

# **EMERGENCY WATERSHED PROTECTION (EWP) PROGRAM**

## **Arizona Emergency Recovery Plan**

**Arizona NRCS EWP Web Page:**  
<http://www.az.nrcs.usda.gov/programs/ewp/index.html>

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# Arizona Emergency Recovery Plan

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## **1.0 Introduction**

This document serves: (1) to describe the Natural Resources Conservation Service (NRCS) Emergency Watershed Protection (EWP) Program; and (2) to outline an Emergency Recovery Plan (ERP) for the State of Arizona.

The ERP describes how NRCS will work cooperatively with other local, State, Federal, and tribal entities involved in recovery work to increase efficiency and effectiveness in response to natural disasters. The ERP will be utilized as a primary reference material when a natural disaster occurs and an emergency is declared.

### **1.1 Emergency Watershed Protection Program**

The U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) administers the Emergency Watershed Protection (EWP) Program, which responds to emergencies created by natural disasters, such as wildfires and floods. EWP recovery consists of installation of measures that help protect lives and property following a natural disaster. Examples of EWP measures include: removing debris from clogged stream channels and bridges; reshaping and protecting eroded banks; and reseeding damaged areas. Proposed measures must be technically sound and economically, environmentally and socially defensible.

Authority for the EWP Program is contained in Section 216, Public Law 81-516; Section 403 of Title IV of the Agricultural Credit Act of 1978, Public Law 95-334; and Section 382, Title III, of the 1996 Farm Bill, Public Law 104-127. NRCS State Conservationists administer EWP in their respective states and have authority to declare watershed emergencies.

### **1.2 Types of Emergencies**

There are two categories of emergencies within the EWP Program. Exigencies are emergency situations that require an immediate response (within a 10 day time frame) to protect against an imminent threat to life and property. An "imminent threat" is present when there is the potential for a subsequent natural occurrence of a similar intensity to cause significant damage to property and/or threaten human life. The term "property" applies to significant infrastructure such as dwellings, buildings, bridges, and roads. All other situations are termed "non-exigencies" and associated EWP projects are to be completed within 220 days of the event. In all cases, Sponsors (see Chapter 4) must submit a request for EWP assistance to the NRCS within 60 days of the natural disaster occurrence (or 60 days from the date when access to the sites becomes available).

### **1.3 Program Criteria**

The EWP Program is available to a local community whenever a natural disaster creates a sudden watershed impairment that causes an imminent threat to life and/or property. Normal rainfall events do not meet these criteria.

NRCS may be involved in either a presidentially declared disaster (Robert T. Stafford Disaster Relief and Emergency Act, Public Law 93.288) or a locally declared disaster. The President can declare an area a “major disaster area”. When this occurs, the Federal Emergency Management Agency (FEMA) is responsible for coordinating all the disaster activities. EWP assistance may be provided if the NRCS State Conservationist determines the program is applicable. The Governor may also declare an area a “disaster area.” In this case, EWP assistance may be provided in coordination with the Arizona Division of Emergency Management (ADEM). In the absence of a Presidential or Governor declared disaster, and when local conditions warrant, the NRCS State Conservationist may declare a “local” emergency and provide EWP assistance to requesting sponsors.

#### **1.4 Eligible Activities**

To be eligible for EWP Program assistance, all of the following key questions must be answered positively:

- ◆ Was there a natural disaster which impacted a community?
- ◆ Was there a sudden watershed impairment causing a threat to life and/or property, such as flooding, sediment or erosion damages to structures and/or infrastructure?
- ◆ Does the threat to life and/or property significantly exceed that which existed before the impairment?
- ◆ Is there a legal sponsor willing and able to fulfill all sponsor responsibilities?

#### **1.5 Ineligible Activities**

EWP funds cannot be used for the following activities:

- ◆ Perform operation and maintenance, or solve watershed problems that existed before the disaster;
- ◆ Repair, rebuild, or maintain public or private transportation facilities;
- ◆ Perform work on land owned and/or managed by other federal agencies. (An exception is where the local sponsor controls an easement and has operation and maintenance responsibilities);
- ◆ Work on levee projects on streams with a drainage area greater than 400 square miles unless there is a prior agreement established with the U.S. Army Corps of Engineers;
- ◆ Remove sediment or debris from reservoirs or debris basins. (This is considered operation and maintenance, regardless of ownership).

Additional information on the EWP Program can be found in the [EWP Program Fact Sheet](#) located in the appendix.

## 2.0 Agency Contacts for Emergency Watershed Assistance

### 2.1 NRCS Contacts

#### EWP Program State Level Contact:

All formal requests for EWP Program assistance should be sent to the NRCS State Conservationist:

Keisha Tatem  
Work Ph: (602) 280-8808  
Cell Ph: (602) 686-1572  
E-mail: [keisha.tatem@az.usda.gov](mailto:keisha.tatem@az.usda.gov)  
Mailing Address: 230 N. 1<sup>st</sup> Ave., Suite 509  
Phoenix, Arizona 85003

Overall EWP Program management in Arizona is provided by the NRCS State Conservation Engineer:

David Beyman  
Work Ph: (602) 285-6351  
Cell Ph: (602) 680-9859  
E-mail: [david.beyman@az.usda.gov](mailto:david.beyman@az.usda.gov)

Alternate: Dino DeSimone  
Work Ph: (602) 280-8786  
Cell Ph: (602) 686-4349  
E-mail: [dino.desimone@az.usda.gov](mailto:dino.desimone@az.usda.gov)

#### EWP Program Local Contacts:

Local EWP Program assistance is provided by NRCS District Conservationists (DC) stationed at USDA Service Centers throughout the state. Your local DC contact can be found at the following webpage:

<http://www.az.nrcs.usda.gov/contact/directory/fsccontact1.html>

### 2.2 County Contacts

Local EWP Program implementation is coordinated with county emergency management departments and/or public works departments:

Apache County .....(928) 337-7630

Emergency Management Director: Brannon Eagar  
Work Ph: (928) 337-4321 Ext. 2  
Cell Ph: (928) 245-6294  
E-mail: [beagar@co.apache.az.us](mailto:beagar@co.apache.az.us)

County Engineer: Ferrin Crosby  
Work Ph: (928) 337-7530  
E-mail: [fcrosby@co.apache.az.us](mailto:fcrosby@co.apache.az.us)  
Mailing Address: P.O. Box 238  
St. Johns, Arizona 85936

Cochise County.....(520) 432-9200

Emergency Services Director: Norman Sturm Jr.  
Work Ph: (520) 432-9220  
E-mail: [nsturm@cochise.az.gov](mailto:nsturm@cochise.az.gov)

County Engineer: Karen Riggs  
Work Ph: (520) 432-9300  
E-mail: [kriggs@cochise.az.gov](mailto:kriggs@cochise.az.gov)  
Mailing Address:  
1415 Melody Ln.  
Bisbee, Arizona 85603

Coconino County .....(928) 679-8310

Emergency Management Director: Robert Rowley  
Work Ph: (928) 679-8310  
Cell Ph: (928) 606-3282  
E-mail: [rrowley@coconino.az.gov](mailto:rrowley@coconino.az.gov)

Public Works Deputy Director: Lucinda Andreani  
Work Ph: (928) 679-7166  
E-mail: [landreani@coconino.az.gov](mailto:landreani@coconino.az.gov)  
Mailing Address:  
5600 E Commerce  
Flagstaff, Arizona 86004

Gila County .....(928) 402-8764

Emergency Management Deputy Director: Debra Williams  
Work Ph: (928) 402-8764  
Cell Ph: (928) 701-1811  
E-mail: [dwilliams@gilacountyaz.gov](mailto:dwilliams@gilacountyaz.gov)

Public Works Director: Steve Stratton  
Work Ph: (928) 402-8899  
E-mail: [sstratton@gilacountyaz.gov](mailto:sstratton@gilacountyaz.gov)  
Mailing Address: 5515 S Apache Ave., Ste 400  
Globe, Arizona 85501

Graham County .....(928) 428-3250

Emergency Management Director: Terry Cooper  
Work Ph: (928) 428-3250  
Cell Ph: (928) 651-6505  
E-mail: [tcooper@graham.az.gov](mailto:tcooper@graham.az.gov)

County Engineer: Michael Bryce  
Work Ph: (928) 428-0410  
E-mail: [mbryce@graham.az.gov](mailto:mbryce@graham.az.gov)  
Mailing Address:  
921 W. Thatcher Blvd.  
Safford AZ 85546

Greenlee County .....(928) 865-2601

Emergency Management Director: Kay Gale  
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E-mail: [kgale@co.greenlee.az.us](mailto:kgale@co.greenlee.az.us)

Alternate: Steve Rutherford  
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Cell Ph: (928) 965-4525



E-mail: [srutherford@co.greenlee.az.us](mailto:srutherford@co.greenlee.az.us)  
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Physical Location: 253 Fifth St. and Leonard St.  
Clifton, Arizona 85533

La Paz County.....(928) 667-4310

Emergency Management Director: Steve Biro  
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Cell Ph: (928) 231-2386  
E-mail: [sbiro@lapazsheriff.org](mailto:sbiro@lapazsheriff.org)

Alternate: Mimi Mejia  
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Mailing Address: La Paz County, Office of Emergency Management  
1108 Joshua Avenue  
Parker, Arizona 85344

Maricopa County.....(602) 273-1411

Emergency Management Director: Pete Weaver  
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E-mail: [peteweaver@mail.maricopa.gov](mailto:peteweaver@mail.maricopa.gov)

Alternate: Julie Syrmopoulos  
Cell Ph: (602) 722-9229  
E-mail: [juliesyrmopoulos@mail.maricopa.gov](mailto:juliesyrmopoulos@mail.maricopa.gov)  
Mailing Address: 5630 E McDowell Road  
Phoenix, Arizona 85008

Mohave County.....(928) 757-0910

Emergency Management Director: Byron Steward  
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E-mail: [byron.steward@mohavecounty.us](mailto:byron.steward@mohavecounty.us)

Alternate: Mike Browning  
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E-mail: [mike.browning@mohavecounty.us](mailto:mike.browning@mohavecounty.us)  
Mailing Address: P.O. Box 7000  
Kingman, Arizona 86402  
Physical Location: 3250 E Kino Avenue  
Kingman, Arizona 86402

Navajo County.....(928) 524-4200

Emergency Management Director: Dan Hinz  
Work Ph: (928) 524-4397  
Cell Ph: (928) 521-4142  
E-mail: [dan.hinz@navajocountyaz.gov](mailto:dan.hinz@navajocountyaz.gov)

Manager: Mary Jane Springer  
Work Ph: (928) 524-4046  
Cell Ph: (928) 243-2584  
E-mail: [mary.springer@navajocountyaz.gov](mailto:mary.springer@navajocountyaz.gov)

Mailing Address: Governmental Complex P.O. Box 668  
100 E Code Talkers Drive  
Holbrook, Arizona 86025

Pima County .....(520) 351-3200

Emergency Management Director: Mike Hein  
Work Ph: (520) 351-3200  
Cell Ph: (520) 247-9616  
E-mail: [mike.hein@pima.gov](mailto:mike.hein@pima.gov)

Alternate: Jeff Guthrie  
Work Ph: (520) 351-3200  
Cell Ph: (520) 940-5300  
E-mail: [jeff.guthrie@pima.gov](mailto:jeff.guthrie@pima.gov)  
Mailing Address: 3434 E. 22nd Street, Suite A  
Tucson, Arizona 85713

Pinal County .....(520) 509-3555

Emergency Management Director: Lou Miranda  
Work Ph: (520) 866-6415  
Cell Ph: (520) 251-2394  
E-mail: [lou.miranda@pinalcountyz.gov](mailto:lou.miranda@pinalcountyz.gov)

Alternate: Candace McDonald  
Work Ph: (520) 866-6942  
E-mail: [candace.mcdonald@pinalcountyz.gov](mailto:candace.mcdonald@pinalcountyz.gov)  
Mailing Address: P.O. Box 727  
Florence, Arizona 85132  
Physical Location: 31 N Pinal St., Bldg F  
Florence, Arizona 85132

Santa Cruz County .....(520) 375-8000

Emergency Management Director: Raymond Sayre  
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Mailing Address: 2150 N Congress Drive, Rm 110  
Nogales, Arizona 85621

Yavapai County .....(928) 771-3321

Emergency Management Director: Denny Foulk  
Work Ph: (928) 771-3321  
Cell Ph: (928) 713-3020  
E-mail: [denny.foulk@yavapai.us](mailto:denny.foulk@yavapai.us)

Flood Control District Director: Charlie Cave  
Work Ph: (928) 771-3197  
E-mail: [charlie.cave@yavapai.us](mailto:charlie.cave@yavapai.us)  
Mailing Address: 1120 Commerce Drive  
Prescott, Arizona 86305

Yuma County.....(928) 373-1093

Yuma Director: Gretchen Robinson  
Work Ph: (928) 373-1093  
Cell Ph: (928) 580-6537  
E-mail: [gretchen.robinson@yumacountyaz.gov](mailto:gretchen.robinson@yumacountyaz.gov)

Alternate: Cathi Lara  
Work Ph: (928) 373-1079  
E-mail: [cathi.lara@yumacountyaz.gov](mailto:cathi.lara@yumacountyaz.gov)  
Mailing Address: 198 S Main Street  
Yuma, Arizona 85364

**2.3 State Contacts**

Arizona Department of Water Resources Surface Water Division .....(602) 771-8649

Director: Michael Johnson  
Telephone: 602-771-8649  
Email: [mjjohnson@azwater.gov](mailto:mjjohnson@azwater.gov)

Arizona Department of Environmental Quality Water Quality Division.....(602) 771-2330

Emergency Response Hotline: (800) 234-5677 - Toll Free

Arizona Department of Game and Fish.....(602) 942-3000

Director: Larry Voyles  
5000 West Carefree Highway  
Phoenix, Arizona 85086

Arizona Division of Emergency Management .....(602) 244-0504

Director: Lou Trammell  
Work Ph: (602) 464-6203  
Mobile: (602) 319-2330  
E-mail: [lou.trammell@azdema.gov](mailto:lou.trammell@azdema.gov)

Arizona State Historic Preservation Office .....(602) 542-4009

Arizona State Parks  
James Garrison, State Historic Preservation Officer  
1300 West Washington  
Phoenix, AZ 85007  
Phone: 602-542-4009  
E-mail: [jwg2@azstateparks.gov](mailto:jwg2@azstateparks.gov)  
Compliance Specialist: Dr. James Cogswell  
E-mail: [jcogswell@azstateparks.gov](mailto:jcogswell@azstateparks.gov)  
Phone: 602-542-7142

**2.4 Federal Contacts**

U.S. Army Corps of Engineers Arizona-Nevada Area Office.....(602) 230-6900

Sally McGuire, Chief – Arizona Branch  
3636 N. Central Ave, Suite 900  
Phoenix, AZ 85012-1939

U.S. Bureau of Indian Affairs.....(602) 379-6600

Brian Bowker, Regional Director

2600 N. Central Avenue,  
Phoenix, AZ 85004-3050

U.S. Fish and Wildlife Service Arizona Ecological Services Office .....(602) 242-0210

Steve Spangle, Field Supervisor  
2321 W. Royal Palm Rd., Suite 103  
Phoenix, AZ 85021

Federal Emergency Management Agency Region IX Office.....(202) 646-2500

U.S. Forest Service

Apache Sitgreaves National Forest.....(928) 333-4301

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P.O. Box 640  
Springerville, Arizona 85938

Coconino National Forest.....(928) 527-3600

Forest Supervisor: Earl Stewart  
1824 S Thompson Street  
Flagstaff, Arizona 86001

Coronado National Forest.....(520) 388-8300

Forest Supervisor: Jim Upchurch  
300 W. Congress Street  
Tucson, Arizona 85701

Kaibab National Forest.....(928) 635-8200

Forest Supervisor: Mike Williams  
800 South 6th Street  
Williams, Arizona 86046

Tonto National Forest.....(602) 225-5200

Forest Supervisor: Neil Bosworth  
2324 E. McDowell Road  
Phoenix, Arizona 85006

Prescott National Forest.....(928) 443-8000

Forest Supervisor: Tom Torres (Acting)  
344 South Cortez Street  
Prescott, Arizona 86303

**2.5 Tribal Contacts**

On tribal lands, EWP Program implementation is coordinated with the appropriate tribal emergency management and/or natural resources departments.

