

**EMERGENCY WATERSHED PROTECTION PROGRAM
OHIO NRCS**

EWP Recovery Plan



July 2013

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This emergency recovery plan provides guidelines that address the recovery actions and inter-agency coordination that the Ohio NRCS will follow when an emergency is declared and the Emergency Watershed Protection Program is initiated and/or implemented.

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Introduction

Ohio NRCS Emergency Recovery Plan (ERP) provides an overview of the Emergency Watershed Protection (EWP) Program, describes Ohio NRCS' process in implementing the program for potential sponsors, and provides guidance for the coordination, cooperation and communication prior to, during, and after natural disasters.

The ERP describes NRCS' role with other Federal, state and local entities involved in emergency recovery work in response to natural disasters. The ERP will be utilized as the primary day-to-day reference for Ohio NRCS employees when a natural disaster occurs and an emergency is declared.

More detailed information about the EWP Program is contained in the National Emergency Watershed Protection (EWP) Program Manual, Title 390. The EWP Program Manual is accessed from NRCS e-Directives:

<http://directives.sc.egov.usda.gov/RollupViewer.aspx?hid=26433>

Emergency Watershed Protection Program

Definition

The EWP program is used to provide both technical and financial assistance to communities whose watersheds have been impaired by natural disasters. Typical disasters include floods, wildfires, tropical storms, hurricanes, tornadoes, and drought. The EWP program is used to restore the impaired watershed(s) to a stable hydrologic function following a natural disaster. The EWP program cannot be used for general maintenance of stream banks and other structures, or for long-term flood control.

The Natural Resources Conservation Service administers the EWP program through the following authorities:

- 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.

Responsibility for the EWP program is assigned to the USDA - Secretary of Agriculture and is delegated to the Chief of USDA-Natural Resources Conservation Service (NRCS). NRCS State Conservationists (STC) administers the EWP program in their respective states and has sole authority to declare local watershed emergencies.

All applicable Federal, state and local laws, rules and regulations must be adhered to in carrying out emergency watershed protection measures.

Declaration of an Emergency

NRCS may be involved in two different types of emergencies:

- Presidentially Declared Disaster
- Local Disaster

Through Public Law 93-288, the President of the United States can declare an area a “major disaster area.” When a Presidentially declared disaster occurs, the Federal Emergency Management Agency (FEMA) is responsible for coordinating all disaster activities. EWP program assistance may be provided if the NRCS STC determines the EWP program is applicable.

In the absence of a Presidentially declared disaster and when local conditions warrant, the NRCS STC may declare a “local” emergency and, pending funding, provide assistance to requesting sponsors under the EWP program. FEMA is usually not involved in recovery activities for local disasters, creating a greater coordination role for NRCS.

The EWP program can be used whenever a natural disaster creates a sudden watershed impairment that is a threat to life and/or property. Normal rainfall events and normal maintenance do not meet these criteria.

Funding for the EWP program is not a budgeted line item. Funding for this program is in the form of supplemental appropriations from Congress on an as needed and available basis. Therefore, funding to carry out this program is never guaranteed to be available at all times.

Types of Emergencies

There are two categories of work within the EWP program— exigencies and non-exigencies.

Exigencies are emergency situations that require an immediate response (1 to 10 days) to protect against an imminent threat to life and/or property. An “imminent threat” is present when there is the potential for a subsequent natural occurrence of the same intensity or less to cause significant damage to property and/or threaten human life. The term “property” applies to significant infrastructures such as dwellings, office buildings, utilities, bridges, and roads. Land is not defined as property for the EWP program.

All other situations are termed “non-exigencies” and should be completed within 220 days from the date Ohio NRCS receives EWP funding.

Site Eligibility

For a site to be eligible for EWP program assistance, all of the following questions must be answered YES:

1. Damage was the result of a natural disaster (e.g., damage to structures residential or commercial, infrastructure, etc.)?
2. Recovery measures would be for runoff retardation or soil erosion prevention (e.g., erosion damage to stream banks, roads, sediment blocking drainage, etc.; potential for increased erosion damages due to lack of groundcover)?
3. Threat to life and/or property?
4. Event caused a sudden impairment to the watershed?
5. For structural repairs, the site has not been repaired twice within the last ten years?
6. Economic, environmental, and social documentation adequate to warrant action?
7. Proposed action technically sound?

The program requires the protection of cultural resource sites and those sites discovered during a cultural resources survey or during restoration and protection activities as stipulated by Section 106 of the National Historic Preservation Act (NHPA) (16 USC§470f) and its implementing regulations at 36 CFR part 800. If a cultural resource site is observed during installation of protection measures then all work shall cease and desist and the Ohio NRCS Cultural Resources Specialist (CRS) shall be contacted immediately.

Ineligible Activities

EWP program funds cannot be used for the following:

- Repair, rebuild, or maintain public or private transportation facilities or correct damage to transportation facilities eligible for assistance under the Emergency Relief Program administered by Federal Highway Administration of the Department of Transportation.
- Perform work on land owned by and/or managed by other Federal departments and agencies. The only exception is land managed by the USDA-Forest Service (FS). The FS receives their emergency EWP funds for restoration activities separately from NRCS.
- Federal lands (including Federal-aid highways), unless adequate safeguards are followed to avoid augmentation of other Federal agencies as defined in the U.S. Government Accountability Office's Principles of Federal Appropriations Law, chapters 2 and 3, "Transfer and Reprogramming" (see 7 CFR § 624.6(b)(2)(iv)). Federal-aid highways are designated as colored rural highways from this web site:
<http://www.dot.state.oh.us/Divisions/Planning/SPPM/SystemsPlanning/Pages/RoadwayFunctionalClass.aspx>
- Repair erosion damage to beaches, dunes, and shorelines damaged by erosion as a result of wave action.
- 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 (USACOE).
 - Make improvements not essential to the reduction of the threat.
 - Increase pre-disaster level of protection.
 - Increase pre-disaster capacity of a channel by constructing a new channel, enlarging the old channel, or relocating the stream. Sediment and debris removal is not considered new construction or increasing flow capacity.
 - Landscape for aesthetic purposes.
 - Remove sediment or debris from reservoirs or debris basins. This is considered operation and maintenance, regardless of the cause.
 - Perform operation and maintenance or solve watershed problems that existed before the disaster.
 - Rebuilding or protecting when there is not anything left to protect.
 - Drilling wells, constructing pipelines, installing irrigation equipment, or purchasing portable equipment to address drought.

Damage Survey Reports (DSR's)

A Damage Survey Report (see Appendix J) is used to document damage caused by a natural disaster, evaluate environment and social effects, recommend repair methods and provided estimated construction costs to repair the damage. The DSR should be as complete and accurate as possible since it is the document used to determine site eligibility and justify the expenditure of EWP funds. The costs and benefits computed for the DSR are estimates; however, they should be reasonable and based on the sound professional judgment. It is not expected that an excessive amount of time be expended completing the DSR. Generally, a majority of the DSR can be completed on-site based on conditions observed and with minimal surveys and other measurements.

Once the DSR is completed it is sent to the Ohio NRCS EWP Program Manager and STC for review and determination of eligibility. The STC will request funds for approved DSRs.

Typical EWP Recovery Measures

- In Ohio, floods and tornadoes cause the majority of the watershed impairments. The most common impairments are stream bank instability, channel erosion, and a loss of capacity within the stream channel. Streambank stabilization and obstruction removal are typical measures used to reduce the threat to life and property. Sediment, construction material, fallen trees and household debris are the usual causes of stream channel obstruction following a major storm event.
- Watershed structures constructed by NRCS under the PL-566 program damaged by flooding are eligible for assistance for repairs if the structure has been properly operated and maintained by the sponsors.
- See Appendix I for additional information on typical emergency measures.

Eligible Sponsors

EWP assistance must be through an eligible project sponsor. Any legal subdivision of a state government or a state agency, including the following:

- Cities
- Counties
- Towns and villages
- Municipal Authorities
- Townships
- Soil and Water Conservation Districts
- And when chartered under State laws, entities such as: – Conservancy Districts
- 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. section 450b).

A project sponsor must:

- Have a legal interest in, or responsibility for, the areas threatened by a watershed emergency.
- Be capable of obtaining necessary land rights and required permits.
- Be capable of performing all required operation and maintenance (O&M) responsibilities.
- Be capable of administering contracts when part of a locally led agreement.
- Provide local cost share of construction cost (see below)

Cost Share

Federal funds can provide up to 75 percent of the actual eligible construction costs of emergency measures. Counties/communities in the state that have depressed economies are referred to as “limited resource areas” and may be eligible for 90 percent of the eligible construction costs to complete the project. To be considered a limited resource area, the county must meet all three of the following criteria:

- Average housing values must be less than 75 percent of the state average housing value;
- Per capita income must be 75 percent or less than the median income for the nation; and
- Unemployment rate must be twice the U.S. average over the past three years.

Census data (income and housing values) for Ohio Counties is available here:

http://quickfacts.census.gov/qfd/maps/ohio_map.html

Local unemployment data is available here: <http://www.bls.gov/lau/#cntyaa>

or: <http://ohiolmi.com/laus/laus.html>

The EWP Manager will review the documentation submitted for proposed limited resource areas.

Cost share for EWP program measures is divided into two activities for cost share:

- Construction Services (termed financial assistance (TA)) and
- Technical Services (termed technical assistance (FA))

Construction services are those items related to actual physical repair of the damaged site and include such items as mobilization/demobilization, materials, earth work, and vegetation. The Federal share is 75 percent and the sponsor share is 25 percent or 90 percent Federal and 10 percent sponsor if the community is determined and approved as a limited resource area.

Depending on the contracting method used by the sponsors, the sponsors may elect to perform some of the construction services with their own labor, materials, and equipment. In general, this “in-kind” construction work may be used toward their share of the project construction services cost. NRCS and the sponsor must agree on the amount, method, etc., of “in-kind” construction services prior to commencement of the works of improvement. See Appendix H for information on contracting methods.

Technical services are items such as surveys, design, geotechnical services, preparation of construction drawings, contracting, contract administration, construction inspection, and

preparation of as-built construction drawings. Under locally led contracts, NRCS will reimburse the Sponsor for “in-kind” technical services costs subject to an agreed-to-amount.

Permitting fees, legal expenses associated with land rights, and legal opinions of locally-led contracting activities do not qualify as in-kind technical services.

See Appendix Q for the flow chart outlining the step by step process of implementing EWP in Ohio.

NRCS Roles and Responsibilities

Ohio NRCS staff has important roles to ensure an efficient implementation of EWP. The basic roles and responsibilities of the Ohio NRCS staff are discussed below.

State Conservationist

The State Conservationist (STC) has the overall responsibility for the EWP. The STC announces EWP to the public, and receives applications from sponsors requesting assistance, approves the DSR, and requests funds for EWP.

EWP Program Manager

The EWP Program Manager (PM) will coordinate the day-to-day implementation of the EWP from the initial request for assistance to the close out of the project.

As soon as indications that there is a watershed impairment from a natural disaster and a potential EWP project, the EWP Program Manager will complete the NRCS Electronic Disaster Report (NRCS-PDM-21) and submit to the NRCS National Headquarters alerting them of a potential request for EWP program funds to address the watershed impairment. See Appendix P for a copy of the Electronic Disaster Report.

The EWP PM will review damage survey reports (DSR) and in consultation with the State Conservationist determine eligibility.

If the Assistant State Conservationist (Field Operations) requests additional resources to address the EWP recovery efforts, the EWP PM, with concurrence from the STC, will assign staff to a NRCS DSR Team(s). Staff from the entire state may be recruited to acquire the necessary disciplines.

The EWP Program Manager is responsible to ensure additional supplies and equipment are obtained and provided to implement the EWP program.

The EWP PM will coordinate with the State Administrative Officer (SAO) to initiate a Project Agreement with sponsors who are determined eligible to participate in the EWP program. See Appendix L for a sample project agreement.

The EWP PM will provide assistance as needed to perform the analysis and document the socioeconomic factors as required on the DSR.

Assistant State Conservationist (Field Operations)

The Assistant State Conservationist for Field Operations (FO) will provide the coordination of the EWP activities within his/her administrative area and will keep the EWP Program Manager informed of the progress.

