

Mr. Gregory S. Baker
Tribal Administrator
United Auburn Indian Community of the Auburn Rancheria
10720 Indian Hill Road
Auburn, CA 95603

**Re: Nevada City – Fuel Reduction – Deer Creek Environs
PDMC-PJ-09-CA-2007-022
Subapplicant: City of Nevada City**

Dear Mr. Baker:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide funding to the City of Nevada City, California, through the California Emergency Management Agency, for a wildfire fuel-reduction project in Nevada City, California (proposed project). A map showing the location of the project area is enclosed. The assistance would be provided under the Pre-Disaster Mitigation Program.

The proposed project would involve reducing fuels on approximately 40 acres in the Deer Creek Environs. Fuel reduction would include thinning trees, removing dead trees, clearing brush and other ladder fuels, and pruning tree limbs to 10 feet above ground surface. All work would be conducted by hand crews. Ground disturbance is not anticipated.

FEMA conducted a pedestrian survey for cultural resources in the project area on March 24 and 25, 2009. Native American cultural resources were not identified.

The California Native American Heritage Commission (NAHC) conducted a review of its Sacred Lands Files, and the review failed to indicate the presence of Native American cultural resources in the immediate project area. The NAHC also provided FEMA with a list of groups or individuals who may have knowledge of cultural resources in the project area or have other concerns about the project area. Your name was on this list.

Mr. Gregory S. Baker
October 4, 2011
Page 2

If you have any knowledge of historic or cultural resources in the project vicinity, or if you have other concerns about the proposed project, please contact me at (510) 627-7270, at fema-rix-ehp-documents@dhs.gov, or at the letterhead address within 30 days of receipt of this letter. If you need additional time, please contact me; otherwise, if I do not hear from you within 30 days, I will assume that you have no comment regarding the proposed project.

Sincerely,



Donna M. Meyer, CEM/HPS
Deputy Regional Environmental Officer

Enclosure

**Appendix K:
UAIC Response to FEMA**



MIWOK
MAIDU

United Auburn Indian Community
of the Auburn Rancheria

David Keyser
Chairman

Kimberly DuBach
Vice Chair

Gene Whitehouse
Secretary

Brenda Conway
Treasurer

Calvin Moman
Council Member

November 16, 2011

Donna M. Meyers
Deputy Regional Environmental Officer
US Department of Homeland Security
1111 Broadway, Suite 1200
Oakland, CA 94607-4051



Subject: Nevada City – Fuel Reduction – Deer Creek Environs; PDMC-PJ-09-CA-2007-022

Dear Ms. Meyers,

Thank you for requesting information regarding the above referenced project. The United Auburn Indian Community (UAIC) of the Auburn Rancheria is comprised of Miwok and Southern Maidu (Nisenan) people whose tribal lands are within Placer County and ancestral territory spans into El Dorado, Nevada, Sacramento, Sutter, and Yuba counties. The UAIC is concerned about development within its aboriginal territory that has potential to impact the lifeways, cultural sites, and landscapes that may be of sacred or ceremonial significance. We appreciate the opportunity to comment on this and other projects in your jurisdiction.

In order to ascertain whether or not the project could affect cultural resources that may be of importance to the UAIC, we would like to receive copies of any archaeological reports that have been, or will be, completed for the project. We also request copies of future environmental documents for the proposed project so that we have the opportunity to comment on potential impacts and proposed mitigation measures related to cultural resources. The information gathered will provide us with a better understanding of the project and cultural resources on site and is invaluable for consultation purposes. Please contact us if any Native American cultural resources are in, or found to be within, your project area.

Thank you again for taking these matters into consideration, and for involving the UAIC early in the planning process. We look forward to reviewing the aforementioned documents as requested. Please contact Marcos Guerrero, Tribal Historic Preservation Officer, at (530) 883-2364 or email at mguerrero@auburnrancheria.com if you have any questions.

Sincerely,

Gregory S. Baker,
Tribal Administrator

CC: Marcos Guerrero, UAIC

**Appendix L:
FEMA Response to UAIC Letter**



FEMA

July 3, 2012

Mr. Gregory S. Baker
Tribal Administrator
United Auburn Indian Community
10720 Indian Hill Road
Auburn, CA 95603

**Re: Nevada City – Fuel Reduction – Deer Creek Environs
PDM-PJ-09-CA-2007-022
Subapplicant: City of Nevada City**

Dear Mr. Baker:

Thank you for your letter dated November 16, 2011, regarding the subject project.