Ak Chin Indian Community .....(520) 568-1000

Contact: Glenn Boothe  
Work Ph: (520) 251-2463  
E-mail: [gboothe@ak-chin.nsn.us](mailto:gboothe@ak-chin.nsn.us)  
Website: [www.ak-chin.nsn.us](http://www.ak-chin.nsn.us)

Cocopah Tribe of .....(928) 627-2102

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Website: [www.cocopah.com](http://www.cocopah.com)

Colorado Indian Tribes .....(928) 669-9211

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Website: [www.crit-nsn.gov](http://www.crit-nsn.gov)

Fort McDowell Yavapai Nation .....(480) 789-7000

Contact: Mark Openshaw  
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E-mail: [mopenshaw@fortmcdowell.org](mailto:mopenshaw@fortmcdowell.org)  
Website: [www.ftmcdowell.org](http://www.ftmcdowell.org)

Fort Mojave Indian Tribe .....(760) 629-4591

Contact: Luke Johnson  
Work Ph: (760) 326-9650  
E-mail: [lukejohnson@fortmojave.com](mailto:lukejohnson@fortmojave.com)  
Website: [www.mojaveindiantribe.com](http://www.mojaveindiantribe.com)

Gila River Indian Community .....(520) 562-4487

Contact: Robert "Bob" DeLeon  
Work Ph: (520) 562-7191  
E-mail: [robert.deleon@gric.nsn.us](mailto:robert.deleon@gric.nsn.us)  
Website: [www.gilariver.org](http://www.gilariver.org)

Havasupai Tribe .....(928) 448-2731

Contact: Armondo Marhsall  
Work Ph: (928) 448-2070  
E-mail: [htfacilities0@havasupai-nsn.gov](mailto:htfacilities0@havasupai-nsn.gov)  
Website: [www.havasupaitribe.com](http://www.havasupaitribe.com)

Hopi Tribe .....(928) 734-3000

Contact: Roger Tungovia  
Work Ph: (928) 448-2070  
E-mail: [rtungovia@hopi.nsn.us](mailto:rtungovia@hopi.nsn.us)  
Website: [www.hopi-nsn.gov](http://www.hopi-nsn.gov)

Hualapai Indian Tribe .....(928) 769-2216

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E-mail: [fbradley@hualapai-nsn.gov](mailto:fbradley@hualapai-nsn.gov)  
Website: [www.hualapai-nsn.gov](http://www.hualapai-nsn.gov)

Kaibab Band of Paiute Indians .....(928) 643-7245

Website: [www.kaibabpaiute-nsn.gov](http://www.kaibabpaiute-nsn.gov)

Navajo Nation .....(928) 871-6000

Contact: Herb Tsosie  
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E-mail: [herbtsosieiii@yahoo.com](mailto:herbtsosieiii@yahoo.com)  
Website: [www.navajo-nsn.gov](http://www.navajo-nsn.gov)

Pascua Yaqui Tribe.....(520) 883-5000

Contact: Andre Matus, Jr.  
Work Ph: (520) 879-5723  
E-mail: [andre.matus2@pascuayaqui-nsn.gov](mailto:andre.matus2@pascuayaqui-nsn.gov)  
Website: [www.pascuayaqui-nsn.gov](http://www.pascuayaqui-nsn.gov)

Quechan Tribe .....(760) 572-0213

Contact: Melvin Miguel  
Work Ph: (928) 920-9987  
E-mail: [m.miguel@quechantribe.com](mailto:m.miguel@quechantribe.com)

Salt River Pima-Maricopa Indian Community..... (480) 362-7400

Contact: Cliff Puckett  
Work Ph: (480) 362-7927  
E-mail: [cliff.puckett@srpmic-nsn.gov](mailto:cliff.puckett@srpmic-nsn.gov)  
Website: [www.srpmic-nsn.gov](http://www.srpmic-nsn.gov)

San Carlos Apache Tribe.....(928) 475-2361

Contact: Vernon James  
Work Ph: (928) 475-4819  
E-mail: [vernon.james@scatui.net](mailto:vernon.james@scatui.net)  
Website: [www.sancarlosapache.com](http://www.sancarlosapache.com)

San Juan Southern Paiute Tribe.....(928) 283-4587

Tohono O’odham Nation.....(520) 383-2028

Contact: Sandra Espinoza  
Work Ph: (520) 383-8860  
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Website: [www.tonation-nsn.gov](http://www.tonation-nsn.gov)

Tonto Apache Tribe.....(928) 474-5000

White Mountain Apache Tribe.....(928) 338-4346

Contact: Shannon Tsosie  
Work Ph: (928) 594-1608  
E-mail: [stsosie@wmat.us](mailto:stsosie@wmat.us)  
Website: [www.wmat.nsn.us](http://www.wmat.nsn.us)

Yavapai-Apache Nation.....(928) 567-1004

Website: [www.yavapai-apache.org](http://www.yavapai-apache.org)

Yavapai-Prescott Indian Tribe.....(928) 445-8790

Contact: Amber Tyson  
Work Ph: (928) 515-7453  
E-mail: [atyson@ypit.com](mailto:atyson@ypit.com)  
Website: [www.ypit.com](http://www.ypit.com)

Pueblo of Zuni .....(505) 782-7000

Website: [www.ashiwi.org](http://www.ashiwi.org)

### ***3.0 Agency Roles and Responsibilities***

Knowledge about governmental agencies' emergency programs during the initial stages of an emergency is critical. The various agency roles and responsibilities by branch of government are listed below.

#### **3.1 Local and County Agencies**

##### Conservation Districts

The State of Arizona is covered by Conservation Districts, organized under either State or tribal law. Arizona Revised Statute (ARS) Title 37 Chapter 6 authorizes Natural Resource Conservation Districts (NRCDS) to cooperate with landowners and state and federal agencies on programs of watershed improvement. NRCDS and tribal Conservation Districts provide a critical local link for the EWP Program.

##### County Emergency Management Departments and Public Works Departments

Each County in Arizona has an Emergency Management Department. These agencies provide local coordination during emergencies and natural disasters. They assist with mitigation, preparedness, response and recovery from the effects of disasters. County Engineering and Public Works Departments also assist in recovery efforts. In many cases, Counties have taken on EWP Program sponsor responsibilities as well.

#### **3.2 State Agencies**

##### Arizona Division of Emergency Management

The mission of the Arizona Division of Emergency Management (ADEM) is to “prepare and coordinate emergency services and the efforts of government agencies to reduce the impact of disasters on persons and property.” The Director of ADEM is the Governor’s Authorized Representative for presidentially declared disasters, and is responsible for state and local disaster recovery projects. The Director also oversees emergency response programs for Governor declared disasters. Additional information can be found at the ADEM website at <http://www.dem.azdema.gov>

##### Arizona Department of Environmental Quality

The Arizona Department of Environmental Quality (ADEQ) serves as the lead agency for emergency pollution response and assistance in flood control planning. ADEQ is also the certifying agency for Section 401 of the Clean Water Act. Additional information can be found at the ADEQ website at <http://www.azdeq.gov>

##### Arizona Department of Water Resources

The Arizona Department of Water Resources (ADWR) assists ADEM in providing information on water quantity during times of high precipitation flood events. ADWR also has leadership for floodplain management in the state and works with FEMA and the counties on flood damage mitigation efforts, including flood warnings systems and other non-structural measures to reduce flood damages. Additional information can be found at the ADWR website at <http://www.azwater.gov>

### Arizona Game and Fish Department

The mission of the Arizona Game and Fish Department (AGFD) is to “conserve Arizona’s diverse wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.” AGFD has shared responsibility with the U.S. Fish and Wildlife Service to manage and protect threatened and endangered species and migratory wildlife in Arizona. AGFD can provide information and technical assistance on wildlife and wildlife habitat management needs following a natural disaster to restore and enhance these resources. Additional information can be found at the AGFD website at <http://www.azgfd.gov>

### Arizona State Historic Preservation Office

As a public agency, the mission of the Arizona State Historic Preservation Office (SHPO) is defined by the legislation that created it. The SHPO implements programs created by both Congress and the Arizona Legislature, principally in the National Historic Preservation Act of 1966 and the Arizona State Historic Preservation Act of 1981. Therefore, one of SHPO's primary functions is to advise and assist federal and state agencies in their compliance with these laws. The SHPO also encourages partnerships between federal agencies, state agencies, local governments, Indian Tribes, and private organizations and individuals in order to plan historic preservation programs and activities so that these endeavors promote public and private preservation and utilization of Arizona's prehistoric and historic heritage resources. The SHPO is administratively part of Arizona State Parks. Additional information on the SHPO can be found at <http://azstateparks.com/SHPO>

## **3.3 Federal Agencies**

### Army Corps of Engineers

The mission of the Army Corps of Engineers (Corps) Emergency Management Division is provide engineering services to respond to national and natural disasters to minimize damages and help in recovery efforts. Public Law 84-99 enables the Corps to assist state and local authorities in flood fight activities and cost share in the repair of flood protection structures. Public Law 93-288 authorizes the Federal Emergency Management Agency to task the Corps with disaster recovery missions under the Federal Response Framework. The Corps Regulatory Division administers Section 404 of the Clean Water Act (CWA). Additional information can be found at the Corps website at <http://www.spl.usace.army.mil>

### Federal Emergency Management Agency

The mission of the Federal Emergency Management Agency (FEMA) is to reduce the loss of life and property and protect our nation’s critical infrastructure from all types of hazards through a comprehensive, risk-based, emergency management program of mitigation, preparedness, response, and recovery. For presidentially declared disasters, FEMA coordinates federal agency activities. FEMA also provides assistance to states, communities, and individuals for floodplain management, emergency preparedness, disaster assistance, training, and administering the national flood insurance program. Additional information can be found at the FEMA website at <http://www.fema.gov/region-ix>

### Fish and Wildlife Service

The mission of the U.S. Fish and Wildlife Service (FWS) is to work with others to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. The FWS also has responsibilities for managing endangered and threatened species. FWS can



provide information on the locations of special status species and ways to reduce impacts when working within critical habitats.

During emergency situations, the FWS primary objective is to provide recommendations for minimizing adverse effects to listed species without impeding response efforts. Protecting human life must come first in the event of an emergency. In the initial stages of an emergency, if the event is determined to be in proximity to listed species or critical habitat, FWS will provide initial guidance and an emergency consultation number. Consultation will be initiated if the emergency response may affect listed species and/or critical habitat. Additional information can be found at the FWS website at <http://www.fws.gov/southwest/es/arizona>

#### Forest Service

The U.S. Forest Service (FS) is responsible for administering the EWP Program within National Forests. As mutually agreed, NRCS can perform emergency work on FS lands. The FS Burned Area Emergency Response (BAER) program is designed to address emergency situations following wildfires. BAER objectives include determining if emergency resource or human health and safety conditions exist, alleviating emergency conditions to help stabilize soil, control water, sediment and debris movement, preventing impairment of ecosystems, protecting cultural resources, and mitigating significant threats to health, safety, life, property and downstream values at risk.

Burned-area emergency assessments are rapid evaluations conducted to determine if critical values are at risk to imminent post-fire runoff and to develop appropriate emergency actions to manage unacceptable risks. Approved emergency treatments are intended to reduce the risks to life, property, cultural and natural resources. Approved emergency treatments should be implemented before the first damage producing storm and must be fully implemented within one year following fire containment. Additional information can be found at the FS BAER website:

<http://www.fs.fed.us/biology/watershed/burnareas>

#### Bureau of Indian Affairs

The Bureau of Indian Affairs (BIA) mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes and Alaska Natives. BIA BAER Teams are also utilized for fire emergencies on lands managed by agencies of the Department of Interior. Additional information can be found at the BIA BAER website at <http://www.bia.gov/nifc/fuels/burnarea>

### **3.4 Tribal Agencies**

On tribal lands, EWP Program implementation is coordinated through the appropriate tribal emergency management and/or natural resources departments. Please refer to the tribal contact information in Section 2.

## **4.0 Project Sponsor Responsibilities**

To implement the EWP Program, NRCS works through a local sponsor. A sponsor can be a local unit of government, such as a city, or subdivision of state government, such as a county, or a tribe or tribal organization. A sponsor must have responsibility for the values threatened by the watershed emergency. A sponsor must be capable of obtaining necessary land rights, permits, and carrying out operation and maintenance responsibilities. NRCS in Arizona has worked with cities, counties, and Indian tribes on previous disasters and EWP projects.