Prior to any disaster, the Assistant State Conservationist (FO) will ensure that staff within his/her administrative area is trained in EWP recovery efforts. Staff should be capable of determining if projects are eligible for EWP assistance and have the skills, knowledge and ability to complete DSRs during a disaster, the Assistant State Conservationist (FO) shall compile reports from the District Conservationist(s) (DC) and provide information to the EWP Program Manager on the extent of damage and resources affected. The Assistant State Conservationist (FO) shall assign a DSR Team from their Area staff to work with the DC in completing DSRs in a timely manner. If additional staff or equipment is needed, the Assistant State Conservationist (FO) will coordinate with the EWP Program Manager to obtain additional staff and/or equipment.

Prior to beginning the recovery work, the Assistant State Conservationist (FO) will provide EWP training to all NRCS employees on the DSR Team. See Appendix K on typical training needs.

District Conservationist

When a natural disaster occurs, the DC becomes the local facilitator for EWP program activities in his/her assigned counties working with sponsors, landowners and government entities. The DC will immediately notify the Assistant State Conservationist (FO) and EWP PM of the disaster and begins the process to identify the magnitude and location of the damages. Contacting the local emergency management agency and other local agencies may be necessary at this time. See Appendix B for list of County Emergency Management Coordinators. The DC should provide potential sponsors with a copy of the EWP Program Fact Sheet (see Appendix C).

Once the DC has identified the preliminary damage locations, a site visit will be conducted. The DC will evaluate the extent of the damaged areas and make a preliminary determination on the potential for EWP program work and a preliminary review of environmental compliance issues in accordance with the NRCS National Environmental Compliance Handbook (NECH).

The DC will develop an information file on all potential EWP projects which will include a cultural resource review based upon GIS cultural resource layers, required surface inspection and participant information. Any cultural resources information shall not be disclosed to sponsors or any third party and used only by those NRCS personnel that have completed the NRCS Cultural Resources Training Modules 1-8.

Potential sponsors will be notified by the DC to explore the possibility and interest in partnering to address the emergency situation prior to conducting a major disaster assessment to determine their interest and ability to be sponsors. Interest in sponsoring projects can change over time because of fluctuating financial capabilities or concerns

about activities such as acquiring permits or obtaining easements.

The DC is responsible for keeping the Assistant State Conservationist (FO) informed of the potential EWP recovery in his/her county(ies). A summary of the DC's responsibilities include:

1. Within 24 hours of the disaster prepare a preliminary determination where damages and stream blockages have occurred. This can be accomplished quickly by making telephone calls to key landowners, visual inspections, weather service reports, internet weather maps, and contacts with county and agency personnel.
2. Notify the Assistant State Conservationist (FO) and EWP Program Manager of the disaster situation. Prepare an initial report listing the approximate number of sites where people, dwellings, highways, streams, and structures have been affected. This information may change several times as more sites are found and will require regular updates to the Assistant State Conservationist (FO) and EWP Program Manager about the number and type of sites found in each county. Continually communicate this information to all concerned.
3. As potential sponsors come forward with requests for assistance, prepare a report of the requests and guide the potential sponsor in the requirements to assistance. Provide the potential Sponsor a copy of the EWP Fact Sheet (see Appendix C).
4. Inform the potential sponsor of: (a) the purpose of EWP program and their financial obligations; (b) the need to apply to NRCS for assistance; (c) their responsibility to obtain and certify land rights signatures for landowners affected; and (d) their responsibility to obtain necessary environmental permits. Furnish the potential Sponsor with a copy of the example EWP letter of request for assistance from NRCS (see Appendix D).
5. Notify the EWP Program Manager of the Sponsor's decision to proceed with EWP program.
6. Serve as a member of the DSR Team.
7. Maintain a log sheet or requests for assistance that contains the name, address, telephone number, statement of problem, stream name, date, and time of call.
8. Coordinate local fact finding and recovery efforts with the County/City, county EMA, USFS, FEMA, and others, as necessary.
9. Inform the Public Affairs Specialist (PAS) of human interest stories and success stories
10. Prepare available information and equipment for use by the DSR Team such as:
 - Threatened & endangered Species data (FOTG Section II and NRCS State Biologist).
 - National Wetland Inventory maps.
 - Soils information.
 - Stream classifications.
 - Conduct a review of environmental compliance issues in accordance with the NRCS National Environmental Compliance Handbook (NECH). If EWP sites prove to be complex and have environmental compliance issues, the required

- environmental analysis shall be forwarded to the SRC for completion.
- Location of cultural resources. Any cultural resources information will not be disclosed to sponsors or any third party and will be used only by NRCS personnel that have completed the NRCS Cultural Resources Training Modules 1-8.
- Copies of the landrights permission sheet.
- Directory of essential personnel and agencies.
- Location of approved debris disposal areas.

Damage Survey Report Team (DSR Team)

The DSR Team will be responsible to complete the DSR for each site. See Appendix J for a copy of the DSR and specific requirements for completing it.

The Assistant State Conservationist (FO) will identify staff that will serve on the DSR Team and assign a Team Leader. The DSR Team will consist of, as a minimum, the local DC, and engineer. The DC will participate on the team to provide local data and knowledge to the team that is necessary to complete the DSR. Where deemed necessary and appropriate due to site complexities, additional specialists such as an environmental compliance specialist, biologist, and Cultural Resource Specialist will be added to the DSR team.

The sponsor's representatives should be invited to participate in the site visit and completing applicable portions of the DSR.

Each DSR Team will have at least one NRCS employee who has completed the NRCS Cultural Resources Training Modules 1 through 8 and will complete the *Ohio Cultural Resources Project Request Form*.

The EWP Program Manager should be contacted for guidance on questionable sites.

The completed DSR will be signed by the DC, engineer, and sponsor and forwarded to the EWP Program Manager.

The DSR Team engineer will determine a construction cost estimate for work to relieve the emergency situation.

State Conservation Engineer (SCE)

The SCE is responsible for:

- Determining construction requirements.
- Taking the lead in developing the NRCS quality assurance plans (QAP) and reviewing locally-led QAPs.
- Assuring proper reviews and approvals of plans and specifications before contracting.
- Determining operation and maintenance (O&M) requirements, if needed.
- Making recommendations to the contracting officer for the appointment of COR and inspectors for Federal contracts.
- Providing the necessary technical guidance for inspection, documentation, and acceptance of all work within their scope of

responsibility.

State Resource Conservationist (SRC)

The SRC is responsible for:

- Preparing and/or providing vegetation recommendations and specifications.
- Ensuring proper reviews and approvals of vegetation measures take place before construction.
- Determining vegetative O&M requirements if needed.
- Making recommendations to the contracting officer for the appointment of a COR for vegetation-related work.
- Providing necessary technical guidance and reviews for NEPA documentation

NRCS State Cultural Resources Specialist (CRS)

All EWP projects are required to have a cultural resources review and subsequent cultural resources investigation, if applicable, by the NRCS State CRS. The DC shall schedule with the Ohio NRCS State CRS for a site visit if their cultural resource review resulted in the presence of a cultural resource site within 500 feet of the project area

State Administrative Officer (SAO)

The SAO working with the contracting officer (CO) and budget officer (BO) is responsible for:

- Working with the State EWP Program Manager to initiate and develop project and other agreements.
- Prepare and distribute to sponsors any subsequent amendments and/or modifications to project and other agreements.
- Awarding and administering all Federal acquisition contracts.
- With recommendations from the SRC or SCE, appointing the contracting officer's representatives (COR) and inspectors.
- Accepting the completed work for contracts completed using Federal acquisition procedures.
- Confirm that funds are available to the STC prior to the execution of EWP funding agreements or contracts.
- Check and process payment requests from sponsors.

Public Affairs Specialist

The Public Affairs Specialist (PAS) is responsible for coordinating statewide efforts with the state EWP Program Manager to inform the public about EWP program activities before, during and following a natural disaster.

Communication Plan to be used throughout the EWP program recovery effort. The purpose of the Communication Plan is to inform targeted audiences of the extent of damages, status of the recovery, and provide general information concerning the EWP program.

The Communication Plan will outline responsibilities, timeframes, and methods for keeping the public informed about NRCS EWP activities and events. The EWP Program

Manager will be responsible for establishment of internal communication procedures and coordination. The EWP Program Manager will keep the PAS informed of disaster occurrences.

The Communication Plan will:

- Provide uniform, consistent information to sponsors and the general public about EWP activities.
- Provide landowners and sponsors information about how to apply for the program.
- Keep decision makers informed of progress of EWP projects
- Inform the public on how tax dollars are being spent.

Responsibilities of the PAS include:

- Serving as statewide contact for all media.
- Keeping state and national NRCS managers advised of media activities.
- Organizing information from the DC for release to the public.
- Arranging media interviews at the state level.
- Preparing news releases, fact sheets, news advisories, and other material for local use.
- Working with the DC to identify human interest stories and success stories.
- Assisting the DC with photography needs.
- Preparing a media list for the affected area.
- Issuing news releases at the following stages of the emergency action:
 - immediately following disaster to indicate that assistance is available,
 - following completion of damage assessments to report proposed actions,
 - at the completion of an exigency situation,
 - during construction phase,
 - when construction is completed, and
 - at other occasions when deemed necessary.
- Producing a photographic library of activities.
- As requested by the STC, prepares a summary of EWP program efforts for local sponsors, elected officials, partners, media, and residents.

NRCS Liaison

Once NRCS and the sponsor agree to enter into a project agreement for EWP recovery work, the EWP Program Manager will designate a liaison to work with the sponsor in implementing the works of improvement. The NRCS Liaison responsibilities include:

- providing technical guidance to the sponsor;
- keeping the EWP Program Manager informed of the progress of assigned projects;
- reviewing engineering plans and specifications for concurrence;
- performing periodic monitoring of construction to ensure the plans and specifications are followed;
- reviewing progress to ensure the work is progressing in accordance with the time frame in the Project Agreement;
- reviewing all payment requests for completeness and accuracy;
- participating in the final inspection.

Sponsor Responsibilities

Sponsors participating in the EWP program are responsible for:

- Submit an official written request to the STC for assistance with appropriate documentation. The written request must be submitted within 60 days after the event and within 10 days for exigencies. The request must contain the sponsor's commitment of 25 percent of the construction cost for approved sites, the commitment to obtain all landrights, and the name of the sponsor's technical and administrative representative. See Appendix D for sample letter of request;
- Submit an Application for Federal Assistance with the following forms, which are available at <http://www.grants.gov/> (see Appendix D):
 - SF 424 - Application for Federal Assistance
 - SF 424B - Assurances for Non-Construction Programs
 - SF 424C - Budget Information Construction Programs
 - SF 424D - Assurances – Construction Programs
- Publicize the availability of the EWP Program;
- Accept requests for assistance from landowners;
- Participate on a DSR team as needed;
- Conduct outreach to underserved populations;
- Set priorities for site visits;
- Possess legal authority and obtaining the necessary real property rights, including any rights needed for the relocation of fences, bridges, etc. and submitting a signed form NRCS-ADS-78, “Assurances Relating to Real Property Acquisition,” and a signed attorney’s opinion, as appropriate. See Appendix F for form NRCS-ADS-78 and sample attorney’s opinion letter;
- Enter into a written agreement with NRCS outlining responsibilities and obligations. See Appendix L and M for an example of a project agreement. EWP program funds cannot not be used to reimburse sponsors for work carried out prior to the signing of a project agreement by the sponsors and NRCS;
- Obtain all necessary permits (Federal, State, Tribal, and local) to complete the project. NRCS does not reimburse the Sponsor for any permit fees (see Appendix G for information regarding permitting);
- Arrange for any necessary relocation of utilities;
- Perform “locally led contracting” when sponsor has the technical and/or administrative ability to do so, or otherwise share needed services with NRCS:
 - Prepare engineering drawings and specification for construction contract. The drawings must be stamped by an Ohio licensed Professional Engineer (PE).
 - Develop a quality assurance plan (QAP) for construction.
 - Award and administer construction contracts to perform work.
 - Inspect the construction in accordance with the approved QAP and accept the completed work.
 - Prepare as-built construction drawings acceptable to NRCS; the drawings must be stamped by a PE.
 - The extent that the sponsor and NRCS share these services will be stated in the

- project agreement before the commencement of work.
- Provide their construction cost share of actual eligible project costs (cash and/or approved in-kind construction services). Tasks such as acquiring land rights and permits will not be credited as an in-kind expense;
 - Provide for the operation and maintenance of completed structural measures.

Contracting Procedures

The preferred EWP contracting procedure in Ohio is locally led contracting for the completion of construction work. NRCS can perform the work by federal contract if the sponsor does not have administrative capabilities to administer local contracts. Periodic payment requests may be submitted by the sponsor on form SF-270. See Appendix O for a sample of Form SF-270 – Request for Advancement or Reimbursement. See Appendix H for a description of various contracting methods.