As you know, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide Federal financial assistance to the City of Nevada City (subapplicant), through the California Emergency Management Agency (CalEMA), for a wildfire mitigation project in Nevada City, CA (proposed project). The proposed project would reduce the risk from wildfire hazards in an area that the subapplicant has designated as the Deer Creek Environs, which surrounds the Nevada City Wastewater Treatment Plant. The assistance would be provided under the Pre-Disaster Mitigation Program (PDM).

FEMA has completed an historic properties investigation of the Area of Potential Effect for the proposed project, including an intensive archaeological survey. Ten historic resources related to historic-era mining were identified as a result of the investigation. No prehistoric or Native American resources were identified.

Pursuant to your request, a copy of FEMA's Findings and Department of Parks and Recreation forms for all recorded or updated resources are enclosed.

In the event of a discovery of potential Native American cultural resources or human remains during implementation of the project, FEMA will require that work be halted in the vicinity of the discovery. Upon notification of a discovery from the subapplicant, FEMA will work with you to ensure that any concerns you have at that time are addressed. FEMA will apprise you of

Mr. Gregory S. Baker
July 3, 2012
Page 2

any new developments. If you require any additional information or have further concerns regarding the proposed project, please do not hesitate to contact me at (510) 627-7728 or donna.meyer@fema.dhs.gov.

Sincerely,



Donna M. Meyer, CEM/HPS
Deputy Regional Environmental Officer
Non-Disaster Grant Programs

Enclosures

Appendix M:
2012 FEMA Consultation Letter to the SHPO



FEMA

July 3, 2012

Mr. Milford Wayne Donaldson, FAIA
State Historic Preservation Officer
Office of Historic Preservation
Department of Parks and Recreation
1725 23rd Street, Suite 100
Sacramento, CA 95816
Attention: Ms. Susan Stratton

**Re: Nevada City – Fuel Reduction – Deer Creek Environs
PDM-PJ-09-CA-2007-022
Subapplicant: City of Nevada City**

Dear Mr. Donaldson:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide Federal financial assistance to the City of Nevada City (subapplicant), through the California Emergency Management Agency (Cal EMA), for a wildfire mitigation project in Nevada City, CA (proposed project). The proposed project would reduce the risk from wildfire hazards in an area that the subapplicant has designated as the Deer Creek Environs, which surrounds the Nevada City Wastewater Treatment Plant. The assistance would be provided under the Pre-Disaster Mitigation Program.

FEMA's action of providing Federal financial assistance meets the definition of a Federal Undertaking in accordance with 36 CFR § 800.16(y) and therefore requires the completion of a Section 106 review in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. § 470f).

FEMA initially consulted with your office regarding the above-referenced project in a letter dated December 4, 2009, in compliance with the 2005 First Amended Programmatic Agreement (PA) among FEMA, your office, Cal EMA, and the Advisory Council on Historic Preservation. FEMA received your concurrence with its determination of no adverse effect to historic properties on January 21, 2010, as long as the 12 management conditions to protect historic properties during project

implementation that you listed are met. The subapplicant has agreed to comply with the conditions. Please see the enclosed report for details.

Subsequent to FEMA's receipt of your conditional concurrence, the subapplicant informed FEMA that an approximately 2-acre portion of the project area would be excluded from the project area and consequently excluded the 2-acre area from the proposed FEMA-funded activities. There were no other changes to the scope of work.

The approximately 2-acre portion is the abandoned Providence Mine site. The U.S. Environmental Protection Agency has awarded the subapplicant two Brownfields Cleanup Grants for cleanup of heavy metal contamination on the site. The subapplicant has confirmed that the proposed FEMA-funded activities would not take place on the approximately 2-acre Providence Mine site.

Therefore, FEMA has identified a new area of potential effect (APE) that reflects the removal of the 2-acre Providence Mine site from the original APE and has re-reviewed the proposal in compliance with Section 106 and the PA. FEMA has determined that the subapplicant's proposal and FEMA's subsequent Undertaking would result in no adverse effect to historic properties, pursuant to 36 CFR § 800.5(b).

FEMA requests your concurrence on our revised APE determination and our finding in compliance with Stipulation VII.C of the PA. For your review, FEMA has enclosed documentation in accordance with 36 CFR § 800.11(e). FEMA will authorize funding for the subapplicant's proposal unless you notify FEMA of your nonconcurrence within 30 days of your receipt of this documentation.

If you require any additional information about FEMA's request, please do not hesitate to contact me at (510) 627-7728 or donna.meyer@fema.dhs.gov.

Sincerely,



Donna M. Meyer, CEM/HPS
Deputy Regional Environmental Officer
Non-Disaster Grant Programs

Enclosures

cc: Dennis Castrillo, Cal EMA
Paul Ransom, Cal EMA
Dennis Cassella, City of Nevada City
David Brennan, City of Nevada City
Joanne Drummond, City of Nevada City