### **4.1 General Sponsor Responsibilities**

- ◆ Submit a letter to the NRCS State Conservationist requesting EWP assistance within 60 days after the event. A [Sample Letter Requesting EWP Assistance](#) can be found in the Appendix;
- ◆ Provide for 25 percent of project costs (cash and/or approved in-kind);
- ◆ Acquire all necessary easements and permits;
- ◆ Ensure utilities are relocated as needed;
- ◆ Enter into a project agreement with NRCS;
- ◆ Enter into an operation and maintenance agreement with NRCS for completed structural measures.

### **4.2 Landrights Acquisition Responsibilities**

- ◆ Sponsors must obtain real property rights from all affected landowners for EWP restoration work, including the use of eminent domain or other court action, if necessary;
- ◆ Property rights must be obtained for the life of the project measures and/or in accordance with the operation and maintenance plan;
- ◆ Sponsors must provide NRCS with property rights assurances using form NRCS-ADS-78 prior to the signing of the project agreement. A [Sample NRCS-ADS-78](#) can be found in the Appendix.

### **4.3 Cost Share Responsibilities**

Federal funds can provide up to 75 percent of the construction costs of emergency measures. Local funds are required for the remaining 25 percent of construction costs (can be cash and/or eligible in-kind). For limited resource areas, Federal cost-sharing may not exceed 90 percent. (Limited resource areas must meet certain housing, income and employment criteria, as outlined in the NRCS National EWP Program Manual.) The sponsor may elect to carry out certain construction work that may be used toward their share of the project cost. In-kind contributions may include labor, equipment and/or materials.

## 5.0 Emergency Recovery Process

This section is intended to enhance the coordination and communication among participating agencies prior to and during natural disasters.

### 5.1 Definitions

Exigency	Those situations that demand immediate action to avoid potential loss of life or property. Construction must be completed within a 10 day period.
Project Sponsor	Local unit or subdivision of state government, or tribe, with a legal interest in or responsibility for the values threatened by a watershed emergency.
District Conservationist (DC)	The local NRCS contact responsible for EWP program implementation at the local level.
EWP Program Manager (PM)	Responsible for leadership and oversight of the NRCS EWP program in Arizona.
State Conservationist (STC)	Responsible for all NRCS activities and programs in Arizona.

### 5.2 Emergency Procedures

Following are general procedures that NRCS and potential sponsors will follow in the event of a natural disaster and watershed impairment. Please refer to the [EWP Implementation Flow Chart](#) at the end of this section.

#### Document the Event

When a natural disaster occurs, the District Conservationist will work with affected landowners and local government entities to document the magnitude of the event and the extent of damages. The DC will work with the EWP Program Manager to complete an [EWP Electronic Disaster Report](#) (EDR). The PM will submit the EDR, a project location map, and photos of the disaster within five working days to NRCS National Headquarters (NHQ) to provide notice that there may soon be a request for EWP funds to address a watershed impairment.

#### Initial Eligibility Determination

At the request of a potential sponsor, the DC will conduct a site visit, including participation by potential sponsor representatives and NRCS technical specialists. The DC will review the extent of the damaged areas and make an initial determination on the potential for EWP work. The DC will use the [EWP Initial Site Eligibility Worksheet](#) and answer the following key questions:

- ◆ Was there a natural disaster which impacted a community?
- ◆ Was there a sudden watershed impairment causing a threat to life and/or property, such as flooding, sediment or erosion damages to structures and/or infrastructure?
- ◆ Does the threat to life and/or property significantly exceed that which existed before the impairment?
- ◆ Is there a legal sponsor willing and able to fulfill all sponsor responsibilities?

### Request for EWP Assistance

If an eligible sponsor is available and interested in EWP Program assistance to address the watershed impairment, the sponsor will send a letter requesting NRCS technical and financial assistance to the NRCS State Conservationist. The request must be submitted within 60 days following the date of the watershed impairment or 60 days from the date when access to the site becomes available.

### Damage Survey Report

Upon receipt of the request for EWP assistance, the EWP Program Manager will coordinate with the local sponsor and assign NRCS staff to form an interdisciplinary Damage Survey Report (DSR) Team. This Team will generally consist of:

- ◆ Sponsor Representative(s)
- ◆ District Conservationist
- ◆ EWP Program Manager
- ◆ State Conservation Engineer
- ◆ Environmental Coordinator

The DSR Team will visit the potential EWP sites, conduct an environmental evaluation, develop alternative project measures, and estimate costs and benefits. The team will complete a DSR and make an eligibility recommendation to the State Conservationist. A [Sample Damage Survey Report](#) can be found in the Appendix. Concurrently, the NRCS State Archaeologist and State Biologist will initiate consultations with the SHPO, Indian tribes, FWS, and other regulatory agencies, as appropriate, in compliance with Section 106 of the National Historic Preservation Act, the National Environmental Policy Act, and other environmental laws and regulations (see Chapter 9).

### Request for EWP Funding

If the STC makes a determination that the site is eligible for EWP assistance, the PM will send the DSR along with a request for funding to NRCS NHQ. If EWP funds are available, sufficient funds will be transferred to Arizona NRCS for the proposed work.

### Project Agreement

If EWP funds are authorized, a project agreement will be executed between the sponsor and NRCS. The sponsor will provide assurances that all necessary permits and land rights have been acquired. The project agreement will specify the scope of work, costs, in-kind contributions, and terms for accepting the completed project.

### Project Design and Construction

The NRCS State Conservation Engineer will work with the project sponsor to finalize the engineering design, construction drawings and specifications for the project. After consultation with the sponsor, a construction contract and/or agreement may be awarded. Sponsor and government representatives will monitor the work during construction. For non-exigency projects, the PM will submit a project status report to NRCS NHQ every 60 days from the date the project was funded. Upon completion of construction, the PM will submit a project completion report to NRCS NHQ.

Follow-up and Maintenance

The DC and sponsor representative will periodically visit the project site to evaluate how the project is functioning and to determine if the terms of the operation and maintenance agreement are being implemented.



## 6.0 TYPICAL RECOVERY MEASURES

NRCS uses various measures or conservation practices to stabilize watersheds following a natural disaster. Practices are designed to relieve imminent threats to life and property. This section provides general descriptions of typical EWP practices. The design and installation of practices is site-specific and must be approved by a qualified engineer using current standards and specifications.

### 6.1 Flood Measures

**Restore Stream Channel Capacity** – Restoring stream channel (hydraulic) capacity in general requires removing and disposing of accumulated debris composed of woody material, sediments, or larger mineral material such as cobbles or boulders. NRCS will not remove hazardous material, such as fuel storage tanks; State agencies are responsible for this.

**Clearing and Snagging** – This involves removing snags, drifts, or other obstructions from a channel in order to increase the flow capacity of the channel. Special attention shall be given to restoring, maintaining, or improving landscape resources and habitat for fish and wildlife.

**Streambank Stabilization** – This practice is used to stabilize or protect banks of streams or excavated channels for one or more of the following purposes: to prevent the loss of land or damage to utilities, homes, buildings, roads or other facilities adjacent to the banks; to maintain the capacity of a channel; and/or to reduce sediment loads causing downstream damages and pollution. Normally the banks are sloped back and stabilized with soil bioengineering techniques and/or rock riprap depending on the site characteristics, stream velocities, stream configuration, etc. The top of the bank is normally seeded to grass and planted to shrubs and trees. The [NRCS Engineering Field Handbook \(EFH\)](#) details many of these methods.

**Soil Bioengineering** – Soil bioengineering incorporates living plant materials as structural components of an engineered project. Adapted types of woody vegetation (shrubs and trees) are initially installed in specified configurations that offer immediate soil protection and reinforcement. Environmental benefits derived from woody vegetation include diverse and productive riparian habitat, shade, organic additions to the stream, cover for fish, and improvements in aesthetic value and water quality. For stream banks, living systems include brush mattresses, live stakes, joint plantings, vegetated geo-grids and branch packing.

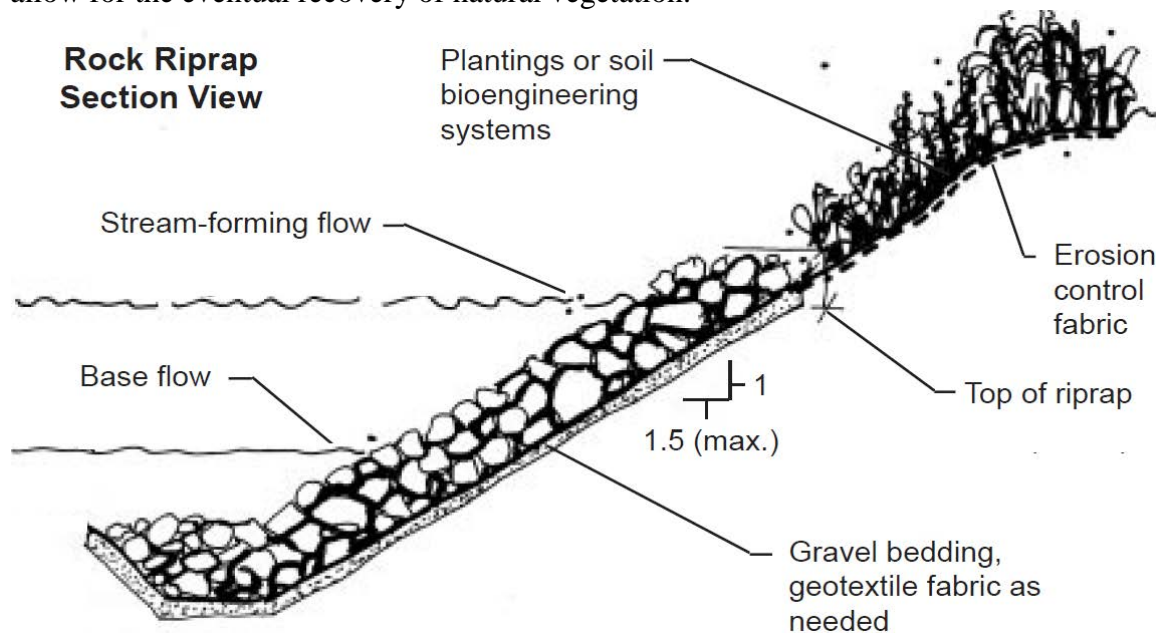
**Vanes** – Vanes are grade control structures composed of rock, logs or root wads, or a combination of the three. The structures are designed to reduce bank erosion by reducing near-bank slope, velocity gradient, stream power and shear stress. The upstream oriented vanes concentrate stream flows in the center of the channel.

**Bank Shaping and Vegetation Establishment** – This measure involves excavating and filling the raw, eroded stream bank to a side slope which is suitable for the site and establishing appropriate plant materials to stabilize the side slopes.

**Jacks/Jack fields** – This involves the installation of individual structures made of wood, concrete or steel poles crossed and wired together at the ends and midpoints. They are anchored in rows, parallel to an eroding streambank.

**Log, Rootwad and Boulder Revetment** – A structure of logs, root wads and anchoring boulders arranged and constructed in a manner to provide direct protection from continued stream bank erosion.

**Rock Riprap** – This is a blanket of graded rock placed on a shaped streambank surface, which provides structural slope protection so that erosion can be slowed or stopped. A non-woven geotextile is often installed under the rip rap as another layer of erosion protection and will allow for the eventual recovery of natural vegetation.



**Rock Gabions** – A gabion is a rectangular basket made of heavily galvanized wire mesh filled with small to medium size rock (4" to 6") and laced together and installed at the base of a bank to form a structural toe or sidewall. Vegetation may/or may not be incorporated by placing live branches or seed between each layer of rock filled baskets.

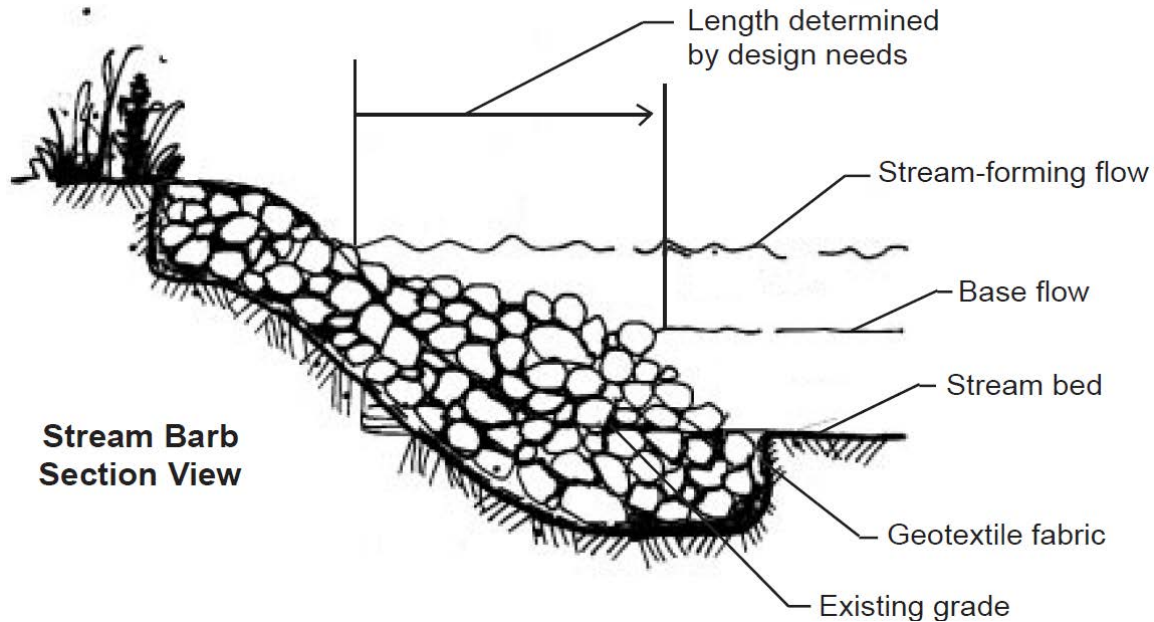
**Repair or Remove Damaged Dams, Dikes, and Levees** – Damaged water control structures that include dams, dikes, and levees either require repair practices or may need to be removed if repair is neither feasible nor cost-effective.

**Protect Structures Located in Floodplains** – Floodplain diversions will divert flow away from valued or sensitive structures such as water and wastewater treatment plants. Sediment or debris basins trap materials up-gradient before they can reach such structures.

**Dikes** – These are embankments constructed of earth or other suitable materials to protect land against overflow or to regulate water.