Construction Inspection

The inspection process ensures that the project is conducted in accordance with the project design, contract specifications, permit requirements, and environmental compliance. If work limits are given in order to remain compliant with NEPA, ESA, and NHPA, NRCS will be on-site to monitor the construction progress and ensure that work limits are being adhered to.

Project Completion and Acceptance

Upon completion of a project, the project sponsor and the NRCS Liaison will review the work to ensure all the necessary items are completed according to the requirements specified in the plans and specifications and project agreement. If the project work is deemed complete, the project is accepted and as-built drawings, if applicable, are prepared by the sponsor.

Project Evaluation

After the EWP program work is completed, the EWP Program Manager, Assistant State Conservationist (FO), DC and other staff will evaluate NRCS's response to the emergency and the effectiveness of the processes used to implement the program. Input may be solicited from partners, including sponsors, agencies, citizens' groups and congressional delegations. Evaluation of the current program and suggested changes to improve the program effectiveness, delivery, administration, and environmental effects will be reviewed. Necessary changes shall be incorporated to improve the process to address future natural disasters.

Project Follow-up

Periodically, the DC will meet at the project site with the sponsor to evaluate how the project is functioning and to determine if the terms of the operation and maintenance plan are being implemented. NRCS personnel will take photographs of the site(s) to document the environmental effects of the EWP program measure.

Final Report

Within ninety (90) days of the completion of the emergency work, the EWP Program Manager will submit a final report to the NRCS National Headquarters EWP Program Manager. This report will follow the guidelines as stated in the National Emergency Watershed Protection Manual Part 503. This report may be distributed to other NRCS offices, State Technical Committee, congressional offices and other interested partners.

Floodplain Easements

NRCS may purchase perpetual agricultural floodplain easements. To be eligible, flooding must have damaged the land to the extent that the cost of restoring it and associated structures would be greater than the value of the land after restoration. The easements provide permanent restoration of the natural floodplain hydrology as an alternative to traditional attempts to restore damaged levees, agricultural land, and structures and reduced downstream flood damage while promoting conservation of natural function and values of the floodplain.

Landowners will be compensated the least of the following values: 100 percent of the agricultural or other undeveloped/raw value of the land; the geographic cap where one is established; or landowner offer. EWP program funds may cover up to 100 percent of the cost for land treatment practices and all administrative, survey, title insurance, and other costs associated with establishing the easement. All easements must be economical, and environmentally and socially defensible.

All private, public, and Tribal lands are eligible for assistance from the EWP program. All easements must include a permanent vegetative buffer adjacent to the watercourse. Sponsors are not required to establish easements; agreements can be developed directly with individual landowners.

NRCS may also purchase perpetual non-agricultural easements, including land with buildings. The landowner or sponsor will pay 25 percent of the cost to move or demolish the buildings.

NRCS will pay 100 percent of the pre-disaster appraised value of the land and buildings. The intent is to purchase larger corridors with buildings, not single isolated parcels. Agreements can be developed with individual landowners.

Floodplain easements must be defensible, supported by a DSR, and voluntarily offered. They must also meet the same requirements as recovery work unless specifically stated otherwise in policy

Purchase of floodplain easements will follow the guidelines and policy as stated in the National Watershed Manual, 390-V Circular No.4.

APPENDICES

Appendix A – Definitions

Appendix B – Ohio County Emergency Manager Coordinators

Appendix C – EWP Program Fact Sheet

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Appendix O – NRCS Emergency Watershed Protection Program Process Flow Chart

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Appendix A – Definitions

The following terms are used throughout this Emergency Recovery Plan:

Assistant State Conservationist (FO)	The Assistant State Conservationist (FO) is responsible for providing leadership in implementing the EWP Program within his/her administrative area. The Assistant State Conservationist (FO) will work directly with the District Conservationist and assemble a DSR team from Area Staff to complete damage assessments.
Damage Survey Report (DSR)	The DSR documents damages; proposed work; economic, social and environmental defensibility; sketches of the site; standard drawings; maps; photos; GPS data; and other information as needed. A DSR will be completed for each site. The DSR is NRCS’ documentation that the site has been evaluated and proposed measures and any activities facilitating the proposed measures comply with ESA, NHPA and NEPA.
District Conservationist	The District Conservationist (DC) is the local EWP program contact for the affected area within their county (ies) of responsibility. The Assistant State Conservationist (FO) may assign other Area staff to fill the role of the DC. The DC must understand the basics of the EWP program and its eligibility criteria and perform the ongoing work of establishing key contacts and potential sponsors for future EWP projects.
DSR Team	A DSR Team is an NRCS interdisciplinary team that performs site assessments and completes the DSR. Typically, the team will consist of an engineer and the DC. Additional NRCS staff will be consulted as needed to address economics, environmental, and cultural resource issues. The DSR team may include non-NRCS members such as sponsor representatives and technical personnel from other agencies.
Exigency	An exigency exists when the near-term probability of damage to life and property is high enough to demand immediate Federal action. Requires completion within 10 day period after the date the funds are committed.
EWP Program Manager	The EWP Program Manager is responsible for providing leadership and oversight on EWP program projects.
Non-exigency	A non-exigency exists when the near-term probability of damage to life or property is high enough to constitute an emergency, but not sufficiently high to be considered an exigency. Measure must be complete within 220 days from the date NRCS receives the funding.
NRCS Liaison	The NRCS Liaison is responsible for day to day contact and coordination with the Sponsor. The NRCS Liaison will be an engineer and is responsible for reviewing the DSR’s solution to correcting the impairment and provides engineering technical assistance to the Sponsor.
Sponsor	A sponsor is a qualifying local unit or subdivision of state, city, county, or tribal government.
State Conservationist	The State Conservationist is responsible for all NRCS activities and programs in Ohio.

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Appendix B – Ohio County Emergency Management Agency List

Adams Co. Emergency Mgmt.

Director: Sapp, Karen

31 Logans Lane
West Union, OH 45693

937-544-6123

email: adamsema1@yahoo.com

No Website

Allen Co. Office of Homeland Security & Emerg Mgmt.

Director: Decker, Russell

333 N. Main Street. PO Box 1243
Lima, OH 45801

419-993-1404

email: Decker@allencountyohio.com

<http://allen-ema.com>

Ashland Co. Office Homeland Security & Emerg Mgmt.

Director: Rafeld, Mark

1763 State Route 60 -
Ashland, OH 44805

419-282-4272

email: mrafeld@ashlandcounty.org

<http://www.ashlandcounty.org/ema>

Ashtabula Co. Emergency Mgmt.

Director: Howson, Tim (Interim)

25 West Jefferson Street.
Jefferson, OH 44047

440-576-9148

email: ema@co.ashtabula.oh.us

<http://www.co.ashtabula.oh.us/web/framesets/EmergSvcs.html>

Athens Co. Emergency Mgmt.

Director: Davis, Fred

13 West Washington Street.
Athens, OH 45701

740-594-2261

email: fdavis@athensoh.org

<http://www.athenscountygovernment.com/acema>

Auglaize Co. Emergency Mgmt.

Director: Anderson, Troy

209 S Blackhoof Street. Room 206
Wapakoneta, OH 45895

419-739-6725

email: tanderson@auglaizecounty.org

<http://www.auglaizecounty.org/EMA/index.html>

Belmont Co. Emergency Mgmt.

Director: Ivan, Dave

68329 Bannock Road. SR 331
St. Clairsville, OH 43950

740 695-5984

email: ema@belcc.com

NoWebsite.asp

Brown Co. Disaster Svcs.

Director: Nevel, Beth

325 West State Street, Bldg. B
Georgetown, OH 45121

937 378-5100

email: bcema@frontier.com

http://www.browncountyohio.gov/index.php?option=com_content&view=article&id=34&Itemid=71

Butler Co. Emergency Mgmt.

Director: Galloway, Jeff

315 High Street, STREETE 670
Hamilton, OH 45011

513-785-5810

email: gallowayjl@butlercountyohio.org

<http://butlercountyohio.org/ema/>

Carroll Co. Disaster Svcs.

Director: Cottis, Tom

106 Kensington Road NE PO Box 628
Carrollton, OH 44615

330-627-0003

email: ccemalepc@eohio.net

<http://carrollcountyohio.net/emergencymanagement.html>

Champaign Co. Emergency Mgmt./Office of Homeland Security

Director: Evans, Craig

1512 State Route 68 Suite C103
Urbana, OH 43078

937-484-1642

email: ema@co.champaign.oh.us

NoWebsite.asp

Clark Co. Emergency Mgmt.

Director: D`Allessandris, Lisa

3130 East Main Street. Suite 1E
Springfield, OH 45505

937-521-2175

email: ldallessandris@clarkcountyohio.gov

<http://www.clarkcountyohio.gov/ema/index.htm>

Clermont Co. Emergency Svcs Agency

Director: Broughton, Pam

2279 Clermont Center Road.
Batavia, OH 45103

513-732-7661

email: Clermontema@clermontcountyohio.gov

<http://www.ema.clermontcountyohio.gov/>

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Clinton Co. Emergency Mgmt.

Fulton Co. Emergency Mgmt.

Director: Kost, Heather

152 S. Fulton Street
Wauseon, OH 43567

419-337-9207

email: ema@fultoncountyoh.com

<http://www.fultoncountyoh.com/ema.htm>

Gallia Co. Emergency Mgmt.

Director: Daines, Sherry (Interim)

1255 State Route 160
Gallipolis, OH 45631

email: gclepc@gallianet.net

<http://www.facebook.com/pages/Gallia-County-Emergency-Management-Agency/116420875060160>

740-441-2036

Geauga Co. Emergency Mgmt.

Director: Wedge, Dale

12518 Merritt Road.
Chardon, OH 44024

440-279-2170

email: dwedge@co.geauga.oh.us

<http://www.co.geauga.oh.us/Departments/DES/Main.aspx>

Greene Co. Disaster Svcs.

Director: Anders, Roseanne

45 N. Detroit Street
Xenia, OH 45385

937-562-5994

email: randers@co.greene.oh.us

http://www.co.greene.oh.us/EMA/EMA_Links.htm

Guernsey Co. Emergency Mgmt.

Director: Beckner, Gerry

627 Wheeling Ave. Suite 302
Cambridge, OH 43725

740-432-9292

email: ema@guernseycounty.org

<http://www.guernseycountyma.com>

Hamilton Co. Emergency Mgmt.

Director: Snowden, Michael

2000 Radcliff Drive
Cincinnati, OH 45204

513-263-8200

email: mike.snowden@hamilton-co.org

<http://www.hamiltoncountyohioema.org/>

Hancock Co. Emergency Mgmt.

Director: Swisher, Lee

P O Box 964
Findlay, OH 45839

419-424-7092

email: hcema@bright.net

[NoWebsite.asp](#)

Hardin Co. Emergency Mgmt.

Director: Trachsel, Max

1025 South Main Street, Rm. 111
Kenton, OH 43326

419-674-2276

email: hardinema@windstreetream.net

[NoWebsite.asp](#)

Harrison Co. Emergency Mgmt.

Director: Bower, Lorna

538 North Main Street F
Cadiz, OH 43907

740-942-3922

email: hcema@frontier.com

[NoWebsite.asp](#)

Henry Co. Emergency Mgmt.

Director: Busch, Tracy

1847 Oakwood Avenue
Napoleon, OH 43545

419-599-6432

email: ema@henrycountyohio.com

<http://henrycountyohio.com/emergencymanagement.htm>

Highland Co. Emergency Mgmt.