**Stream Barbs** – These are low rock sills which project out from a streambank and across the stream thalweg to redirect streamflow away from an eroding bank. Flow passing over the barb is redirected so that the flow leaving the barb is perpendicular to the barb centerline. Stream barbs are always orientated upstream.



**Non-Structural Measures** – These include measures that mitigate flood damages, prevent flood damages, or protect individual properties. Mitigation measures include the purchase of flood insurance in areas that have been designated high risk. Flood prevention measures are designed to ensure that future development does not increase flood damage. They may include: planning and zoning; open space preservation; floodplain development regulations; building codes and standards; and floodplain ordinances. Flood protection measures are used to modify individual buildings subject to flood damage. They may include: relocation; acquisition; building elevation; flood proofing; and flood barriers.

**Floodplain Easements** – These involve paying landowners for the right to allow flooding on flood-prone areas. NRCS and the Army Corps of Engineers have easement programs.

**Critical Area Treatment**– Critical area treatment of upland portions of watersheds reduces the potential for extreme soil loss and sedimentation, mudslides, and damage to roads and structures through accelerated runoff from unprotected slopes. Critical area treatments include planting or seeding, installing upland diversions, drains and conveyances, and building sediment and debris basins.

**Critical Area Planting** – Planting vegetation such as trees, shrubs, vines, grasses, or legumes, on highly erodible or critically eroding areas

**Mulching, Netting, and Matting** – Mulching includes the application of a protective blanket of straw, wood shreds or other plant residue, gravel, or synthetic material to the surface of the soil.

**Gabion Revetment** – A revetment is a facing placed on a bank or bluff of stone to protect a slope, embankment, or shore structure against erosion by wave action or currents.

**Grade Stabilization Structure** – This is a structure used to control the grade and head cutting in natural or artificial channels. These structures come in many designs.

**Boulder Clusters** – In this technique, groups of boulders are placed either randomly or selectively, in clusters and/or individually to slow stormwater velocity and collect sediment.

**Boulder or Log Weir** – Boulders or logs are laced across the channel and anchored to the channel bank and/or bed in order to check the water and raise its level for diversion purposes.

During the construction phase, temporary measures may be installed to mitigate excessive erosion. The following are among the more commonly used practices.

**Silt Fence** – A temporary woven fabric structure to prevent or minimize transport of sediment in storm water runoff.

**Straw Bale Barrier** – A temporary sediment barrier consisting of a row of entrenched and anchored rice or wheat straw bales.

**Temporary Seeding** – Planting of rapidly growing annual grasses, small grains, or legumes on disturbed areas.

**Topsoiling** – Salvaging, storing, and using topsoil to enhance final site stabilization with vegetation.

## 6.2 Wildfire Measures

**Mulching** – Provides instant ground cover for sensitive areas. The objective of mulching is to minimize erosion by providing a suitable ground cover to help reduce raindrop impact and to disperse overland flow. Examples of where mulching is commonly used are: highly erodible soils; areas that burned very hot and lost all ground cover; fire lines on highly erodible soils or that cross drainages; and road fill slopes adjacent to perennial streams.

**Seeding** – Prescribed as a means of reducing surface erosion. The objective is to provide ground cover that will protect the soil from raindrop splash and surface runoff and will provide a stabilizing root mass to bind the soil particles together. Commonly treated areas are: highly erodible soils that burned hot and lost all ground cover; areas adjacent to drainages that burned hot; areas where the soil seed bank was destroyed or was not present; and equipment constructed fire lines. Seed must be applied before rains occur and before the weather turns too cold for effective seed germination. Areas are aerially, hand or hydro seeded depending on the size of area, slope and access to roads.

**Straw Wattles** – Straw wattles easily make contact with the soil surface thus providing an effective and low risk barrier to soil movement. The life expectancy is about 2 to 4 years.

**Silt Fences** – They are made of a geotextile fabric that can be unrolled and hung on a fence. They are typically applied where surface runoff with significant sediment is expected. They are placed in low gradient swale areas with large storage areas. Proper installation is critical to prevent "blowouts" underneath the fence.

**Tilling** – Tilling can be an effective tool to improve infiltration on hydrophobic soils and to reduce erosion. The treatment should be applied on contour and on slopes less than 35%. It is usually done in 8-foot wide strips with 25 feet between tilled strips. Tilling can be implemented shortly after the fire is controlled, which increases flexibility on late summer and fall fires.

**Disking** – Disking can be used to break up hydrophobic soil layers near the surface. Since a disc runs across the surface, it can move with more ease and avoid problems of brush balling up the operation.

### 6.3 Channel Measures

**Bank and Channel Armoring** – This treatment is used to reduce the potential impacts from increased peak flows on unstable stream reaches. Armoring is the placement of rock along unstable stream banks and along the toe of slumps to provide stability against the increased peak flows, anticipated as a result of the fire.

**Channel Clearing and Snagging** – This treatment is utilized to reduce the potential for loss of life due to floatable debris, clogging up behind bridges or clogging drainages thus damming water and causing debris torrents.

**Debris Basins** – They are constructed structures built to trap and hold debris and sediment. They are built in depositional areas having large storage capacity. It is important to maintain the channel gradient and not dig the basin into the channel. Head cutting can result from improperly placed or constructed debris basins. It is important to have vehicle access to the basin so they can be cleaned periodically to restore usefulness.

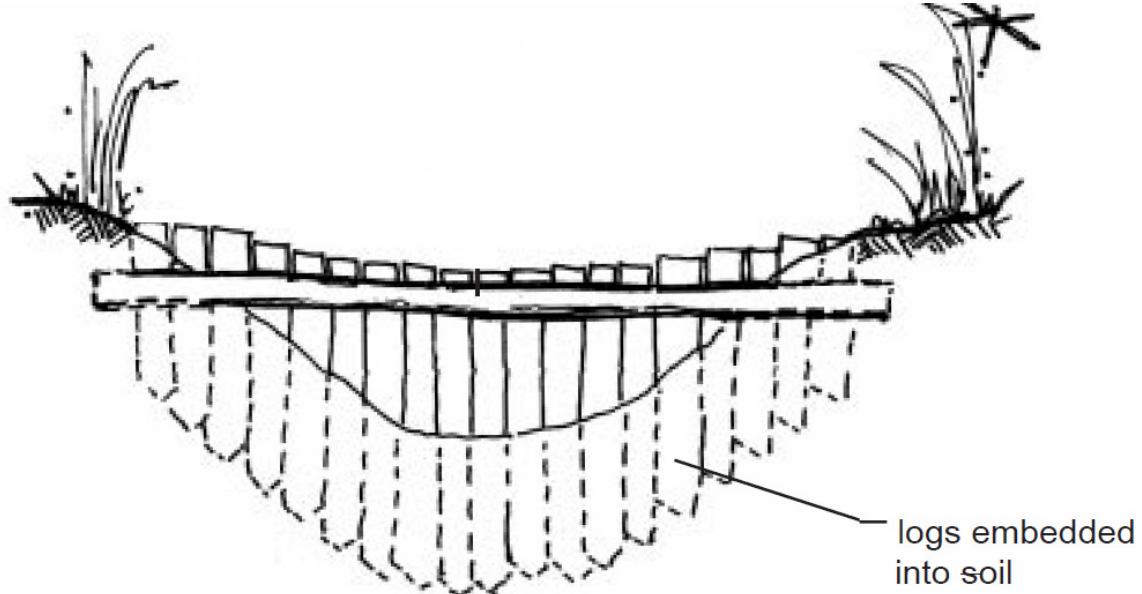
**Grade Stabilizers** – These treatments are used to reduce channel down cutting by establishing grade control, decrease water velocity, and maintain correct width/depth ratio. They are effective in preventing sediment from entering perennial streams during the first winter by trapping and metering sediment through the system.

**Rock Grade Stabilizers** – They are used in ephemeral or small intermittent channels. To properly function some type of sealing material is needed to fill in the rock voids.

**Log Grade Stabilizers** – They are used in ephemeral or small intermittent channels where there is standing or down wood present near the dam location. Logs are normally 12 to 20 inches in diameter.

**Log Check Dams** – They are used in intermittent or small perennial drainages. Log sizes range from 12 to 18 inches in diameter and are stacked on top of each other to achieve the desired height. Critical design steps include, properly keying the logs into the bank, having a spillway

large enough to accommodate the expected peak flows, and providing an energy dissipater below the dam.



**Log Check Dam  
Section View**

**Straw Bale Check Dams** – They are used in ephemeral channels to prevent sediment from entering perennial streams during the first winter following the fire. Straw bale dams work very well in areas that do not have native rock or logs. They work best in areas with low channel gradients, giving increased sediment storage capacity.

## 6.4 Drought Measures

**Prescribed Grazing** – Prescribed grazing is a management practice that will ensure that grazing is well managed to maintain the vegetative cover on those areas of the ranch that will continue to be grazed during the contract period. Specifically, the practice shall consist of controlling the location, timing, and intensity of domestic livestock grazing.

**Deferred Grazing** – Postponing grazing or resting grazing land for a scheduled period of time. In areas with bare ground or low percent ground cover, deferred grazing will reduce runoff and sediment yield because of increased ground cover and greater infiltration rates.

Helpful links to standard details and construction practices:

[NRCS Engineering Field Handbook \(EFH\)](#)  
[National Engineering Handbook\(s\)](#)  
[Stream Corridor Restoration Handbook](#)

## **7.0 Permitting**

To the extent practical during emergency response to natural disasters, project sponsors and NRCS will involve the permitting agencies in the review of proposed EWP projects. The sponsor is ultimately responsible for obtaining all necessary permits; however, NRCS will assist as needed and requested.

### **7.1 Clean Water Act Section 404 Permit**

The Regulatory Division within the U.S. Army Corps of Engineers (Corps) administers Section 404 of the Clean Water Act. EWP “exigency” projects are generally covered under Nationwide Permit 37. In some cases, projects will require an individual Section 404 permit. Whenever EWP recovery efforts involve working in “waters of the U.S.,” the sponsor and NRCS will coordinate recovery work and any needed mitigation with the Corps.

### **7.2 Clean Water Act Section 401 Certification**

The Arizona Department of Environmental Quality (ADEQ) is the certifying agency for Section 401 of the Clean Water Act. Whenever EWP recovery efforts involve working in “waters of the U.S.,” the sponsor and NRCS will coordinate recovery work and any needed mitigation with ADEQ.

### **7.3 Tribal Permits**

On tribal lands, the appropriate tribal permitting processes will be followed. Each tribe has their own set of contractual rules and permitting processes.

### **7.4 Other Permits**

EWP work performed on Forest Service lands may require additional permits. Local government entities, such as municipalities and counties, may require additional permits. The project sponsor will need to ensure that all necessary permits are in place prior to project implementation.

## **8.0 Contracting Procedures**

The NRCS has four basic methods of contracting for implementing EWP projects: federal contract; locally-led contract; force account; and performance of work.

### **8.1 Federal Contract**

The NRCS enters into a Project Agreement with the sponsor to do the engineering, contracting, and quality assurance (inspection). Federal Acquisition Regulations (FAR), USDA Acquisition Regulations, and NRCS Acquisition Regulations are used to install the emergency watershed protection measures. The sponsor will be required to provide their share of the cost of construction by providing cash, in-kind contributions, or a combination of both.

Levels of federal contracts are as follows:

- ◆ For projects under \$150,000 – The Simplified Acquisition Procedures is used. Projects between \$25,000 and \$150,000 require a written Request for Quotation (RFQ). The RFQ and synopsis are electronically uploaded to FedBizOpps (FBO) and advertised for approximately 45 days. The Contracting Officer receives and analyzes written quotations. A contract is issued to the contractor offering the best price.
- ◆ Project Costs Over \$150,000 – Invitation for Bids is prepared and the contracting method used is sealed bidding. The synopsis and solicitation are uploaded to FBO and advertised for approximately 45 days. Bids are opened and evaluated, a pre-award survey of apparent low bidders is conducted, and the contract award is made to the responsible bidder. It may take another 15-25 days before the contractor can actually start work.

NRCS is required to support procurement preference programs that provide greater opportunities for minority contractors. Examples of these programs are (1) HUB Zone Program, targeted to labor problem areas, (2) Small Disadvantaged Business program, which is for targeted areas, and (3) Section 8(a) of the Small Business Act which allows agencies to negotiate directly with qualified 8(a) contractors.

### **8.2 Locally-Led Contract**

This is the most common contracting method used in Arizona to install EWP measures. Through a cooperative agreement, the sponsor may choose to perform the following tasks based on their capabilities and receive credit as part of their in-kind contribution:

- ◆ Prepare the engineering designs, drawings specifications;
- ◆ Perform the contracting activities; and
- ◆ Perform quality assurance (inspections)

The sponsor will contract for the work by using the appropriate state/local regulations. This will include but not be limited to preparing solicitation for bids, advertising, conducting site showings, bid opening, awarding contracts, and contract administration. NRCS will be available for consultation but will not prepare contract documents or perform the contracting. Contracting will be the responsibility of the sponsor in accordance with state/local contracting requirements.

### **8.3 Force Account Contract**

Under a force account agreement, the sponsor performs the work using its own personnel and equipment. The sponsor may supplement its own equipment through rental of equipment. State/local procurement procedures will be used to rent equipment and purchase material for installing EWP measures. An approved plan of operations is required.

### **8.4 Performance of Work Contract**

This method is used when the sponsor may not have the funds for its share of the installation work, or the accounting system in place to keep detailed records required by force account contracting, but does have some forces and/or donated resources (labor, equipment and/or materials), to carry out the work. This process also requires an approved plan of operations. The sponsor and NRCS agree to price prior to the start of the work.

## **9.0 Environmental Coordination**

During emergency response to natural disasters, NRCS will coordinate with appropriate agencies using emergency consultation procedures. Per national policy, NRCS will only provide assistance for measures that are economically and environmentally defensible and technically sound. NRCS will use the least damaging practical construction techniques and equipment to retain as much of the existing characteristics of the landscape as possible. Mitigation actions needed to offset potential adverse impacts will be planned for installation before, or concurrent with, implementation of the EWP project.

### **9.1 National Environmental Policy Act Compliance**

The National Environmental Policy Act (NEPA) requires that Federal agencies consider the environmental impacts of their proposed actions before they are implemented, document those impacts, and provide for appropriate mitigation of adverse impacts. For the EWP Program, a [Programmatic Environmental Impact Statement \(PEIS\)](#) has been developed. The PEIS facilitates NEPA compliance by allowing tiering for the EWP Program. Tiering refers to the process of addressing a broad program, such as the EWP Program, in an initial EIS, and then analyzing a narrower site-specific proposal in a subsequent EIS or other environmental document.

The EWP Damage Survey Report (DSR) includes an Environmental Evaluation (EE) to document the potential impacts of proposed emergency measures on the natural and human environment. The DSR EE is the first step to determine if there are any anticipated adverse effects of implementing the proposed action. The next step is appropriate emergency consultation with agencies responsible for the conservation and protection of affected resources. A mitigation plan is then developed for any unresolved adverse effects. Additional information on NRCS NEPA compliance, environmental coordination, and consultation policy and procedures are contained in the [NRCS National Environmental Compliance Handbook](#).

### **9.2 Endangered Species Act Consultation**

NRCS will consult with the U.S. Fish and Wildlife Service (FWS) whenever the emergency action may affect listed species and/or designated critical habitat. This contact constitutes the initiation of formal Endangered Species Act (ESA) section 7 consultation, which is required under emergency situations. The intent of this initial contact is to inform FWS that emergency procedures are being invoked and that measures to minimize impacts will be employed. FWS may provide advice to reduce the potential for adverse effects on listed species. ESA Section 7 emergency consultation procedures are contained in the [FWS Endangered Species Consultation Handbook](#).

### **9.3 Cultural Resources Consultation**

Section 106 of the National Historic Preservation Act (NHPA) requires NRCS to take into account the effects of program and project activities on historic and cultural resources listed in, or eligible for listing in the National Register of Historic Places. NRCS will consult with the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO), Indian tribes, and the Advisory Council on Historic Preservation (ACHP), as appropriate. NHPA encourages agencies to develop procedures for taking historic properties into account during emergency response operations



with immediate threats to life or property. Procedures for identification and treatment of historic properties that might be affected by emergency actions will follow the [NHPA Section 106 guidelines](#) (36 CFR Part 800.12).

#### **9.4 Tribal Consultation**

NRCS will consult with Indian tribes whenever proposed projects are located on tribal lands or are within tribal identified areas of concern. Appropriate tribal natural resources departments and/or fish and wildlife agencies will be consulted with regard to special status species and/or their habitat in the project area. As stated above, appropriate THPO(s) and tribe(s) will be consulted with regard to cultural resources in the project area.

## **10.0 Interagency Coordination**

Proactive interagency pre-planning and coordination is critical with regard to EWP Program implementation. NRCS is the lead federal agency; however, as described in previous sections of this plan, there are other key federal, state, tribal, and local entities involved in emergency response activities.

### **10.1 Coordination Procedures**

- ◆ On an annual basis, NRCS in Arizona will seek opportunities (meetings, conferences, etc.) to interact with other emergency response agencies to review information contained in this ERP and to discuss pre-planning strategies.
- ◆ Following a natural disaster which may result in EWP assistance, NRCS will initiate coordination with ADEM, or in the case of a presidentially declared disaster, FEMA.
- ◆ Following sponsor request for EWP assistance, NRCS will complete Damage Survey Report and make determination of site eligibility.
- ◆ For eligible project areas, a biological survey will be performed to determine the presence of special status species and/or their habitat in the vicinity. NRCS will initiate, as appropriate, consultation with FWS.
- ◆ For eligible project areas, a cultural resources survey will be performed of the area of potential effects. NRCS will initiate consultation with SHPO, THPOs, and Indian tribes.
- ◆ During engineering design, NRCS will coordinate with sponsor on permitting activities. As appropriate, COE and ADEQ will be contacted regarding 404/401 permit/certification.

# **APPENDIX**



## **EWP PROGRAM FACT SHEET**

Through the Emergency Watershed Protection (EWP) program, the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) can help communities respond to watershed impairments that pose imminent threats to lives and property. Funding for the program is provided through emergency congressional appropriations.

### **Eligibility and Sponsorship**

Eligibility for the program does not depend upon the declaration of a national emergency. Private, public or tribal lands are eligible for EWP assistance if:

- ◆ the watershed area has been damaged by a natural disaster;
- ◆ there is a threat to life and/or property;
- ◆ the threat significantly exceeds that which existed before the impairment; and
- ◆ there is an eligible project sponsor.

All projects undertaken through EWP must have a project sponsor. Sponsors must be a legal subdivision of the State, such as a city, county, conservation district, or a tribe or tribal organization.

Sponsors are responsible for:

- ◆ Providing land rights to do recovery work;
- ◆ Securing necessary permits;
- ◆ Furnishing the local cost share;
- ◆ Accomplishing the installation of work; and
- ◆ Performing any necessary operation and maintenance.

### **Type of Work Authorized**

The EWP Program addresses watershed impairments, including, but not limited to:

- ◆ Debris-clogged stream channels;
- ◆ Eroded and unstable streambanks;
- ◆ Endangered roads and other infrastructure;
- ◆ Upland sites damaged by wildfire.

Through EWP, NRCS may pay up to 75 percent of the construction costs of emergency measures. The remaining costs must come from local sources and can be cash or in-kind services. All EWP projects must reduce threats to lives and property; be economically, environmentally, and socially defensible; and be designed and implemented according to sound technical standards.

For more information about the EWP Program, contact your local NRCS field office or visit <http://www.az.nrcs.usda.gov/programs/ewp>



**NRCS ELECTRONIC DISASTER REPORT  
Emergency Watershed Protection Program**

**STATE:**

**REPORT DATE:**

ARIZONA	
---------	--

**NRCS CONTACTS:**

District Conservationist			Program Manager	
Name	Phone #	Field Office	Name	Phone #

**COUNTIES AFFECTED:**

**CONGRESSIONAL DISTRICT(S):**

--	--

**DISASTER NAME:**

**DATE OF EVENT:**

**TYPE (flood, fire, drought)**

--	--	--

**DESCRIPTION AND DOCUMENTATION OF DISASTER:**

--

**DESCRIPTION OF DAMAGES:**

--

**URGENT PROBLEMS:**

--

**MEDIA COVERAGE:**

**LIST:**

Newspapers	
TV	
Radio	

**NRCS ASSISTANCE ACTIONS TO DATE:**

Date	Action





## EWP INITIAL SITE ELIGIBILITY WORKSHEET

SITE NAME \_\_\_\_\_

DATE \_\_\_\_\_

**A FALSE answer to any of the following statements means the initial determination is that the site is NOT eligible.**

<input type="checkbox"/> TRUE <input type="checkbox"/> FALSE	<p>There is a sudden watershed impairment that is causing an exigency or imminent threat to life and/or property due to the effects of flooding or erosion?</p> <p><b>Watershed Impairments</b> include: debris-clogged stream channels, unstable stream banks, jeopardized water control structures and public infrastructure, damaged upland vegetative cover. <b>Exigency</b> means those situations that demand immediate action to avoid potential loss of life or property, including situations where if action to remedy the situation is not taken immediately and a subsequent natural disaster event were to occur within a few hours or days, it could compound the impairment, cause new damages, or cause loss of life. NRCS may approve temporary correction practices until a more acceptable solution can be designed. <b>Call ASTC (WR) as soon as possible.</b> <b>Imminent Threat</b> means a substantial natural occurrence that could cause significant damage to property or threaten human life in the near future. <b>Property</b> includes: structures; crops and cropland; agricultural infrastructure; residential and commercial land; utilities.</p>
<input type="checkbox"/> TRUE <input type="checkbox"/> FALSE	<p>The threat to life or property <u>significantly</u> exceeds that which existed before the impairment?</p>
<input type="checkbox"/> TRUE <input type="checkbox"/> FALSE	<p>The same type of natural event has NOT occurred AND a structural measure has NOT been installed or repaired using EWP assistance twice at this site within a 10-year period. (NRCS does not intend to limit the number of times that debris can be removed at the same site due to a natural or constructed restriction in a waterway).</p>
<input type="checkbox"/> TRUE <input type="checkbox"/> FALSE	<p>This is NOT an Operation &amp; Maintenance problem or a watershed problem that existed before the disaster.</p>
<input type="checkbox"/> TRUE <input type="checkbox"/> FALSE	<p>Funds will NOT be used to repair, rebuild or maintain private or public transportation facilities, utilities or similar facilities.</p>
<input type="checkbox"/> TRUE <input type="checkbox"/> FALSE	<p>Funds will NOT be used to repair or rehabilitate non-structural management practices.</p>
<input type="checkbox"/> TRUE <input type="checkbox"/> FALSE	<p>The site is NOT on Federal Lands. (An exception to this prohibition is where the local sponsor controls an easement and has maintenance responsibilities; e.g., road rights-of-way).</p>
<input type="checkbox"/> TRUE <input type="checkbox"/> FALSE	<p>Assistance is NOT being provided for measures eligible under the FSA Emergency Conservation Program.</p>
<input type="checkbox"/> TRUE <input type="checkbox"/> FALSE	<p>All other resources have been exhausted or there is insufficient funding available.</p>
<input type="checkbox"/> TRUE <input type="checkbox"/> FALSE	<p>Action will NOT remove threats to Federal-aid highways except where the Federal-aid highway protection would be incidental to other eligible protection.</p>
<input type="checkbox"/> TRUE <input type="checkbox"/> FALSE	<p>Work is NOT on levee projects where the stream has a drainage area greater than 400 square miles.</p>
<input type="checkbox"/> TRUE <input type="checkbox"/> FALSE	<p>The project is NOT to remove sediment or debris from reservoirs or debris basins.</p>
<input type="checkbox"/> TRUE <input type="checkbox"/> FALSE	<p>There is a legal Sponsor (political subdivision of a State, Local Government, Native American Tribe or Tribal Organization) that:</p> <ul style="list-style-type: none"> <li>✓ Will agree to provide for their % of the total installation cost (NRCS cost share is 75%, or up to 90% in limited resource areas).</li> <li>✓ Will agree to be responsible for Operation and Maintenance.</li> <li>✓ Has the legal authority to obtain land rights and acquire permits.</li> </ul>



## SAMPLE LETTER REQUESTING EWP ASSISTANCE

Date

State Conservationist  
USDA-Natural Resources Conservation Service  
230 North First Avenue, Suite 509  
Phoenix, Arizona 85003

Dear State Conservationist:

We request Emergency Watershed Protection (EWP) assistance under Section 216 of Public Law 81-516 (33 USC 701b-1) and Sections 403-405 of Public Law 95-334 (16 USC 2203-2205).

The     (Name of damaged area)     has been severely impacted by     (Disaster event)    . This has resulted in hazardous conditions with an imminent threat to life and property from flooding and erosion.

    (Describe extent of damages and potential project sites)      
\_\_\_\_\_.

We understand as sponsor that we would be responsible for 25% cost-share of any measures installed, which may be provided by either cash or in-kind services. We would also have legal authority to obtain any necessary land rights and permits, and be responsible for ensuring proper operation and maintenance of completed measures.

The Sponsor contact is:

    (Name)    

    (Address)    

    (Phone)    

    (E-mail)    

Sincerely,

(Sponsor Representative)  
(Title)



**NRCS-ADS-78**

U.S. Department of Agriculture      NRCS-ADS-78  
Natural Resources Conservation Service

5-88

**ASSURANCES RELATING TO  
REAL PROPERTY ACQUISITION**

---

A.     **PURPOSE** - This form is to be used by sponsor(s) to provide the assurances to the Natural Resources Conservation Service of the U.S. Department of Agriculture which is required in connection with the installation of project measures which involve Federal financial assistance furnished by the Natural Resources Conservation Service.

---

B.     **PROJECT MEASURES COVERED --**

Name of project \_\_\_\_\_

Identity of improvement or development \_\_\_\_\_

Location \_\_\_\_\_

---

C.     **REAL PROPERTY ACQUISITION ASSURANCE -**

This assurance is applicable if real property interests were acquired for the installation of project measures, and/or if persons, businesses, or farm operations were displaced as a result of such installation; *and* this assurance was not previously provided for in the watershed, project measure, or other type of plan.

If this assurance was not previously provided, the undersigned sponsor(s) hereby assures they have complied, to the extent practicable under State law, with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601-4655), as implemented in 7 C.F.R. Part 21. Any exceptions taken from the real property acquisition requirements under the authority of 42 U.S.C. 4655 because of State law have been or is hereby furnished to the Natural Resources Conservation Service along with the opinion of the Chief Legal Officer of the State containing a full discussion of the facts and law furnished.

---

D.     **ASSURANCE OF ADEQUACY OF REAL PROPERTY RIGHTS -**

The undersigned sponsor(s) hereby assures that adequate real property rights and interests, water rights if applicable, permits and licenses required by Federal, State, and local law, ordinance or regulation, and related actions have been taken to obtain the legal right to install, operate, maintain, and inspect the above-described project measures, except for structures or improvements that are to be removed, relocated, modified, or salvaged before and/or during the installation process.

This assurance is given with the knowledge that sponsor(s) are responsible for any excess costs or other consequences in the event the real property rights are found to be inadequate during the installation process.

Furthermore, this assurance is supported by an attorney's opinion attached hereto that certifies an examination of the real property instruments and files was made and they were found to provide adequate title, right, permission and authority for the purpose(s) for which the property was acquired.

If any of the real property rights or interests were obtained by condemnation (eminent domain) proceedings, sponsor(s) further assure and agree to prosecute the proceedings to a final conclusion and pay such damages as awarded by the court.