Director: Lyle, James

1487 North High Street, Suite 600
Hillsboro, OH 45133

937-393-5880

email: lyle.jim50@gmail.com

<http://www.co.highland.oh.us/Department%20Home%20Pages/EMA.html>

Appendix B – Ohio County Emergency Management Agency List

Hocking Co. Emergency Mgmt. Director: Miller, Sonja (Interim) 52 East Second Street Logan, OH 43138	740 385-6168 email: smiller@co.hocking.oh.us http://www.co.hocking.oh.us/ema/
Holmes Co. Emergency Mgmt. Director: Mellor, Gary 2 Court Street, Suite 11 Millersburg, OH 44654	330-674-0989 email: gmellor@co.holmes.oh.us http://www.co.holmes.oh.us/emergency_management/
Huron Co. Emergency Mgmt. Director: Roblin, Jason 255-B Shady Lane Drive Norwalk, OH 44857	419 663-5772 email: director@huroncountyma.com http://www.huroncountyma.com/
Jackson Co. Emergency Mgmt. Director: Czechlewski, Robert 200 Main Street Jackson, OH 45640	740 286-5630 email: jacksoncoema@hotmail.com http://www.jacksoncoema.webs.com
Jefferson Co. Emergency Mgmt. Director: Parker, John 300 Airport Road P O Box 2039 Wintersville, OH 43953-2039	740 264-4646 email: jeffersoncounty88@yahoo.com NoWebsite.asp
Knox Co. Office of Homeland Security & Emerg. Mgmt. Director: Maxwell, Mark 11540 Upper Gilchrist Road Mt. Vernon, OH 43050	740-393-6772 email: markmaxwell@co.knox.oh.us No Website
Lake Co. Emergency Mgmt. Director: Greene, Larry 8505 Garfield Road, PO Box 480 Mentor, OH 44061-9998	440 350-5499 email: Larry.Greene@lakecountyohio.gov http://www2.lakecountyohio.org/ema/
Lawrence Co. Emergency Mgmt. Director: Boster, Michael 515 Park Avenue-Rear Ironton, OH 45638 740 533-4375/4376	email: LawCoOHEMA@gmail.com http://www.lawcohd.org/LEPC/tabid/97/Default.aspx
Licking Co. Office of Homeland Security & Emerg. Mgmt. Director: Carver, Kevin (Interim) 155 East Main Street Newark, OH 43055	740 670-5577 email: KCarver@lcounty.com http://www.lcounty.com/ema/
Logan Co. Emergency Mgmt. Director: Norris, Helen 1855 State Route 47 West Bellefontaine, OH 43311	937 593-5743 email: ema@co.logan.oh.us http://www.co.logan.oh.us/EMA/
Lorain Co. Office of Homeland Security & Emerg. Mgmt. Director: Kelley, Thomas 322 North Gateway Blvd. Elyria, OH 44035	440-329-5117 email: tkelley@loraincounty.us http://www.loraincounty.us/getdoc/5d52127e-4cfd-454f-8815-d20b614f36d7/Emergency-Management--Homeland-Security.aspx
Lucas Co. Emergency Mgmt. Director: Heyrman, Matthew 2144 Monroe Street Toledo, OH 43624	419-213-6506 email: mheyрман@co.lucas.oh.us http://www.co.lucas.oh.us/index.aspx?nid=724

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Mahoning Co. Emergency Mgmt.

Director: Jones, Clark

700 Industrial Road.
Youngstown, OH 44509

330-740-2200

email: cljones@mahoningcountyoh.gov

<http://www.mahoningcountyoh.gov/tabid/767/default.aspx>

Marion Co. Emergency Mgmt.

Director: Burdick, Harry

Marion County Courthouse
Marion, OH 43302

740-494-9911

email: disaster.marion@frontier.com

[NoWebsite.asp](#)

Medina Co. Emergency Mgmt.

Director: Fozio, Christina

555 Independence Drive
Medina, OH 44256

330 722-9240

email: clf4121@aol.com

<http://www.ema.co.medina.oh.us/>

Meigs Co. Emergency Mgmt.

Director: Byer, Robert

117 East Memorial Drive EMA Suite 4
Pomeroy, OH 45769

740 992-4541

email: meigsema@hotmail.com

[NoWebsite.asp](#)

Mercer Co. Emergency Mgmt.

Director: Robbins, Mike

214 W. Livingston Street
Celina, OH 45822

419 586-6468

email: EMA@mercercountyohio.org

<http://www.mercercountyohio.org/EMA/>

Miami Co. Emergency Mgmt.

Director: Artz, Kenneth

210 Marybill Drive
Troy, OH 45373

937 332-8560

email: kartz@miamicountyema.org

[NoWebsite.asp](#)

Monroe Co. Emergency Mgmt.

Director: Keevert, Phillip

47069 State Route 26
Woodsfield, OH 43793

740 472-2144

email: phillipkeevert@sbcglobal.net

<http://www.monroecountyohio.net/monroecountyema.html>

Montgomery County Office of Emergency Management

Director: Jordan, Jeffrey J.

117 S. Main Street, Suite 721
Dayton, OH 45422

937 224-8936

email: jordanj@mcoho.org

<http://www.mcoho.org/services/emergencymgt/>

Morgan Co. Office of Homeland Security & Emerg. Mgmt.

Director: Jenkins, Mark

60 South Fourth Street
McConnelsville, OH 43756

740 962-2424

email: morganema58@yahoo.com

<http://www.Morganema.Org>

Morrow Co. Emergency Mgmt.

Director: Edwards, Joseph

140 South Main Street
Mount Gilead, OH 43338

419 947-4041

email: mcema@rroho.com

[NoWebsite.asp](#)

Muskingum Co. Emergency Mgmt.

Director: Keck, Bo

2215 Adamsville Road.
Zanesville, OH 43701

740 453-1655

email: muskingumema@muskingumcounty.org

<http://ema.muskingumcounty.org/>

Noble Co. Emergency Mgmt.

Director: Schmelzenbach, Chasity

48535 Coldwater Creek Road
Caldwell, OH 43724-9436

740 732-7387

email: nobleema@myfatlink.net

[NoWebsite.asp](#)

Appendix B – Ohio County Emergency Management Agency List

Ottawa Co. Emergency Mgmt.

Director: Petersen, Fred
315 Madison Street., Annex Basement
Port Clinton, OH 43452
419 734-6900

email: fpetersen@co.ottawa.oh.us
<http://www.co.ottawa.oh.us/ottawacoema/index.html>

Paulding Co. Emergency Mgmt.

Director: Shaffer, Randy
503 Fairground Drive, Suite 2
Paulding, OH 45879

419 399-3500
email: pauldingema@windStreetream.net
[NoWebsite.asp](#)

Perry Co. Emergency Mgmt.

Director: Spicer, Rita
PO Box 657
New Lexington, OH 43764

740 342-1141
email: ema@perrycountyohio.net
[NoWebsite.asp](#)

Pickaway Co. Emergency Mgmt.

Director: Conrad, David
139 West Franklin Street
Circleville, OH 43113

740 477-1165
email: ema@pickaway.org
<http://www.pickaway.org/ema.htm>

Pike Co. Emergency Mgmt.

Director: Simonton, Donald
2577 Alma Omega Road.
Waverly, OH 45690

740 947-7346
email: pcema@bright.net
[NoWebsite.asp](#)

Portage Co. Emergency Mgmt.

Director: Petranic, Annette (Interim)
8240 Infirmary Road
Ravenna, OH 44266

330 297-3607
email: apetranic@live.com
<http://www.co.portage.oh.us/emergencymanagement.htm>

Preble Co. Office of Homeland Security & Emerg. Mgmt.

Director: Biggs, Charlie
6818 U.S. 127 North
Eaton, OH 45320

937 456-5647
email: cbiggs@prebleema.org
<http://prebleema.org/>

Putnam Co. Emergency Mgmt.

Director: Odenweller, Steven
POB 370, 117 Thatye Drive
Ottawa, OH 45875-0370

419 538-7315
email: pcops@nwbright.net
http://www.pcops.org/index.php?option=com_content&view=section&id=9&Itemid=45

Richland Co. Emergency Mgmt.

Director: Markley, Keith (Interim)
597 Park Avenue East
Mansfield, OH 44905

419 774-5686
email: kmarkley@richlandcountyoh.us
<http://www.richlandcountyoh.us/emerg.htm>

Ross Co. Emergency Mgmt.

Director: Bethel, David
PO Box 87; 475 Western Ave
Chillicothe, OH 45601-0087

740 773-1700
email: ema2@bright.net
[NoWebsite.asp](#)

Sandusky Co. Emergency Mgmt.

Director: Mock, Chris
2323 Countryside Drive, Suite B
Fremont, OH 43420

419 334-8933
email: cmock@bizwoh.rr.com
<http://www.sanduskycounty.org/County%20Services/Emergency%20Management/default.asp>

Scioto Co. Emergency Mgmt.

Director: Carver, Kimberly
729 Sixth Street, Lower Suite
Portsmouth, OH 45662

740 355-8300
email: scema@sciotowireless.net
<http://www.sciotocountyohio.com/emergencymanagement.html>

Appendix B – Ohio County Emergency Management Agency List

Seneca Co. Emergency Mgmt.

Director: Stahl, Daniel

126 Hopewell Avenue
Tiffin, OH 44883-2636

419 447-0266

email: dStahl@senecadps.org

[NoWebsite.asp](#)

Shelby Co. Emergency Mgmt.

Director: Drinkwine, Cheri

800 Fair Road
Sidney, OH 45365

937 492-5635

email: shelbycountyema@gmail.com

<http://shelby-ema.com/>

Stark Co. Emergency Mgmt.

Director: Warstler, Tim

4500 Atlantic Blvd, NE; LL
Canton, OH 44705-4374

330 451-3900

email: Starkema@co.Stark.oh.us

http://www.co.Stark.oh.us/internet/HOME.DisplayPage?v_page=ema

Summit Co. Emergency Mgmt.

Director: DeRose, Val

175 S Main Street, Suite 204
Akron, OH 44308

330 643-2558

email: vderose@summitohio.net

<http://www.co.summit.oh.us/executive/ema.htm>

Trumbull Co. Emergency Mgmt.

Director: Beil, Linda

1453 Youngstown Kingsville Road.
Vienna, OH 44473

330-675-2666

email: embeil@co.trumbull.oh.us

<http://www.homelandsecurity.co.trumbull.oh.us/>

Tuscarawas Co. Homeland Security & Emerg. Mgmt.

Director: Levengood, Patty

2295 Reiser Ave. SE
New Philadelphia, OH 44663

330 308-6670

email: levengoodp@co.tuscarawas.oh.us

<http://www.co.tuscarawas.oh.us/ema/index.html>

Union Co. Emergency Mgmt.

Director: Gilbert, Brad

233 West 6th Street
Marysville, OH 43040

937 645-3174

email: bgilbert@co.union.oh.us

<http://www.co.union.oh.us/ema>

Van Wert Co. Emergency Mgmt.

Director: McCoy, Rick

PO Box 602, 1220 Lincoln Highway
Van Wert, OH 45891

419 238-1300

email: emamccoy@vanwertema.com

<http://vanwertcounty.org/crg/default.asp?Mode=2&OfID=104>

Vinton Co. Emergency Mgmt.

Director: Potts, Jayson

106 South Market Street
McArthur, OH 45651

740 596-3524

email: ema@vintonco.com

[NoWebsite.asp](#)

Warren Co. Emergency Services Agency

Director: Bunner, Michael

500 Justice Drive
Lebanon, OH 45036

513 695-1315

email: michael.bunner@co.warren.oh.us

<http://www.co.warren.oh.us/emergencyservices/>

Washington Co. Emergency Mgmt.

Director: Lauer, Jeff

205 Putnam Street, Courthouse Annex
Marietta, OH 45750

740 373-5613

email: ema@wcgov.org

[NoWebsite.asp](#)

Wayne Co. Emergency Mgmt.

Director: Villegas, Joseph

201 W. North Street, Justice Center
Wooster, OH 44691

330 262-9817

email: ema@wcjustice-center.org

[NoWebsite.asp](#)

Appendix B – Ohio County Emergency Management Agency List

Williams Co. Emergency Mgmt.

Director: Baldwin, Dawn

210 North Beech Street
Bryan, OH 43506

419 636-8497

email: dbaldwin@wmsco.org

http://www.co.williams.oh.us/911/new_page_1.htm

Wood Co. Emergency Mgmt.

Director: Gilbert, Bradley

#1 Courthouse Square
Bowling Green, OH 43402

419 354-9269

Email: woodcountyema@co.wood.oh.us

NoWebsite.asp

Wyandot Co. Emergency Mgmt.

Director: Risley, Dale (Interim)

235 1/2 N. Sandusky Avenue
Upper Sandusky, OH 43351

419 294-6406

email: wycema@co.wyandot.oh.us

[NoWebsite.asp](#)



EWP Program Fact Sheet

Emergency Watershed Protection (EWP) Program – The Natural Resources Conservation Service (NRCS) administers the EWP Program which responds to emergencies created by natural disasters. The EWP program is designed to help people and conserve natural resources by relieving imminent hazards to life and property caused by floods, fires, windstorms, and other natural occurrences. The EWP program is an emergency recovery program. All projects undertaken, with the exception of the purchase of floodplain easements, must be sponsored by a legal subdivision of the State, such as a city, county, general improvement district, conservation district, or any Native American tribe or tribal organization as defined in section 4 of the Self-Determination and Education Assistance Act. NRCS is responsible for administering the program.

Criteria: All EWP program work must reduce threats to life and property and must be economically, environmentally, and socially defensible and sound from a technical standpoint. NRCS may bear up to 75 percent of the eligible construction cost of emergency measures. The remaining 25 percent must come from local sources and can be in the form of cash or in-kind services. Counties and/or communities that have depressed economies are referred to as “limited resource areas” and may be eligible for 90 percent of the eligible construction costs to complete the project. To be considered a limited resource area, the county must meet all three of the following criteria: (1) Average housing values must be less than 75 percent of the state average housing value; (2) per capita income must be 75 percent or less than the median income for the nation; and (3) unemployment rate must be twice the U.S. average over the past three years.

Public and private landowners are eligible for assistance but must be represented by a project Sponsor. Sponsors are responsible for providing landrights to do repair work and securing the necessary permits. Sponsors are also responsible for furnishing the local cost share and for accomplishing the installation of work. Work can be done either through Federal or local contracts.

EWP program work is not limited to any one set of prescribed measures. A case-by-case investigation of the work is made by NRCS. EWP program work can include: removing debris from stream channels, road culverts, and bridges; reshaping and protecting eroded banks; correcting damaged drainage facilities; repairing levees and structures; reseeding damaged areas; and purchasing floodplain easements to restore, protect, maintain, and enhance the functions of wetlands and riparian areas; conserve natural values including fish and wildlife habitat, water quality, flood water retention, ground water recharge, and open space; and safeguard lives and property from floods, drought, and the products of erosion. Funding for EWP program is subject to congressional appropriations.

How to apply for assistance and contact: Contact the Ohio NRCS State Office at (614) 255-2472, or go to the Ohio NRCS home page for location of local offices: <http://www.nrcs.usda.gov/wps/portal/nrcs/site/oh/home/>

For additional information for Ohio’s EWP program, see: <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/oh/programs/?cid=stelprdb1119258>

An Equal Opportunity Provider and Employer

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Appendix D – Sample Letter of Request

*<SPONSER'S
LETTERHEAD>*

<Enter Date>

Terry Cosby
State Conservationist
USDA – Natural Resources Conservation Service
200 North High St, Room 522
Columbus, OH 43215

Dear Mr. Cosby:

We request Federal assistance under the provisions of Section 216, Public Law 516, to restore damages sustained in *<Enter County Name>* County by storms of *<Enter name and/or type of disaster that occurred>* on *<Enter date disaster occurred>*. This work is needed to safeguard lives and property from an imminent hazard of *<Enter hazard type>*.

We understand, as sponsors of an Emergency Watershed Protection (EWP) Program project, that our responsibilities will include acquiring land rights and any permits needed to construct, and if required, to operate and maintain the proposed measures. We are prepared to provide local *<Enter type of local contribution>* of the cost of construction work in dollars or in-kind services.

The names, addresses, and telephone numbers of the administrative and technical contact persons in our organization are as follows:

<Enter Name, Title, Address, Telephone #, Email address, FAX # of Sponsor's Representative> Please contact *<Enter Name of Sponsor's Representative>* for any additional information that you might need in assessing our request.

Sincerely,

*<Enter Name >
<Enter Title>*

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Appendix E – Agencies' Roles and Responsibilities

Multi-level coordination with Federal, state, and local agencies is necessary for the EWP program recovery to be completed within the time frame required by the program guidelines. Federal, state, and local agencies have guidelines and in many cases permits that must be obtained. The Sponsor is responsible for obtaining permits; however, the DC will work closely with the Sponsor in coordinating the EWP program with Federal, state, and local agencies. The DC will request assistance from the DSR Team as needed.

Federal Agencies:

Federal Emergency Management Agency, Region V

536 South Clark Street, 6th Floor

Chicago, IL 60605

(312) 408-5500

<http://www.fema.gov/region-v-il-mi-mn-oh-wi>

The Federal Emergency Management Agency (FEMA) is an independent agency of the federal government, reporting to the President. FEMA's mission 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 the federal government activities and is the lead federal agency. The NRCS EWP Program Manager will coordinate NRCS recovery efforts with the appropriate FEMA official. However, FEMA will not coordinate NRCS work unless conflicts arise from adjacent sites. If FEMA transfers this responsibility to Federal Regional Council or other authorized agency response efforts, NRCS will be responsive to that council or organization.

FEMA offers three financial assistance programs.

1. The Individual Assistance Program provides money to people and businesses to help them get back on their feet. Examples are low interest loans, cash grants, housing assistance, and crisis counseling.
2. The Public Assistance Program has grants available to assist state and local government agencies and certain private nonprofit organizations.
3. The Hazard Mitigation Program assists with activities that reduce or eliminate losses from natural disasters. Example of mitigation include keeping homes away from floodplains, engineering bridges to withstand earthquakes, and creating and enforcing effective building codes. This program is available to local and state government agencies, certain private nonprofit organizations, and tribes.

U.S. Army Corps of Engineers:

Buffalo District U.S. Army Corps of Engineers 1776 Niagara Street Buffalo, NY 14207 716-879-4330 LRB.Regulatory@usace.army.mil http://www.lrb.usace.army.mil/Missions/Regulatory.aspx	Huntington District U.S. Army Corps of Engineers 502 Eighth Street Huntington, WV 25701-2070 304-399-5210 http://www.lrh.usace.army.mil/Missions/Regulatory.aspx	Pittsburgh District U. S. Army Corps of Engineers 1000 Liberty Avenue Regulatory Branch, Suite 2200 Pittsburgh, PA 15222 412-395-7155 Regulatory.Permits@usace.army.mil http://www.lrp.usace.army.mil/Missions/Regulatory.aspx
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The Regulatory Division within the U.S. Army Corps of Engineers (USACE) administers Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Federal law prohibits the discharge of dredged or fill material into waters of the United States which includes wetlands, without a Section 404 permit. Under Section 10 of the Rivers and Harbors Act, no work may commence in traditional navigable waters of the U.S. without a permit from the USACE.

When EWP program recovery efforts require working in “waters of the U.S.,” NRCS will contact the appropriate Corps of Engineers District Regulatory office to determine if a permit is needed for the proposed EWP work. If a permit is needed, NRCS will plan and design the work to meet permit requirements and mitigation measures, if necessary. The project Sponsor will obtain all necessary permits prior to commencement of EWP actions.

The USACE Section 404 Nationwide Permit 37 specifically addresses the NRCS Emergency Watershed Protection Program activities. The use of Nationwide Permit 37 requires the submission of a pre-construction notification (PCN) to the USACE district engineer prior to commencing the activity. In general, the prospective permittee should wait until the district engineer issues a Nationwide Permit (NWP) verification or 45 calendar days have passed before proceeding with the watershed protection and rehabilitation activity. However, in cases where there is an unacceptable hazard to life, or a significant loss of property, or economic hardship will occur, the emergency watershed protection and rehabilitation activity may proceed immediately, and the district engineer will consider the information in the pre-construction notification and any comments received as a result of agency coordination to decide whether the NWP 37 authorization should be modified, suspended, or revoked. Other Nationwide Permits may also apply to EWP work.

USDA - Forest Service (FS)

Wayne National Forest
13700 U.S. Highway 33
Nelsonville, Ohio 45764
(740) 753-0101
<http://www.fs.usda.gov/wayne>

The Forest Service (FS) is eligible to receive EWP program assistance and funding to remove watershed impairments that occur on land that is owned by the federal government and managed by the USFS. The FS will sponsor all recovery work that meets eligibility requirements and is supported by a DSR. The NRCS EWP Program Manager will coordinate site evaluations, review/approve DSRs, and request funding for approved sites. The funding will be executed at the National Office Level.

U.S. Fish and Wildlife Service

Ohio Ecological Services Field Office
4625 Morse Road, Suite 104
Columbus, OH 43230-8355
614 416-8993
ohio@fws.gov
<http://www.fws.gov/midwest/ohio/>

The U.S. Fish and Wildlife Service's (USFWS) mission 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 USFWS is also responsible for managing endangered and threatened species. They provide information on the location of various endangered species and ways to reduce the impact when working within or adjacent to their habitat.

NRCS policy promotes the conservation of threatened and endangered species and, consistent with legal requirements, the avoidance and prevention of activities detrimental to such species. Per the requirements of Section 7 of the Endangered Species Act, NRCS will consult with the U.S. Fish and Wildlife Service and with their assistance will ensure that any action, authorized, funded, or carried out, does not jeopardize threatened and endangered species or result in the destruction or adverse modification of habitat of such species. Depending on the nature of the work and the expected effects on listed species this may require informal or formal consultation with Ohio Field Office.

In an emergency situation, NRCS will inform the USFWS that emergency procedures are being invoked and that measures to minimize impacts will be employed (50 CFR 402.05). The USFWS may provide advice to reduce the potential for adverse effects on listed species.

The DC will contact the NRCS State Biologist to coordinate all work with the USFWS to comply with the Endangered Species Act and other pertinent laws and Executive Orders such as the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

Farm Service Agency

United States Department of Agriculture
Ohio Farm Service Agency
200 North High St. Room 540
Columbus, OH 43215
(614)255-2441
<http://www.fsa.usda.gov/FSA/stateoffapp?mystate=oh&area=home&subject=landing&topic=landing>

Farm Service Agency (FSA) administers the USDA Crop Commodity Programs, the Conservation Reserve Program, the Emergency Conservation Program (ECP), and other farm programs. The EWP Program Manager will coordinate NRCS recovery efforts with FSA. NRCS coordination will ensure that the EWP program recovery efforts, particularly on upland sites and in cropland, do not compete with or diminish the ECP program or any other programs administered by FSA.

State Agencies:

The NRCS EWP Program Manager or appointee will be responsible for coordinating work with all state agencies that have emergency services, natural resources, historic, environmental management, and conservation responsibilities.

Ohio Emergency Management Agency

2855 West Dublin-Granville Road
Columbus, Ohio 43235-2206
24-hour contact: (614) 889-7150
<http://ema.ohio.gov/index.aspx>

Established under Chapter 5502 of the Ohio Revised Code (ORC), the Ohio Emergency Management Agency (Ohio EMA) is the central point of coordination within the state for response and recovery to disasters. The primary focus of the agency when not in a response or recovery mode is to ensure that the state, and the 11 million citizens residing in it, are prepared to respond to an emergency or disaster and to lead mitigation efforts against the effects of future disasters.

Effective emergency management systems are a tiered effort. When an emergency exceeds the capacity of local government, they request the assistance of the state through the Ohio EMA. If an emergency exceeds the capacity of the State, aid is requested from the president through the Federal Emergency Management Agency. To ensure preparedness and the capability to respond at all levels, it is critical that Ohio EMA's 101 person staff interface regularly with their local and federal counterparts.

During an emergency response or recovery effort, all sections and branches are focused on the event. The Ohio EMA, as the governor's emergency management organization, may activate the Ohio Emergency Operations Center to better coordinate the state's response. Chapter 5502 of the ORC designates the Executive Director of the Ohio EMA as the state coordinator during emergency response and stipulates that the Executive Director:

"Shall coordinate all activities of all agencies for emergency management within the state, shall maintain liaison with similar agencies of other states and of the federal government, shall cooperate with those agencies subject to the approval of the governor, and shall develop a statewide emergency operations plan that shall meet any applicable federal requirements for such plans."

Ohio EMA's current staffing roster includes nine field liaison positions, each responsible for liaison with and assistance to approximately nine county emergency management agencies. The state is separated geographically into the following sections: northwest, west north central, west central, southwest, central, northeast, north central, east central, southeast and south central. Each field liaison representative is responsible for one section.

The agency also has trainers who specialize in all-hazards training, exercise design, survivable crisis management, and radiological training. These individuals support all 88 county emergency management programs.

Ohio Historic Preservation Office

800 E. 17th Ave.

Columbus, OH 43211

(614) 297-2300

<http://www.ohiohistory.org/ohio-historic-preservation-office>

As the lead agency, NRCS must address all potential cultural resource issues. Working with the Ohio Historic Preservation Office (SHPO), federally recognized tribes, other Federal agencies, and local sponsors, all damaged areas must be reviewed to ensure that restoration activities will not damage or destroy cultural resources (36 CFR 800). A cultural resource review must be conducted by a member of NRCS personnel who has completed Modules 1-8 of NRCS Cultural Resources Training. The *Ohio Cultural Resources Project Review Request Form* must be completed and submitted. GIS cultural resource layers and other cultural resources data should be reviewed and sent to the NRCS State Cultural Resource Coordinator (CRC) and Cultural Resource Specialist (CRS) if any cultural resources are present within 500 feet of the project area, or if they are suspected or are otherwise known to exist within the project area.