---

<p>_____</p> <p>(Name of Sponsor)</p> <p>By: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p>This action authorized at an official meeting _____</p> <p>_____ on _____</p> <p>day of _____, 20_____</p> <p>at _____</p> <p>State of _____</p> <p>Attest: _____</p> <p style="text-align: center;">(Name)</p> <p>_____</p> <p style="text-align: center;">(Title)</p>
---	--

---

<p>_____</p> <p>(Name of Sponsor)</p> <p>By: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p>This action authorized at an official meeting _____</p> <p>_____ on _____</p> <p>day of _____, 20_____</p> <p>at _____</p> <p>State of _____</p> <p>Attest: _____</p> <p style="text-align: center;">(Name)</p> <p>_____</p> <p style="text-align: center;">(Title)</p>
---	--

**SAMPLE DAMAGE SURVEY REPORT**

United States Department of Agriculture  
Natural Resources Conservation Service

OMB No. 0578-0030  
NRCS-PDM-20

**DAMAGE SURVEY REPORT (DSR)  
Emergency Watershed Protection Program – Recovery**

**Section 1A**

Date of Report: 9/1/12

DSR Number: 1

Project Number: 1

NRCS Entry Only

Eligible: YES  NO

Approved: YES  NO

Funding Priority Number (from Section 4) \_\_\_\_\_

Limited Resource Area: YES  NO

**Section 1B Sponsor Information**

Sponsor Name: Town of Anytown

Address: 1000 West Main Street

City/State/Zip: Anytown, AZ 85001

Telephone Number: (928) 300-1000

Fax: (928) 300-1100

**Section 1C Site Location Information**

County: Sample

State: AZ

Congressional District: 1

Latitude: \_\_\_\_\_

Longitude: \_\_\_\_\_

Section: 16 Township: 27N Range: 3E

UTM Coordinates: 3626652 Easting 679231 Northing

Drainage Name: Swift Creek

Reach: Anytown

Damage Description: A series of severe storm events above Anytown resulted in heavy runoff and breaches in an existing dike. Lives and property are now threatened with increased risk of flooding and erosion damages from impending monsoon storms.

**Section 1D Site Evaluation**

All answers in this Section must be YES in order to be eligible for EWP assistance.

Site Eligibility	YES	NO	Remarks
Damage was a result of a natural disaster?*	X		
Recovery measures would be for runoff retardation or soil erosion prevention?*	X		
Threat to life and/or property?*	X		
Event caused a sudden impairment in the watershed?*	X		
Imminent threat was created by this event?*	X		
For structural repairs, not repaired twice within ten years?*	X		
<b>Site Defensibility</b>			
Economic, environmental, and social documentation adequate to warrant action (Go to pages 3, 4, 5 and 6***)	X		
Proposed action technically viable? (Go to Page 9 ***)	X		

Have all the appropriate steps been taken to ensure that all segments of the affected population have been informed of the EWP program and its possible effects? YES X NO

Comments: Anytown officials have contacted affected property owners regarding proposed project.

\* Statutory

\*\* Regulation

\*\*\* DSR Pages 3 through 6 and 9 are required to support the decisions recorded on this summary page. If additional space is needed on this or any other page in this form, add appropriate pages

**Section 1E Proposed Action**

Describe the preferred alternative from Findings: Section 5 A:

Implement repairs to existing dike to direct flows back into existing channel and reduce threats to lives and properties.

Total installation cost identified in this DSR: Section 3: \$16,000

**Section 1F NRCS State Office Review and Approval**

Reviewed By: /s/ Dave Beyman Date Reviewed: 9/1/12  
State EWP Program Manager

Approved By: /s/ Keisha Tatem Date Approved: 9/1/12  
State Conservationist

**PRIVACY ACT AND PUBLIC BURDEN STATEMENT**

NOTE: The following statement is made in accordance with the Privacy Act of 1974, (5 U.S.C. 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is 7 CFR 624 (EWP) and Section 216 of the Flood Control Act of 1950, Public Law 81-516, 33 U.S.C. 701b-1; and Section 403 of the Agricultural Credit Act of 1978, Public Law 95-334, as amended by Section 382, of the Federal Agriculture Improvement and Reform Act of 1996, Public Law 104-127, 16 U.S.C. 2203. EWP, through local sponsors, provides emergency measures for runoff retardation and erosion control to areas where a sudden impairment of a watershed threatens life or property. The Secretary of Agriculture has delegated the administration of EWP to the Chief or NRCS on state, tribal and private lands.

Signing this form indicates the sponsor concurs and agrees to provide the regional cost-share to implement the EWP recovery measure(s) determined eligible by NRCS under the terms and conditions of the program authority. Failure to provide a signature will result in the applicant being unable to apply for or receive a grant the applicable program authorities. Once signed by the sponsor, this information may not be provided to other agencies. IRS, Department of Justice, or other State or Federal Law Enforcement agencies, and in response to a court or administrative tribunal.

The provisions of criminal and civil fraud statutes, including 18 U.S.C. 286, 287, 371, 641, 651, 1001; 15 U.S.C. 714m; and 31 U.S.C. 3729 may also be applicable to the information provided. According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0578-0030. The time required to complete this information collection is estimated to average 117/1.96 minutes/hours per response, including the time for reviewing instructions, searching existing data sources, field reviews, gathering, designing, and maintaining the data needed, and completing and reviewing the collection information.

**USDA NONDISCRIMINATION STATEMENT**

"The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write USDA, Director of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800)795-3272 (voice) or (202)720-6382 (TDD). USDA is an equal opportunity provider and employer.

**Civil Rights Statement of Assurance**

The program or activities conducted under this agreement will be in compliance with the nondiscrimination provisions contained in the Titles VI and VII of the Civil Rights Act of 1964, as amended; the Civil Rights Restoration Act of 1987 (Public Law 100-259); and other nondiscrimination statutes: namely, Section 504 or the Rehabilitation Act of 1973, Title IX of the Amendments of 1972, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. They will also be in accordance with regulations of the Secretary of Agriculture (7 CFR 15, 15a, and 15b), which provide that no person in the United States shall on the grounds of race, color, national origin, gender, religion, age or disability, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the U.S. Department of Agriculture or any agency thereof.



Section 2 Environmental Evaluation

2A Resource Concerns	2B Existing Condition	2C Alternative Designation		
		Proposed Action	No Action	Alternative
		Implement repairs to existing dike to direct flows back into existing channel and reduce threats to lives and properties.	No protection measures.	Install new structural flood control measures to reduce threats to life/properties
2D Effects of Alternatives (Long-Term)				
Soil				
Erosion (sheet & rill)	Houses & infrastructure subject to increased erosion & sedimentation	Positive - measures will reduce damages due to erosion & sedimentation	Negative - w/o measures increased damages due to erosion & sedimentation	Positive - passes large flows through community with reduced erosion
Water				
Quantity (excessive runoff and flooding)	Houses & infrastructure subject to increased runoff & flooding	Positive - measures will reduce damages due to runoff & flooding	Negative - w/o measures increased damages due to runoff & flooding	Positive - passes large flows through community with reduced flooding
Air				
Quality (particulate matter)	No PM-10 zone	No Effect (short-term construction dust)	No Effect	No Effect (short-term construction dust)
Plant				
Condition (sensitive species)	No Effect - no sensitive plant species in Area of Potential Effect (APE)	No Effect - no sensitive plant species in Area of Potential Effect	No Effect - no sensitive plant species in Area of Potential Effect	No Effect - no sensitive plant species in Area of Potential Effect
Animal				
Condition (sensitive species)	No Effect - no sensitive animal species or habitat in Area of Potential Effect (APE)	No Effect - no sensitive animal species or habitat in Area of Potential Effect	No Effect - no sensitive animal species or habitat in Area of Potential Effect	No Effect - no sensitive animal species or habitat in Area of Potential Effect
Other				
Cultural Resources	No Effect - no National Register eligible sites in Area of Potential Effect (APE)	No Effect - no National Register eligible sites in Area of Potential Effect	No Effect - no National Register eligible sites in Area of Potential Effect	No Effect - no National Register eligible sites in Area of Potential Effect

Section 2E Special Environmental Concerns

Resource Consideration	Existing Condition	Proposed Action	Alternative and Effects	
			No Action	Alternative
Clean Water Act Waters of the U.S.	Not a Water of the U.S.	No Effect	No Effect	No Effect
Coastal Zone Management Areas	N/A	N/A	N/A	N/A
Coral Reefs	N/A	N/A	N/A	N/A
Cultural Resources	No cultural resources in Area of Potential Effect	No Effect	No Effect	No Effect
Endangered and Threatened Species	No T&E species in Area of Potential Effect	No Effect	No Effect	No Effect
Environmental Justice	No minority or tribal populations	No Effect	No Effect	No Effect
Essential Fish Habitat	No fish habitat	No Effect	No Effect	No Effect
Fish and Wildlife Coordination	Arizona Game & Fish contacted for species lists for Area of Potential Effect	No Effect	No Effect	No Effect
Floodplain Management	Not in an established floodplain	No Effect	No Effect	No Effect
Invasive Species	None present	No Effect	No Effect	No Effect
Migratory Birds	None present	No Effect	No Effect	No Effect
Natural Areas	None present	No Effect	No Effect	No Effect
Prime and Unique Farmlands	No prime or unique farmlands in Area of Potential Effect	No Effect	No Effect	No Effect
Riparian Areas	None present	No Effect	No Effect	No Effect
Scenic Beauty	Not a designated scenic area	No Effect	No Effect	No Effect
Wetlands	None present	No Effect	No Effect	No Effect
Wild and Scenic Rivers	N/A	N/A	N/A	N/A

Completed By: District Conservationist

Date: 9/1/12

DSR NO: 1

Section 2F Economic

This section must be completed by each alternative considered (attach additional sheets as necessary).

	Future Damages	Damage Factor	Near Term
Properties Protected (Private)			
Residential (20 houses valued @ average \$100,000)	100,000	90%	90,000
(Future damages estimated @ 5% of total value of houses)			0
			0
			0
			0
Properties Protected (Public)			
Bridge on main access route to town	10,000	90%	9,000
			0
			0
			0
			0
			0
Business Losses			
			0
			0
			0
			0
			0
			0
Other			
			0
			0
			0
			0
			0
Total Near Term Damage Reduction \$			99,000
Net Benefit (Total Near Term Damage Reduction minus Cost from Section 3)			83,000

Completed By: District Conservationist

Date: 9/1/12

DSR NO: 1**Section 2G Social Consideration****This section must be completed by each alternative considered (attach additional sheets as necessary).**

	Yes	No	Remarks
Has there been a loss of life as a result of the watershed impairment?		x	
Is there the potential for loss of life due to damages from the watershed impairment?	x		
Has access to a hospital or medical facility been impaired by watershed impairment?	x		
Has the community as a whole been adversely impacted by the watershed impairment (life and property ceases to operate in a normal capacity)	x		
Is there a lack or has there been a reduction of public safety due to watershed impairment?	x		

Completed By: District ConservationistDate: 9/1/12

DSR NO: \_\_\_\_\_

**Section 2H Group Representation and Disability Information****This section is completed only for the preferred alternative selected.**

Group	Number
American Indian/Alaska Native Female Hispanic	
American Indian/Alaska Native Female Non-Hispanic	
American Indian/Alaska Native Male Hispanic	
American Indian/Alaska Native Male Non-Hispanic	
Asian Female Hispanic	
Asian Female Non-Hispanic	
Asian Male Hispanic	
Asian Male Non-Hispanic	
Black or African American Female Hispanic	
Black or African American Female Non-Hispanic	
Black or African American Male Hispanic	
Black or African American Male Non-Hispanic	
Hawaiian Native/Pacific Islander Female Hispanic	
Hawaiian Native/Pacific Islander Female Non-Hispanic	
Hawaiian Native/Pacific Islander Male Hispanic	
Hawaiian Native/Pacific Islander Male Non-Hispanic	
White Female Hispanic	5
White Female Non-Hispanic	20
White Male Hispanic	5
White Male Non-Hispanic	20
Other Female	
Other Male	
Total Group	50

Census tract(s) CT27, Sample County, AZCompleted By: District ConservationistDate: 9/1/12

Section 2I. Required consultation or coordination between the lead agency and/or the RFO and another governmental unit including tribes:

Easements, permissions, or permits:

Easements and permits to be obtained by Sponsor.

Mitigation Description:

No mitigation required.

Agencies, persons, and references consulted, or to be consulted:

Arizona Game & Fish Department

Arizona State Historic Preservation Office

Section 3 Engineering Cost Estimate

Completed By: Area Engineer

Date: 9/1/12

**This section must be completed by each alternative considered (attach additional sheets as necessary).**

PROPOSED Recovery				
This section must be completed by each alternative considered (attach additional sheets as necessary).				
PROPOSED Recovery Measure	Quantity	Units	Unit Cost (\$)	Amount (\$)
Reshape & Reclaim Dike	1.0	LS	16,000	16,000
Total Installation Cost (Enter in Section 1F)\$				16,000

Unit Abbreviations:

- AC Acre
- CY Cubic Yard
- EA Each
- HR Hour
- LF Linear Feet
- LS Lump Sum
- SF Square Feet
- SY Square Yard
- TN Ton
- Other (Specify)

DSR NO: 1

Section 3 Engineering Cost Estimate

Completed By: Area Engineer

Date: 9/1/12

**This section must be completed by each alternative considered (attach additional sheets as necessary).**

<b>ALTERNATIVE Recovery Measures Considered</b>				
<b>This section must be completed by each alternative considered (attach additional sheets as necessary).</b>				
ALTERNATIVE Recovery Measure	Quantity	Units	Unit Cost (\$)	Amount (\$)
Concrete-lined floodway	1000.0	LF	150	150,000
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
Total Installation Cost (Enter in Section 1F)\$				150,000

Unit Abbreviations:

- AC Acre
- CY Cubic Yard
- EA Each
- HR Hour
- LF Linear Feet
- LS Lump Sum
- SF Square Feet
- SY Square Yard
- TN Ton
- Other (Specify)



DSR NO: 1

**Section 4 NRCS EWP Funding Priority**

Complete the following section to compute the funding priority for the recovery measures in this application

Priority Ranking Criteria	Yes	No		Ranking Number Plus
1. Is this an exigency situation?	x			1
2. Is this a site where there is serious, but not immediate threat to human life?	x			
3. Is this a site where buildings, utilities, or other important infrastructure components are threatened?	x			
4. Is this site a funding priority established by the NRCS Chief?		x		
The following are modifiers for the above criteria			<b>Modifier</b>	
a. Will the proposed action or alternatives protect or conserve federally- listed threatened and endangered species or critical				
b. Will the proposed action or alternatives protect or conserve cultural sites listed on the National Register of Historic Places?				
c. Will the proposed action or alternatives protect or conserve prime or important farmland?				
d. Will the proposed action or alternatives protect or conserve existing wetlands?				
e. Will the proposed action or alternatives maintain or improve current water quality conditions?				
f. Will the proposed action or alternatives protect or conserve unique habitat, including but not limited to, areas inhabited by State-listed species, fish and wildlife management area, or State identified sensitive habitats?				

Enter priority computation in Section 1A, NRCS Entry, Funding priority number.

Remarks:

DSR NO: 1

**Section 5A Findings**

**Finding: Indicate the preferred alternative from Section 2 (Enter to Section 1E):**

Implement repairs to existing dike to direct flows back into existing channel and reduce threats to lives and properties.