If started promptly, there will be sufficient time to complete the Section 106 consultation process outlined in the National Cultural Resources Handbook and State Level Agreement.

If an EWP project is determined an exigency situation, then the NRCS State CRS shall immediately notify the SHPO per request of STC.

Ohio Department of Transportation

1980 West Broad Street

Columbus, Ohio 43223

Phone: (614) 466-2336

<http://www.dot.state.oh.us/pages/home.aspx>

The Ohio Department of Transportation (ODOT) is responsible for the construction and maintenance of the roads, bridges and tunnels in the state. Many times after a major disaster, the FDOT is a response agency protecting bridges and re-establishing roads and access. ODOT owns and maintains road rights-of-way and generally limits works within their rights-of-way.

The Federal Highway Administration administers the Emergency Relief Program, which provides federal aid for repairing damage to public highways. The Emergency Relief Program helps State and local highway agencies pay the unusually heavy expenses of repairing serious damage resulting from a natural disaster or catastrophic failure. The NRCS EWP program may not be used on roads that are eligible to receive this funding. NRCS coordinates with ODOT on sites upstream of roads and bridges that are off the ODOT right-of-way and on disposal locations.

Ohio Environmental Protection Agency
Division of Surface Water
P.O. Box 1049
Columbus, Ohio 43216-1049
614-644-2001
<http://epa.ohio.gov/dsw/SurfaceWater.aspx>

The Ohio Environmental Protection Agency (OEPA), Division of Surface Water, ensures compliance with the federal Clean Water Act and works to increase the number of water bodies that can safely be used for swimming and fishing. The 401 Water Quality Certification and Isolated Wetland Permitting Section reviews applications for projects that propose the placement of fill or dredged material into waters of the State, including streams, lakes and wetlands. The section also reviews required mitigation of issued permits. Typically most EWP work will be addressed by working with the USACE through the Clean Water Act permit application; however some work may require a separate application with OEPA.

Ohio Department of Natural Resources
Division of Wildlife
2045 Morse Rd., Bldg. G
Columbus, Ohio 43229-6693
1-800-WILDLIFE (1-800-945-3543)
wildinfo@dnr.state.oh.us

The Ohio Division of Wildlife (DOW) is the division within the Department of Natural Resources responsible for the management of fish and wildlife resources in Ohio. The DOW manages these resources to provide wildlife recreational opportunities including hunting, fishing and wildlife viewing. In addition to regulating the harvest of game species, DOW provides expertise in the management of populations and habitat of non-game species including state-listed endangered species. DOW biologists may be utilized to help plan and evaluate EWP actions in a way to protect and manage fish and wildlife habitat.

Ohio Department of Natural Resources
Division of Soil & Water Resources
Dam Safety Engineering
2045 Morse Road, B3
Columbus, Ohio 43229-6693
614) 265-6731
dswc@dnr.state.oh.us

The purpose of the Dam Safety program is to provide for safe design, construction, operation, and maintenance of dams to protect public safety. The ODNR, Dam Safety Engineering Program should be contacted to discuss any dam safety problem with Class I, II, III, or IV dams as defined in Ohio. No person or entity shall construct, begin to construct, alter, or begin to alter a dam until the Dam Safety Engineering Program has approved repair plans and specifications. The NRCS State Conservation Engineer will coordinate with the ODNR, Dam Safety Program when repairs are needed on PL-566 watershed structures.

Soil and Water Conservation Districts

Soil and Water Conservation Districts (SWCD) were established in the 1930s to provide local input on development of comprehensive programs and plans for the conservation of soil resources, control and prevention of soil erosion, flood prevention, and conservation, development, utilization and disposal of water. Districts serve as local resources for citizens in most Ohio localities. With their volunteer boards and full and part-time technical and administrative employees, Districts bring a valuable delivery system for Ohio's statewide NPS management program and various USDA programs. SWCD personnel may serve on DSR Teams to provide local knowledge and facilitate contacts.

Ohio Cooperative Extension Service

The Ohio Cooperative Extension Service (ES) works with local citizens to design, implement, and evaluate programs that lead to societal, economic, and environmental benefits to their community. During EWP, the ES could serve as local contacts to DSR teams. They may also refer landowners to NRCS for assistance.

USDA Forest Service Property

The EWP Program Manager will appoint a minimum of two NRCS employees to assist the Forest Service (FS) in damage assessment and DSR completion. The employees will usually be a resource conservationist and an engineer. The FS will provide the remaining members of the interdisciplinary team to evaluate and determine eligibility of sites on FS land. The EWP program eligibility criterion remains the same, and DSR completion and approval by the EWP Program Manager are necessary prior to any transfer of money. FS is solely responsible for all practices, design, implementation, permits, and land rights necessary to complete work on FS lands.

Local Coordination

Local counties, cities, etc., may also require additional permits. The Sponsor is responsible to ensure all permits have been obtained prior to construction.

It should be noted that failure of the Sponsor to obtain necessary permits that results in contractor delay or termination of a contract will generally result in the excess costs being the responsibility of the Sponsor as the permits are equivalent to property-rights.

Appendix F – Sponsor Land Rights Acquisition Responsibilities

The project Sponsor has the responsibility of obtaining the following:

- Real property rights from affected landowners for the repair or restoration work to be performed on their property, including the use of eminent domain or other court action, if necessary.
- Any related environmental and construction permits.
- Location, removal, or relocation of utilities.

NRCS will not assist the sponsor in the works of improvement in areas where the sponsor does not have landrights. If adequate land rights in real property cannot be obtained, the emergency recovery works of improvement for the area where land rights cannot be obtained cannot be cost shared by NRCS. An exception may be made for some remedial channel work, provided real property rights can be obtained for selected sites and the area without landrights does not affect the planned benefits.

NRCS employees are prohibited from obtaining lands rights or acting as a representative of the Sponsor. Project sponsors must obtain approval and signatures of all property owners where emergency work will take place indicating their approval for the emergency work or obtain separate statements granting approval from the property owner (s). In cases where a property owner may agree to allow construction of the work on their property, but refuses to sign a written agreement, oral permission to the project sponsors can be accepted provided such permission is documented in a statement signed by the person who receives the verbal permission and is witnessed by another party. An NRCS employee cannot be the witness for the statement. A representative of the local organization requesting the assistance may be the witness of the statement.

If adequate land rights cannot be obtained, EWP assistance will not be provided on that portion of the project. NRCS will not continue with the project if the area cannot be bypassed, unless a reduced project will still provide adequate protection/recovery measures meeting all other EWP eligibility requirements.

Completion of real property rights assurances must precede the start of construction. The following are the two methods that may be used for Real

Property acquisition:

- Federal Contracting– Project Sponsors will complete and submit NRCS Form NRCS-ADS-78, “Assurances Relating to Real Property Acquisition” (see page F-2) accompanied by an attorney’s opinion (see page F-4)
- Locally-led Contracting/Force Account– Project Sponsors will complete and submit a completed NRCS Form NRCS-ADS-78. This form will be kept on file for one year. All requirements stated under Federal contracting apply.

If an operation and maintenance (O&M) agreement is required, the easement duration will be in accordance with the O&M Plan and/or life span of the measure.

Form ADS -78

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.

This form was electronically produced by National Production Services Staff

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.



(Name of Sponsor)
By: _____
Title: _____
Date: _____

This action authorized at an official
meeting _____
day of _____, 19 ____ at
at _____
State of _____
Attest: _____
(Name)

(Title)

(Name of Sponsor)
By: _____
Title: _____
Date: _____

This action authorized at an official
meeting _____
day of _____, 19 ____ at
State of _____
Attest: _____
(Name)

(Title)

Sample Attorney's Opinion Letter

<SPONSOR'S LETTERHEAD>

<Date>

Mr. _____
State Conservationist
USDA – Natural Resources Conservation Service
200 North High St, Room 522
Columbus, OH 43215

Re: Assurances Relating to Real Property Acquisition

Dear Mr. _____:

As <City/County> Attorney, I advise you that I have reviewed the document titled “Assurances Relating to Real Property Acquisition” and that there are adequate land rights to carry out the work, which is to <describe works of improvement> due to damage from the <Enter Disaster Event>.

Feel free to contact the undersigned.

Sincerely,

<Signature of Attorney>

<Attorney Name>

<Title Block>

Appendix G – Environmental & Socio-Economic Coordination

Threatened and Endangered Species

A Threatened and Endangered (T&E) species review will be conducted for each site and documented in the Special Environmental Concerns section of the DSR. Species distributions will be checked by consulting information in Section II of the FOTG and the NRCS state biologist. Onsite investigation for potential Threatened and Endangered Species will be conducted by an NRCS Biologist, with support from partnering agencies (USFWS, FFWCC) when necessary. NRCS will informally consult with the USFWS and Ohio Division of Wildlife when appropriate, to determine the potential effects of planned activities, including O&M, on the population or habitat of a threatened or endangered species. T&E species formal consultations with the USFWS, when necessary, will take place prior to any work being performed at the EWP site.

Wetlands

The EWP DSR team will identify and delineate any wetlands that will be altered, drained or filled as a result of the selected alternative for EWP work. An NRCS wetland specialist will be consulted as needed. Wetlands in or near the EWP site will be shown on the DSR. During the alternatives analysis and selection of the proposed action, the DSR team will utilize the sequence of avoidance, minimization, and mitigation of wetland impacts in accordance with NRCS policy (190 GM, Part 410.26). The USACE, OEPA, and local governing entities shall be consulted prior to conducting any activities that may affect wetlands and any proposed mitigation actions to ensure compliance with all applicable laws and ordinances and facilitate effective mitigation as necessary.

Cultural Resources

At least one member of each DSR team will have completed the NRCS Cultural Resources Training Modules 1-8. GIS cultural resource layers (archaeological sites, historic cemeteries, and historic resources – all found on the SHPO database website) for the project area will be consulted before the field visit by the DC. A surface inspection shall be conducted on each project area and recorded on the EE form (p.4 of DSR). If any evidence of cultural resources is noted during the surface inspection, or if any cultural resources appear within 500 feet of the project area on the current GIS cultural resources layers, the NRCS State Cultural Resources Specialist (CRS) must be contacted immediately. The NRCS State CRS will schedule with the DC to conduct a cultural resources investigation and then begin communicating with the SHPO and Tribes to initiate the consultation process. NRCS will adhere to the State Level Agreement between the NRCS and Ohio State Historic Preservation Office. The State Level Agreement sets forth a procedure to expedite cultural resources review in emergency situations. NRCS will follow national policy and the provisions of the State Level Agreement to comply with Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. § 470f), and its implementing regulations at 36 CFR part 800. Compliance with Section 106 cannot be waived, and cannot be delegated to another agency, to the project Sponsor, or to any other participant in the project.

Socio-Economics

In order to maintain a consistent methodology and support, the EWP Manual, 512.0 NRCS Responsibilities During the USDA Response, recommends that NRCS establish an interdisciplinary team with economics expertise. The Ohio NRCS State Economist shall provide assistance as needed to conduct the necessary analysis on the socio-economic factors as required on the DSR, which include 2F Economic Section, 2G Social Consideration Section and 2H Group Representation Information. The NRCS State Economist will maintain and file the background information supporting the decisions provided relating those socio-economic factors.

Bioengineering and Fluvial Geomorphology

Bioengineering will be promoted and utilized where appropriate. Bioengineering will not take the place of hard armor on stream banks where structural measures are necessary to provide protection. Principles of fluvial geomorphology will be applied in EWP planning, design and construction. Meanders of the streams will be maintained when possible. Low flow channels will be established and sized to match existing stable cross-sections upstream and downstream. Practices used will include root wads, rock vortex weirs, toe armor with vegetative slide slopes, stream barbs, and other techniques listed in Chapter 18 of the National Engineering Field Handbook.

Permits

NRCS shall not contract for the performance of any work in sovereign submerged lands in Ohio until the Sponsor obtains necessary environmental permits. Stream work may involve obtaining permits from the USACE and FDEP. NRCS will assist the Sponsor in obtaining these permits. Other local permits, such as a burning permit, grading permit, or sediment control permit, may apply in some locations. If any of these permits are required, the Sponsor must obtain them prior to the start of construction. The Sponsor is responsible for any fees associated with the issuance of these permits.

Appendix H – Contracting Methods

There are five (5) methods of contracting used by NRCS. They are as follows:

- federal contract,
- Contracting Local Organization (CLO) contract,
- locally led contract,
- force account, and
- performance of work.

The primary method of contracting on EWP projects in Ohio is by locally led contracting. However, other contracting methods may be used and are explained below, if approved by the State Conservationist.

Federal Contract

A Federal Contract is used when the Federal Government is responsible for accomplishing the installation of the works of improvement, as well as the design (including specifications), inspection, and quality control duties. Depending on the dollar size of the contract, NRCS may use simplified acquisition procedures, a formal invitation for bids, request for quotes, or a purchase order to contract for the works of improvement.

Levels of Federal Contracts

For projects estimated at less than \$2,000 – NRCS may use oral price quotations.

For projects under \$2,000 and \$99,999 – The Simplified Acquisition Procedures is used. Projects between \$25,000 and \$100,000 require a written Request for Quotation (RFQ). The RFQ and synopsis are electronically uploaded to FedBizOpps (FBO) (www.fbo.org) and advertised for approximately 45 days. This time period can be reduced to less than 45 days if the EWP project is classified as “urgent and compelling”. The Contracting Officer receives and analyzes written quotations. A purchase order is issued to the contractor offering the best price. Contracts awarded over \$2,000 require compliance with Davis Bacon Act Wage Rates.

Project Costs Over \$100,000 – 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.

To the extent practicable, NRCS is required to make use of available procurement preference programs. These include set-aside of contracts for 8(a) businesses and HUB Zone contractors (businesses in high unemployment areas), which are programs supported by the Small Business Act. The Small Business Administration certifies businesses in these categories and they are notified of all awards. NRCS must also ensure that minority, disadvantaged, woman, veteran and disabled veteran-owned businesses are provided an opportunity to bid on the work to be performed.

Locally-led Contract

This is the preferred method to install the emergency watershed protection measures. A Locally-Led Contract (Agreement) is used when a Sponsor assumes responsibility to contract for the installation of the works of improvement, the design (including specifications), and inspection, and quality control duties. The Sponsor(s) will be reimbursed for the value of the design, contract award and administration, and inspection and quality control duties performed (duties usually performed by NRCS) up to an agreed to amount as specified in the project agreement.

NRCS will review the engineering drawings and specifications to ensure they meet the technical requirements of the project. The individual(s) responsible for this will be set forth in the project agreement.

The Sponsor will contract for the work by using the appropriate state and local laws, rules, and 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 and local contracting requirements.

The Sponsor responsible for the works of improvement will advertise for construction using policy, procedures, and regulations set forth by the Sponsor, or by the State of Ohio, if the Sponsor has no policy in place. The Sponsor's contracting procedures must include the following:

- A financial management system
- A records management system
- A system for complying with all state and local laws and regulations
- Qualified design, inspection and quality control personnel
- A contract administration system
- A written code of standards and conduct
- Include special provisions (EO) provided by NRCS

The Sponsors will provide the services of an inspector and quality control. The inspection process ensures the project is being conducted consistent with the construction drawings and to the contract specifications. NRCS and Sponsors will jointly perform the final inspection.

A Contracting Local Organization (CLO) Contract (Agreement) is a variation on the locally led contract method. The Sponsors contract for the accomplishment of the works of improvement, and must comply with the same requirements set forth for locally led contracting. NRCS performs design, and provides an inspector and quality control.

Locally-led Contract with Landowners

NRCS enters into a cooperative agreement with the Sponsor whereby provisions are made for the Sponsor to enter into a contract with the landowner to accomplish the work. The landowner may perform his or her own work or have the work performed by a contractor.

The flat rate method will be used to make payments to the landowners through the Sponsor. Flat rates will be developed by the state NRCS.

Force Account Contract

Using the Force Account method, the Sponsor installs work using its own equipment and personnel. The Sponsor may supplement its own equipment through rental of equipment. The drawings and specifications may be developed by the Sponsor or NRCS. The Sponsor must prepare a plan of operations that must be approved by NRCS. NRCS may advise, but cannot perform the work. State and local procurement procedures will be used to rent equipment and purchase material for installing emergency watershed protection measures. The Sponsor is required to keep detailed records of salaries and equipment expense, and NRCS audits the books to ensure proper payment.

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 forces, to carry out the work. This process requires an approved plan of operations, but there is an agreed-to price determined prior to the start of the work. No record keeping is required since everything is agreed to in the original contract.

In-Kind Contributions

All methods of contracting may offer certain opportunities for Sponsor in-kind contribution. In general, in-kind contributions can include installation costs including labor, materials, and equipment for any work that would normally be contracted for and for technical and administrative services that NRCS would be required to do in administration of the contracting process. In-kind labor is covered in 7 CFR 3016 and 3015. EWP measures are broken into two activities.

1. Installation Costs – The Federal Government pays 75% of the total actual eligible construction cost and the Sponsor pays the remaining 25% and includes items such as mobilization and demobilization, materials, earth work, riprap, vegetative measures, etc.
2. Service Costs – The Federal Government may reimburse the Sponsor for activities such as surveys, design, inspection, contracting/contract administration, etc. The amount of reimbursement is up to a predetermined amount and specified in the project agreement.

Depending on the contracting method, the Sponsors may elect to carry out “installation” and/or “service” work that can be used toward their share of the project cost. Under some circumstances, if their share exceeds the required cost share, they may be reimbursed by NRCS for the excess.

Legal information associated with land rights, legal opinions and other legal administrative fees associated with locally led contracting activities do not qualify as in-kind contributions.

Appendix I – Typical Measures

Design

In most channel repair situations, the NRCS engineer will provide to the Sponsor's engineer standard drawings of typical measures to prepare the design. As needed, the Sponsor's engineer will make changes to customize these drawings for the conditions found on the site. For example, the height of the riprap toe may be three feet high on one site and six feet high on the next one. Construction specifications applicable to the site will also be attached.

For sites where the typical measures cannot be used, the Sponsor's engineer and NRCS engineer will concur upon the design a solution in accordance with NRCS Standards and Specifications and sound engineering principles. Custom designs will be required for dam repairs, urban sites, and sites where there are unusual safety concerns.

Standard price lists will be developed for use in preparing the engineer's cost estimate. This list may vary from area to area within the state due to differences in the difficulty of performing the work, availability of materials, and availability of contractors.

NRCS uses several practices to stabilize watersheds after a natural disaster. These measures focus on eliminating those watershed impairments that present a threat to life and property. The typical measures detailed here have been utilized in past Ohio EWP recovery work.

EWP measures are considered ground-disturbing activities affecting cultural resources therefore all sites shall be reviewed and surface inspected and possibly consulted on for NHPA compliance.

Floodplain Management

Sediment and woody debris cleaned out of the stream channel and other areas in the floodplain will be removed from the floodplain to an approved disposal area. Scour areas created by the flooding event may be filled with the cobbles and sediment to match the existing contours of the natural floodplain prior to the event. Sediment deposition in agricultural fields may be removed to the natural floodplain elevation. EWP will not be used to prevent flooding by constructing berms or building up the floodplain. NRCS may offer interested landowners in targeted and priority areas the option of a permanent EWP floodplain easement.

Streambank Stabilization

These practices are used to stabilize or protect banks of streams or excavated channels for one or more of the following purposes: 1) to prevent the loss of land or damage to utilities, homes, buildings, roads or other facilities adjacent to the banks; 2) to maintain the capacity of a channel; or 3) to reduce sediment loads causing downstream damages and pollution. Normally, the banks are sloped back and stabilized with soil bioengineering techniques, gabions, concrete revetment, and/or rock riprap, depending on the site characteristics, stream velocities, stream configuration, and importance of the structure(s) to be protected. The top of the bank is seeded to grass. The species of grasses chosen will depend on optimum planting dates and site-specific conditions.

Soil Bioengineering: This is a system of living plant materials used as structural components. Adapted types of woody vegetation (shrubs and trees) are initially installed in specified configurations that offer immediate soil protection and reinforcement. Toe armor is commonly used with the vegetation for bank stability. Environmental benefits derived from the presence of woody vegetation include diverse and productive riparian habitats, 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 geogrids, branch packing, and live fascines. Due to the narrow window for establishment dates, the amount of plant materials required, and the cost, this has not been a preferred option. However, NRCS is aware of the need and the environmental benefits and this option will be considered as an alternative for more sites.

Stream Barbs: Stream barbs are usually low rock sills or logs projecting out from the stream bank and across the stream's thalweg to redirect stream flow 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 oriented so that they point upstream.

Gabions: Gabions are rectangular wire baskets that are filled with rock 4-6 inches in diameter. The baskets are stacked on top of one another and can be placed adjacent to vertical slopes. Gabions are used where space is limited.

Rock Riprap: Rock riprap is quarry stone with sharp angles which lock into position with other pieces of stone to create a stable stream bank covering. Rock riprap is used on eroding banks where space is available and proven protection is needed. This is usually near a structure or where a curve in the stream should not be allowed to migrate, such as immediately upstream of a bridge. It may be used as toe armor for soil bioengineering stream bank stabilization projects. Riprap may also be grouted when placed on steeper slopes and when additional erosion resistance is necessary.

Root Wads: Root wads are portions of trees that have about 20 feet of the bole still attached to the roots. During flood events, trees are often uprooted and subsequently there is a usually a ready supply of root wads at or near EWP sites. These trees are placed into the stream bank so the roots are protecting the bank. Root wads are effective in protecting the stream banks in non-critical locations such as pastures and cropland fields.

Debris Removal

Accumulations of woody debris that divert water flow or plug a channel can cause flooding or safety hazards. Similar problems are associated with sediment depositions that have filled in a stream channel or hydrologic flood plain. With a reduced channel capacity, the flow of water can spread out over the floodplain where it floods adjacent homes and buildings. Debris removal may also include removing woody debris and other debris in upland areas away from the channel that pose a threat to human health, lives or property.

Seeding and Vegetation

All areas disturbed as a result of NRCS EWP contracts will be seeded as part of the contract. Seeding recommendations and specifications will follow the Ohio NRCS conservation practice standard Critical Area Planting, Code 342. Ohio conservation practice standard, Streambank and Shoreline Protection (Code 580), gives additional guidance for selection of vegetation. The recommended mixture will depend on the time of year, soils, erodibility, land use, accessibility, position on the landscape, and other factors.

If the EWP work is completed in the seasonal window when shrubs may be established (winter-early spring), NRCS will consider planting shrubs to stabilize the streambanks where appropriate. The Ohio Conservation Practice Standard, Streambank and Shoreline Protection, Code 580, should be used to determine the species, rates, dates, and mixtures of recommended vegetation. Shrubs will not be planted in areas where cattle and livestock have access to the area to be stabilized.

Shrub and Tree Planting

Tree and shrub species may be planted for erosion control, protection of a watershed, and for wildlife habitat. Species selected will be adapted to the soil and site conditions and resistant to insect and disease. Due to the narrow planting window and slow establishment time, this is generally not recommended for EWP sites.

Channel Treatments

Low Flow Channel Establishment and Repair: In all EWP work where channels are redefined, modified, established or repaired, a geomorphic low flow channel will result. The channel will follow existing or natural meander patterns. Floodwaters will have access to the floodplain. Habitat enhancements may be incorporated into the design. Items such as randomly placed boulders and large woody debris anchored into point bars are examples.

Grade Stabilization: These treatments are used to reduce channel head cutting by establishing grade control, decreasing water velocity and maintaining correct width/depth ratio.

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 slopes to provide stability against the increased peak flows anticipated as a result of subsequent storms.

Channel Clearing and Snagging: This treatment is used to reduce the potential damages to bridges and drainage outlets which may occur when floatable, down, and leaning vegetation in and around streams dam water and cause out of bank flows or increased flooding in minor storm events.

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Appendix J – Damage Survey Report

A Damage Survey Report (DSR) will be completed for all project sites prior to starting work with priority given to exigency sites. The DSR Team will make a site visit to determine project eligibility, consider the economic, social, and environmental defensibility and determine technically sound design alternatives to remove the threat. The DSR Team will complete a DSR on each site evaluated, even if it is determined to be ineligible.

For exigency sites the initial DSR may cover just the work necessary to relieve the exigency situation. This work must be completed within 10 days of discovery of the site. A second DSR and contract may be necessary to alleviate any remaining hazards causing an emergency situation.

On ineligible sites, the DSR Team will document the reason for ineligibility in the remarks section on page 6 of the DSR. An example of this would be “no stream flow impairment” or “does not meet economic defensibility.”

See Figure 2 for the DSR flow chart. A copy of a DSR with instructions follows Figure 2.