*I have considered the effects of the action and the alternatives on the Environmental Economic, Social; the Special Environmental Concerns; and the extraordinary circumstances (40 CFR 1508.27). I find for the reasons stated below, that the preferred alternative:*

Has been sufficiently analyzed in the EWP PEIS (reference all that apply)

Chapter 2

Chapter 3

Chapter 4

Chapter 5

May require the preparation of an environmental assessment or environmental impact statement.  
The action will be referred to the NRCS State Office on this date:

NRCS representative of the DSR team: /s/ Dave Beyman

Title: State Conservation Engineer                      Date: 9/1/12

Section 5B Comments:

Section 5C Sponsor Concurrence: /s/ Billy Waters

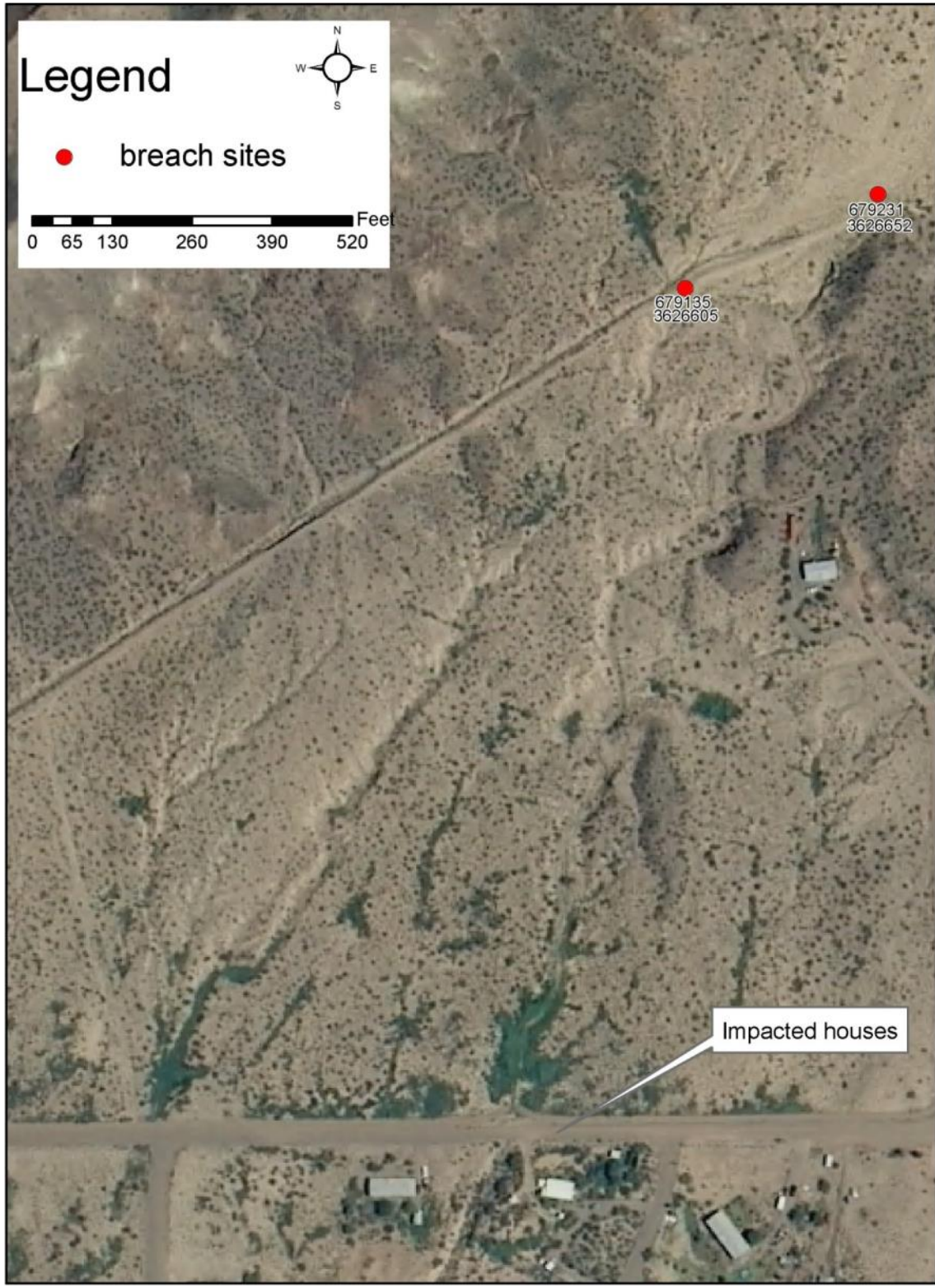
Sponsor Representative: Billy Waters

Title: Town Manager                      Date: 9/1/12

**Section 6 Attachments:**

- A. Location Map
- B. Site Plan or Sketches
- C. Other (explain)

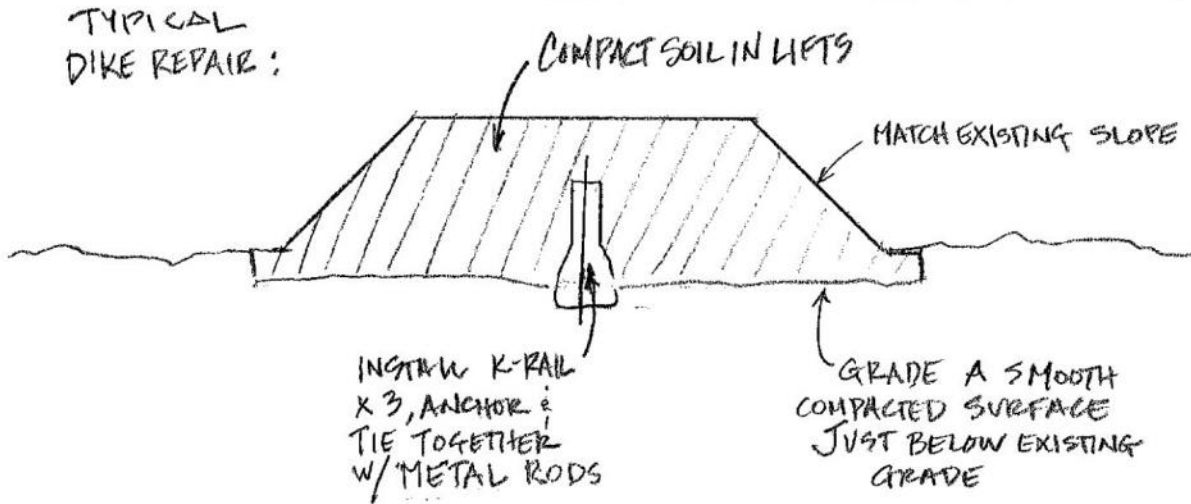
# ANYTOWN EWP SITE MAP



COMPUTATION SHEET  
NRCS-ENG-523 Rev. 10-97

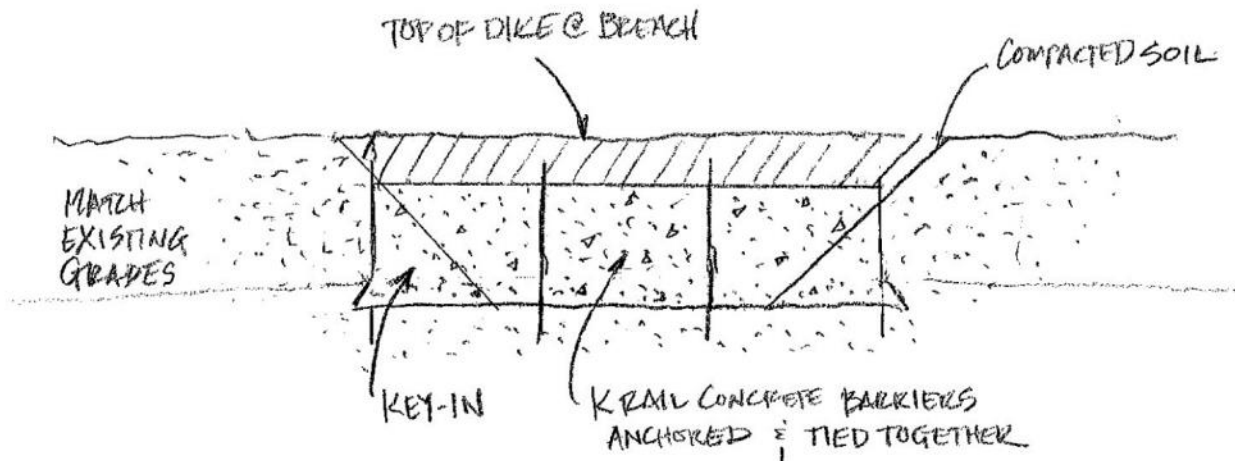
U. S. DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE

STATE	AZ	PROJECT	ANYTOWN EWP		
BY	VDJ	DATE	9/1	CHECKED BY	DD
		DATE	9/1	JOB NO.	
SUBJECT					SHEET 1 OF 1



NOTES:

- COMPACTION OF SOIL IN LIFTS USING EXISTING MATERIAL MAY NEED SOME MOISTURE BE PREPARED TO HAVE WATER TRUCK
- USE EQUIPMENT FOR COMPACTION AS WELL AS A VIBRATORY PLATE TAMP



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**SAMPLE PROJECT AGREEMENT**

**COOPERATIVE AGREEMENT**

**between the**

**UNITED STATES DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE (NRCS)**

**and**

**TOWN OF ANYTOWN**

PROJECT: Town of Anytown (hereinafter referred to as the Sponsor) Emergency Watershed Protection (EWP) Project – Technical and Financial Assistance

**I. AUTHORITY**

A. Code of Federal Regulations, Title 7: Agriculture, Part 624-Emergency Watershed Protection, paragraph 624.8(c) authorizes NRCS to enter into a cooperative agreement with a sponsor.

B. For purposes of this agreement, “sponsor” refers to Name and State and is defined in 7 CFR 624.4(g) as: “Project sponsor means a State government or a State agency or a legal subdivision thereof, local unit of government, or any Native American tribe or tribal organization as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), with a legal interest in or responsibility for the values threatened by a watershed emergency; is capable of obtaining necessary land rights; and is capable of carrying out any operation and maintenance responsibilities that may be required.”

**II. PURPOSE**

A. The purpose of this agreement is to provide financial assistance to Sponsor to implement emergency recovery measures. The damage was caused by unusually heavy runoff in spring of (year) and storms that continued well into the summer of that year. Defined sites and work to be completed will be agreed to in discussions between the Sponsor and NRCS once work requirements are analyzed and estimated repair costs determined.

B. This agreement provides NRCS financial assistance to the Sponsor as follows:

1. Funds in the amount of \$12,000 are for on-the-ground construction work (up to 75% of total construction costs). Total construction costs are estimated to be \$16,000 Sponsor’s name is responsible for 25% of these costs or \$4,000 in either direct cash expenditures by the Sponsor or the value of in-kind materials and/or services.

NOTE: The Sponsor is prohibited from using federal funds as any portion of the cost-share requirement. Funds are considered federal in origin if disbursed directly to the Sponsor by a federal government agency or indirectly through another entity. For example, federal funding to a state agency passed by the state to a county and from the county to a city is considered to be federal in origin by the state, the county, and the city. Neither the state, county, nor city could count the federal funds as a cost-share contribution.

**III. BENEFITS**

NRCS funding will be used to implement emergency recovery measures, providing immediate benefits to Town of Anytown residents and long-term benefits to the general public in protection of the watershed.

IV. ATTACHMENTS TO AGREEMENT

The following attachments are incorporated into the agreement:

- Attachment A: Plan of Work
- Attachment B: General Terms and Conditions for Grants and Cooperative Agreements
- Attachment C: Required Contract Clauses and Bonding Requirements
- Attachment D: NRCS Supplement to OSHA Parts 1910 and 1926
- Attachment E: 7 CFR Part 624, Emergency Watershed Protection Program
- Attachment F: 7 CFR 3016.36, Procurement
- Attachment G: The following Standard Forms submitted by the Sponsor:
  - SF 424 – Application for Federal Assistance
  - SF 424C Budget Information Construction Programs
  - SF 424D Assurances – Construction Programs
- Attachment H: Quarterly Accrual Report Format

V. TERM OF THE AGREEMENT

This agreement, signed by the NRCS State Conservationist, is effective on the date of obligation of funds and continues in full force and in effect through September 1, 2013. The agreement may be amended to extend the date. Requests from the Sponsor to the NRCS State Conservationist to extend the term of the agreement must be submitted in writing 60 days prior to the expiration date of the agreement and/or amendments and include a justification documenting the need for the extension.

VI. CONTACT INFORMATION

Town of Anytown	NRCS Arizona
<u>Project Manager</u>	<u>Project Manager</u>
(Name)	(Name)
(Title)	(Title)
(Sponsor)	(Agency Name)
(Address)	(Address)
(Address)	(Address)
Phone:	Phone:
Cell:	Cell:
Fax:	Fax:
Email:	Email:
<u>Financial Contact</u>	<u>Administrative Contact</u>
(Name)	(Name)
(Title)	(Title)
(Sponsor's Name)	(Agency Name)
(Address)	(Address)
(Address)	(Address)
Phone:	Phone:
Fax:	Fax:
Email:	Email:

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**VII. RESPONSIBILITIES AND OBLIGATIONS:**
**A. The Sponsor will:**

1. Construction Plan – Sponsor and NRCS will evaluate damage and jointly determine priority sites and the most effective measures to be implemented with the funding available. Identified sites are listed in the attached Plan of Work.

- a. The Sponsor will design and write specifications, solicit, evaluate, award, and manage the construction contract(s) for on-the-ground construction.
- b. Construction documents will include USDA bonding requirements and construction clauses (reference attachment) and the NRCS Supplement to OSHA Parts 1910 and 1926 (reference attachment).
- c. The Sponsor will adhere to procurement policies of the Code of Federal Regulations, Section 7, 3016.36 (7 CFR 3016.36) entitled “Procurement” (see attachment).
- d. The Sponsor will comply with the General Terms and Conditions for Grants and Cooperative Agreements (see attachment).

2. Funding and Cost-Share – NRCS funding for this project is provided to the Sponsor in two separate NRCS funding accounts. In order for funds to be expended according to NRCS program requirements, the Sponsor must account for expenditures separately. Following is a description of the accounts:

- a. The technical assistance (TA) funds (\$) may be expended for items such as:
  - (1) Costs for developing the design and specifications and conducting inspections.
  - (2) Costs for developing and issuing a solicitation(s) for construction, evaluating offers, and awarding a construction contract (using NRCS developed project design and specifications).
  - (3) Costs of administering and managing the Sponsor’s construction contract .
  - (4) Other administrative costs such as verifying invoices, record keeping, and accounting for Sponsor resources expended for the project.
  - (5) NRCS is obligating TA funding of \$3,000. This amount should be sufficient to cover all actual TA costs as described above. Upon receipt of the final SF-270 for the project, unexpended TA funding will be deobligated by NRCS to be reallocated to other nationwide EWP program projects.
- b. The financial assistance (FA) funds (up to \$12,000) are exclusively for actual allowable costs of on-the-ground construction. Total construction cost of the project is estimated to be \$16,000.
  - (1) NRCS is obligating FA funding of \$12,000 to the Sponsor for up to 75 percent of total actual allowable on-the-ground construction costs.
  - (2) The Sponsor is responsible for cost-sharing 25 percent of total actual on-the-ground construction costs (estimated to be \$4,000). The Sponsor’s contribution may be comprised of Sponsor funds, the value of in-kind labor, materials, use of equipment, etc.
  - (3) Once the project is completed and all requests for reimbursement submitted, any excess funding remaining in the agreement (over and above the NRCS commitment of up to 75 percent of actual construction costs and within the not-to-exceed amount) will be deobligated from the agreement.

NOTE: EWP program rules prohibit NRCS from reimbursing the Sponsor for work performed prior to award date of this agreement (date agreement, signed by NRCS State Conservationist, is obligated).

3. Pre-Construction Notification - Prior to beginning any on-the-ground construction work, the Sponsor will review the following items and contact the NRCS Project Manager, when necessary, to ensure any concerns relative to the following requirements have been addressed and resolved:

- a. Real Property Rights - NRCS Form ADS-78 and attorney’s opinion have been submitted to NRCS (see paragraph 5 below).

- b. Permits - All Federal, State, and local permits have been applied for and received (see paragraph 5 below).
- c. Endangered Species Act Compliance - Sponsor agrees to implement avoidance and minimization measures and conservation measures identified for threatened and endangered species through consultation under Section 7 of the Endangered Species Act (see paragraph 8 below).
- d. National Historic Preservation Act Compliance – Construction contract awarded by the Sponsor incorporates all cultural resource requirements as determined by NRCS (see paragraph 7 below).
- e. National Environmental Protection Act Compliance – The Sponsor is responsible for NEPA compliance (see paragraph 6 below)
- f. Quality Assurance and Inspection Staffing Plan – the plan, developed by NRCS, is acceptable to the Sponsor.
- g. Operations and Maintenance Plan – the plan, developed by NRCS, is acceptable to the Sponsor. The Sponsor is responsible for 100 percent of operations and maintenance costs upon completion of the project.
4. Real Property Rights – Secure real property rights. The Sponsor will submit a completed ADS-78 form, Assurances Relating to Real Property Acquisition, to the NRCS Program Manager. An attorney’s opinion must be attached to the form certifying an examination of the real property instruments and files was made and found to provide adequate land title, rights, permission and authority for the purpose(s) of the project. All costs relative to obtaining property rights will be borne by the Sponsor. In accordance with EWP program regulations, NRCS cannot pay for these costs nor can they be counted as a cost-share contribution by the Sponsor.
5. Permits - Ensure all applicable Federal, State, and local permits are obtained and work is performed in accordance with permit requirements. All costs relative to obtaining required permits will be borne by the Sponsor. In accordance with EWP program regulations, NRCS cannot pay for these costs nor can they be counted as a cost-share contribution by the Sponsor.
6. National Environmental Protection Act Compliance (NEPA) - The Sponsor is responsible for compliance with all NEPA requirements. The Sponsor Project Manager must review the DSR prior to starting construction and comply with NEPA restrictions identified in the DSR. For questions related to NEPA compliance contact (Name & Title), at (Phone Number) or (email address).
7. National Historic Preservation Act Compliance – Construction contracts awarded by the Sponsor must incorporate all cultural resource requirements as determined by NRCS prior to starting any ground-disturbing activities. If the Sponsor has not been contacted by NRCS prior to starting construction, the Sponsor Project Manager must contact (Name & Title), at (Phone Number), (email address), or in writing, to verify that the Sponsor has taken all required action. Correspondence via email message to Andrew is acceptable.
8. Endangered Species Act Compliance – The Sponsor is responsible for compliance with the Endangered Species Act including implementation of U.S. Fish and Wildlife avoidance and minimization measures and conservation measures identified for threatened and endangered species. The Sponsor Project Manager must review the DSR prior to starting construction and comply with ESA restrictions identified in the DSR. For questions related to TSA, contact (Name & Title), at (Phone Number) or (email address).
9. Construction Contract(s) - Solicit, evaluate, award, and manage construction contract(s) in accordance with established Sponsor procurement policy and all applicable State and Federal laws and regulations. Reference 7 CFR 3016.36, section entitled “Procurement” for procurement requirements, including required construction contract clauses and bonding requirements. 7 CFR 3016 is accessible online at: (website), scroll down to “Regulations” and select 7 CFR 3016.
10. Safety - All contractors on NRCS assisted projects are required to perform their work in accordance with OSHA regulations, NRCS Supplement to OSHA Parts 1910 and 1926, and the Contract Work Hours and Safety Standards Act (40 USC 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5). The Sponsor is responsible for periodically checking the contractor’s compliance. The Sponsor will notify NRCS of all accidents and/or injuries that



occur on the NRCS assisted project. The NRCS Supplement to OSHA Parts 1910 and 1926 is included as an attachment to this agreement.

11. Engineering and Construction Performance –

a. Ensure individuals and/or organizations providing engineering services employ a licensed professional engineer who directly supervises the staff performing the services or who serves as a Principal.

b. Ensure any designs, drawings and specifications submitted for a functional review to NRCS State Conservation Engineer meet NRCS standards and are sealed by a licensed engineer. The documents will be certified as follows: “To the best of my professional knowledge, judgment and belief, these plans (or this report, etc.) meet applicable NRCS standards.” This certification statement will be signed and sealed by the licensed professional engineer. Contact information:

(Name)  
(Title)  
(Address  
(Address)  
Phone:  
Cell:  
Email:

c. Agree that NRCS engineering staff will perform only a functional review of the design and specifications. A functional review shall consist of the following (as defined in NRCS National Engineering Manual (NEM) 505.03(b)(3). :

- (1) Achieves the objectives of the plan and program(s);
- (2) Meets the criteria in the applicable practice standards;
- (3) Complies with the applicable State and Federal programs;
- (4) Includes a design report addressing hydrology, hydraulics, and sedimentation, as applicable;
- (5) Includes an Inspection Plan and Operation and Maintenance Plan; and,
- (6) Does not require a technical review as defined in NEM 511.05.

NRCS shall provide feedback in writing to the Sponsor if items of concern are discovered in the functional review.

NOTE: Designs and/or specifications that, upon cursory review by NRCS, appear to be unacceptable will be returned to the Sponsor for revision without further review by NRCS. The Sponsor bears the responsibility for ensuring that contracted architectural and engineering firms possess the skills required to successfully and efficiently perform the project work and that payment is made only for work performed in producing acceptable products.

d. All construction will be performed in compliance with:

- (1) Sponsor developed design and specifications.
- (2) NRCS standards.
- (3) Requirements of all necessary local, State, and Federal permits. The Sponsor is responsible for securing all permits and complying with permit requirements.

12. Notification of Significant Events - Immediately notify the NRCS Project Manager of events that impact the project. Such events include problems, delays, and adverse or differing site conditions that will materially impair continuation of the project.

13. Operations and Maintenance – Write the Operations and Maintenance Plan, submit it to NRCS for review, and conduct required operation and maintenance as described in the reviewed Operations and Maintenance Plan. The Sponsor is responsible for all operation and maintenance costs.

14. Excess costs - Accept all financial and other responsibility for excess costs resulting from failure of the Sponsor to obtain, or delay in obtaining, adequate land and water rights, permits, and licenses needed for the emergency watershed protection measures.

15. Deficient Construction Services - Accept liability for any damage and any additional construction costs to others to correct problems arising during or after construction resulting from deficient construction services performed by or through the Sponsor.

16. Deviations from Certified Design – The Sponsor will obtain NRCS concurrence, in writing, for any deviations from the Sponsor’s design and specifications. Every attempt will be made to contact NRCS for verbal concurrence of minor deviations and corrections that become necessary during construction; however, construction should not be delayed to await approval unless there is reasonable doubt on the part of the Sponsor that the change will be unacceptable to NRCS. All minor changes and corrections, regardless of whether NRCS was verbally contacted or not, will be documented by the Sponsor in writing and submitted to the NRCS Project Manager and Administrative Contact within 24 hours of occurrence.

17. Removal or Relocation of Utilities – The Sponsor will arrange and pay for any necessary location, removal, or relocation of utilities; EWP program regulations prohibit NRCS from reimbursing the Sponsor or otherwise paying for any such costs nor do the costs qualify as a Sponsor cost-share contribution.

18. Weekly Progress Reports - Once a week, throughout the duration of construction or other EWP activities, digital images documenting construction progress will be submitted to the NRCS Project Manager and NRCS Administrative Contact identified in the “Contact” section of the agreement. Photos will be accompanied by a narrative progress report documenting construction progress during the week. Submission via e-mail is acceptable.

19. Digital Photographic Diary/Documentation -

a. Upon completion of the project, the Sponsor will provide photographs in digital format (.jpeg) on a CD to both the NRCS Project Manager and Administrative Contact. The photographic documentation should be a complete diary of activities from preconstruction through final inspection.

b. A set of final photos should be made of all completed project sites and should be taken from similar vantage points as the original pre-construction photos. Photos should be taken daily of construction activities and should show construction methods, subsurface materials encountered, construction problems as well as problem solutions, and any damages incurred during construction either natural or manmade.

20. Increased Level of Protection - If the Sponsor desires to increase the level of protection over and above that described in the NRCS Damage Survey Report (DSR), the Sponsor will be responsible for paying 100 percent of the costs of any unapproved and unfunded upgrade or additional work.

21. Unforeseen events - Events may occur that have significant impact upon the project. In such cases, the Sponsor must inform the NRCS Project Manager either (1) verbally, if the issue is time-sensitive, with a written notice documenting the conversation submitted to NRCS within 24 hours of occurrence; or (2) if the issue is not time-sensitive, in writing, as soon as the following types of conditions become known:

a. Problems, delays, or adverse conditions which will materially impair the Sponsor’s ability to meet the objective of the award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.

b. Favorable developments which enable meeting time schedules and objectives sooner or for less cost than anticipated or producing more beneficial results than originally planned.

c. Encountering human remains, funerary objects, or unanticipated cultural materials require prompt notification. All activities in the vicinity of the find must cease until a response from NRCS is obtained.

22. As-built Drawings - Complete as-built drawings for the project. A copy of the as-built drawings will be submitted to the Sponsor's project manager.

23. Requesting Reimbursement and Financial Reporting – Reference “Payments” section in attachment entitled “General Terms and Conditions” .

24. Nondiscrimination Requirements - Recipients of Federally-Assisted Programs are required to post the following notice in their offices and include, in full, on all materials regarding this project that are produced by the recipient for public information, public education, or public distribution:

*“In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.*

*To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.”*

25. Performance Reports - In accordance with 7 CFR 3015.92, because this is a construction project, on-site technical inspections and certified percentage-of-completion data will be used to monitor progress. No written performance reports will be required.

26. Accrual Reports - NRCS requires quarterly accrual information. An accrual is the value of the work you have performed or will perform in cooperation with NRCS but for which you have not yet submitted an SF-270. Please complete the Accrual Information form (Attachment E) and submit it to the address below no later than 15 days prior to the end of the quarter (submit by March 15, June 15, September 15, and December 15). The U.S. Congress relies on audits of financial statements, including accrual information, to determine future funding amounts for NRCS on-going and new projects and programs.

Submit the accrual report to:

(Name & Title)

(Address)

(Address)

(Address)

Reports may also be emailed to (email address).

27. The Sponsor will conduct all procurement activities in a manner that provides, to the maximum extent possible, free and open competition.

28. The Sponsor is responsible, without recourse to NRCS or USDA, for the settlement and satisfaction of all contractual and legal issues arising out of arrangements entered into between the Sponsor and others to carry out approved project activities. Matters concerning violation of law should be referred to the federal, state, or local authority having proper jurisdiction.

29. NRCS cannot reimburse the Sponsor for construction work performed prior to award date of this agreement (date of signature by NRCS State Conservationist).

30. Should inconsistencies arise between language in the agreement and the plan of work, the language in the agreement takes precedence.

31. The Federal Travel Regulations will serve as a guideline for any travel performed under this agreement.

B. NRCS will:

1. Contribute up to \$12,000 in financial assistance (construction) funds toward expenses for the project and \$3,000 in technical/administrative assistance funding. Funds will be expended as explained in this agreement.
2. Develop and write the Damage Survey Report (DSR). A copy of the report will be submitted to the Sponsor's Project Manager.
3. Complete all necessary NEPA and cultural resources documentation.
4. Provide a functional review of the Sponsor's design and specifications.
5. Review the Operations and Maintenance Plan for the project developed by the Sponsor. All expenses for operations and maintenance are the responsibility of (Sponsor's Name).
6. Upon receipt of a properly completed SF-270, Request for Advance or Reimbursement, and requested proper supporting documentation, assess description of work completed relative to allowable funds requested and, if request is reasonable, approve and process payment to the Sponsor. In the event there are questions regarding the SF-270 and supporting documentation, NRCS will contact the Sponsor in a timely manner to resolve concerns.

VIII. AMENDMENTS, CHANGES, AND TERMINATION

See General Terms and Conditions incorporated into the agreement as an attachment.

IX. APPROVAL

The United States Department of Agriculture, Natural Resources Conservation Service and Town of Anytown execute this agreement as of the date of final signature by USDA/NRCS on NRCS-ADS-093 form, Notice of Grant and Agreement Award. The signatories represent that each is duly authorized to bind their respective organization to the terms of this agreement. By signing the NRCS-ADS-093 form, the Sponsor assures USDA that the program or activities provided for under this agreement will be conducted in compliance with all applicable Federal civil rights laws, rules, regulations, and policies.