Listed below are some items and tips for completing DSRs:

1. DSR No. – The DSR number should be a short abbreviation of the sponsor name, year, and Site No. (EXAMPLE: Friendly County, 2012 Site No. 1 would be written, FRNDCO-12-001). Do not reuse the numbers that were assigned to previous events because this could cause confusion in record keeping.
2. Complete a DSR for each major site that can be isolated. In some instances, however, it is appropriate to group several locations into one DSR. For example, an area with 3 sites in close proximity could be grouped into one DSR. On the site plan map, individual locations could be shown as Site A, Site B, etc., and costs calculated for each location. The summary of the costs for the individual sites would then be shown on the DSR.
3. Location Map – Attach an aerial map of the site locations to the DSR. The map should show the upstream and downstream areas (structures, homes, streams, etc.) that are and will be affected if the site is not repaired. The site location should be shown or described in sufficient detail that a person not familiar with the site could locate it on the ground (provide coordinates of the site in NAR-North American 83 or NAS-C NA27 Conus/Clk66 format or Lat-Long (degree, minute, seconds)). Each site will be located on a suitable map that clearly shows the site location and the upstream and downstream conditions.
4. Site Plan – Attach a sketch showing the pre-storm and post-storm conditions, the proposed works of improvement, work limits, haul roads, dump sites, and areas damaged and its proximity to threatened structures to the DSR. The site plan should also include a description or sketch of the proposed repair, including any applicable standard drawings. The site plan should agree with and compliment the Engineer’s cost estimate. A cost estimate will be prepared for each alternative.

5. Photographs – Attach digital photographs of the site to the DSR photographs that clearly show the damage.

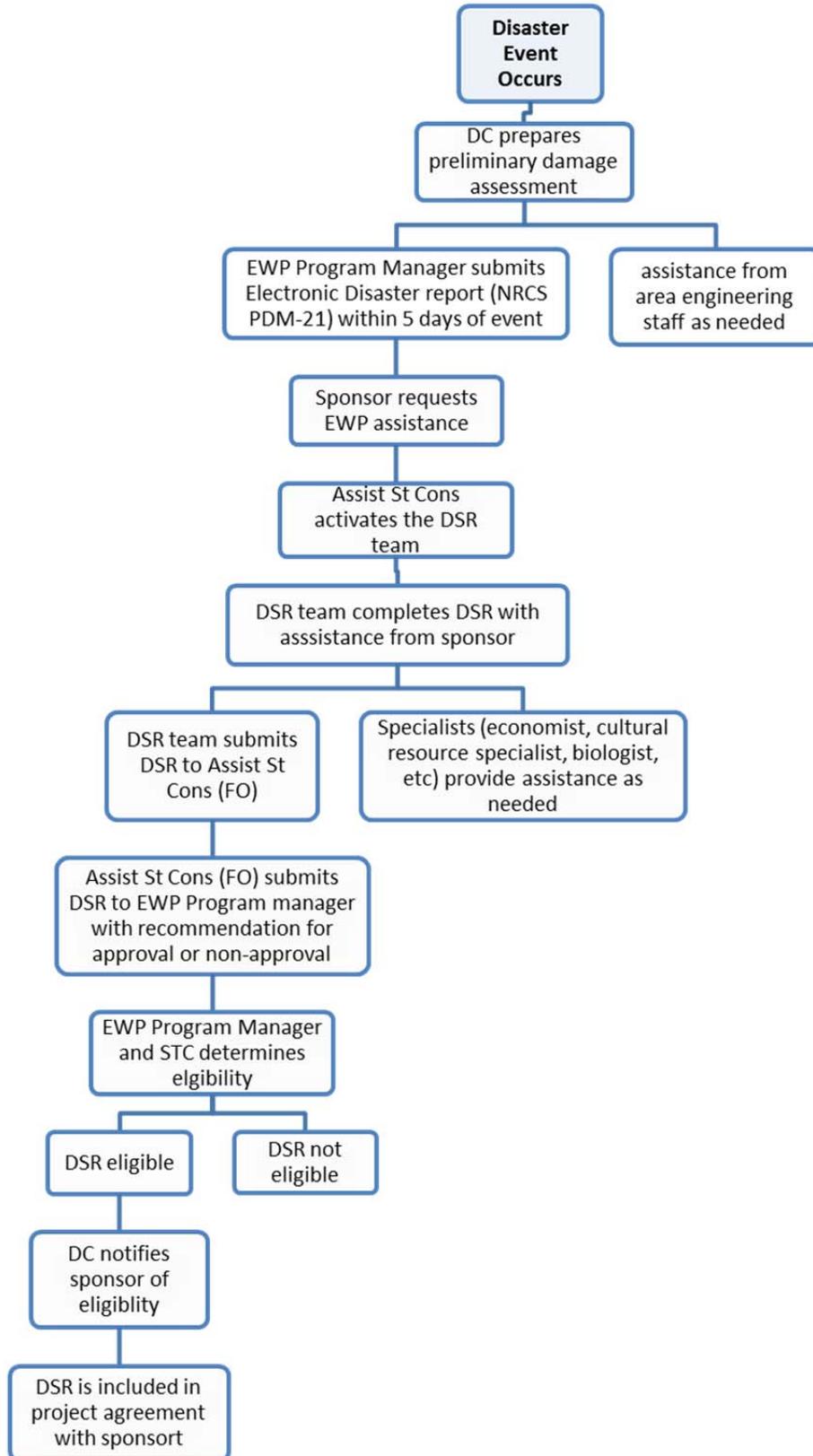
The EWP Program Manager should be contacted for guidance on questionable sites.

The completed DSR will be signed by the DC, engineer, and sponsor and forwarded to the EWP Program Manager. The STC will determine final eligibility and exigency or non-exigency status.

The EWP Program Manager will inform the Assistant State Conservationist(FO) and DC of the site eligibility. The DC will inform the sponsors of the findings.

The sponsors will use the site eligibility to set priorities for the work to be accomplished.

Figure 2 - DSR Flow Chart



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

<u>NRCS Entry Only</u>				
Eligible:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
Approved:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>

Section 1A

Date of Report: Funding Priority Number (from Section 4)
 DSR Number: Project Number:
 Limited Resource Area: YES NO

Section 1B Sponsor Information

Sponsor Name:
 Address:
 City/State/Zip:
 Telephone Number: Fax:

Section 1C Site Location Information

County: State: Congressional District:
 Latitude: Longitude: Section: Township: Range:
 UTM Coordinates:
 Drainage Name: Reach:
 Damage Description:

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?*	<input type="checkbox"/>	<input type="checkbox"/>	
Recovery measures would be for runoff retardation or soil erosion prevention?*	<input type="checkbox"/>	<input type="checkbox"/>	
Threat to life and/or property?*	<input type="checkbox"/>	<input type="checkbox"/>	
Event caused a sudden impairment in the watershed?*	<input type="checkbox"/>	<input type="checkbox"/>	
Imminent threat was created by this event?***	<input type="checkbox"/>	<input type="checkbox"/>	
For structural repairs, not repaired twice within ten years?***	<input type="checkbox"/>	<input type="checkbox"/>	
Site Defensibility			
Economic, environmental, and social documentation adequate to warrant action (Go to pages 3, 4, 5 and 6***)	<input type="checkbox"/>	<input type="checkbox"/>	
Proposed action technically viable? (Go to Page 9 ***)	<input type="checkbox"/>	<input type="checkbox"/>	

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 NO

Comments:

* 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.

DSR NO:

Section 1E Proposed Action

Describe the preferred alternative from Findings: Section 5A:

January 0, 1900

Total installation cost identified in this DSR: Section 3: \$0

Section 1F NRCS State Office Review and Approval

Reviewed By: _____ Date Reviewed: _____
State EWP Program Manager

Approved By: _____ Date Approved: _____
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 95334, 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, sex, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (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, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-941 0 or call (202) 720-5964 (voice or 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 of 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.

DSR NO:

Section 2 Environmental Evaluation

2A Resource Concerns	2B Existing Condition	2C Alternative Designation		
		Proposed Action	No Action	Alternative
		2D Effects of Alternatives		
Soil				
Water				
Air				
Plant				
Animal				
Other				

DSR NO:

Section 2E Special Environmental Concerns

Resource Consideration	Existing Condition	Alternative and Effects		
		Proposed Action	No Action	Alternative
Clean Water Act Waters of the U.S.				
Coastal Zone Management Areas				
Coral Reefs				
Cultural Resources				
Endangered and Threatened Species				
Environmental Justice				
Essential Fish Habitat				
Fish and Wildlife Coordination				
Floodplain Management				
Invasive Species				
Migratory Birds				
Natural Areas				
Prime and Unique Farmlands				
Riparian Areas				
Scenic Beauty				
Wetlands				
Wild and Scenic Rivers				

Completed By: _____

Date: _____

DSR NO:

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)			
			\$0
			\$0
			\$0
			\$0
			\$0
			\$0
Properties Protected (Public)			
			\$0
			\$0
			\$0
			\$0
			\$0
			\$0
Business Losses			
			\$0
			\$0
			\$0
			\$0
			\$0
			\$0
Other			
			\$0
			\$0
			\$0
			\$0
			\$0
			\$0
Total Near Term Damage Reduction \$			\$0
Net Benefit (Total Near Term Damage Reduction minus Cost from Section 3)			\$0

Completed By: _____ Date: _____

DSR NO:

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?			
Is there the potential for loss of life due to damages from the watershed impairment?			
Has access to a hospital or medical facility been impaired by watershed impairment?			
Has the community as a whole been adversely impacted by the watershed impairment (life and property ceases to operate in a normal capacity)			
Is there a lack or has there been a reduction of public safety due to watershed impairment?			

Completed By: _____

Date: _____

DSR NO:

Section 2H Group Representation and Disability Information

This section is completed only for the preferred alternative selected.

Group Representation	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	
White Female Non-Hispanic	
White Male Hispanic	
White Male Non-Hispanic	
Total Group	0

Census tract(s)

Completed By:

Date:

DSR NO:

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

Easements, permissions, or permits:

Mitigation Description:

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

DSR NO:

Section 4 NRCS EWP Funding Priority

Complete the following section to compute the funding priority for the recovery measures in this application (see instructions on page 10).

Priority Ranting Criteria	Yes	No		Ranking Number Plus Modifier
1. Is this an exigency situation?				
2. Is this a site where there is serious, but not immediate threat to human life?				
3. Is this a site where buildings, utilities, or other important infrastructure components are threatened?				
4. Is this site a funding priority established by the NRCS Chief?				
The following are modifiers for the above criteria			Modifer	
a. Will the proposed action or alternatives protect or conserve federally-listed threatened and endangered species or critical habitat?				
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:

Section 5A Findings

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

[Redacted]

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

Chapter

Chapter

Chapter

Chapter

Chapter

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:

Title:

Date:

**Section 5B
Comments:**

Section 5C Sponsor(s) Review and Concurrence:

Sponsor Representative:

Title:

Date:

Section 6 Attachments:

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

-

INSTRUCTIONS FOR COMPLETING THE NRCS-PDM-20. DSR

	Explanation of Requested Item	Who Completes
Section 1	Enter Site Sponsor, Location, Evaluation, Selected Alternative, and Reviewed and Approval Signatures.	NRCS completes with voluntary assistance from Sponsor except for NRCS only portion of Section 1A.
1A	Enter the Date, DSR Number, Project Number. For NRCS only enter Eligible Yes/No, Approved Yes/No, Funding Priority Number, and Limited Resource Area Yes/No.	
1B	Enter Sponsor Name, Address, Telephone, Fax	
1C	Enter site location County, State, Congressional District, Latitude, Longitude, Section, Township, Range, UTM Coordinates, Drainage Name, Reach within drainage, and Damage Description.	
1D	Enter Yes/No and any Remarks for the Site Evaluation information. Any No response means the site is not eligible for EWP assistance and no further information is necessary to complete the DSR. (See NEWPPM 390-502.03 and 390-502-04) Enter Yes/No regarding whether the affected public has been informed of the EWP program.	
1E	Enter the proposed treatment and the cost of installation.	NRCS only.
1F	NRCS Review and Approval.	
Section 2	Use available natural resource, economic, and social, information, including the EWP Programmatic Environmental Impact Statement (PEIS), to briefly describe the effects of the alternatives to the proposed action including the “no action” alternative. The no action alternative is the predictive future condition if no action is taken. Typically, the proposed action and no action are the alternatives considered for EWP recovery measures due to the focus on repairing or preventing damages within a watershed. However, in cases where additional alternatives are considered, include all pertinent information to adequately address the additional alternatives (e.g., proposed action would be bio-engineering for bank stabilization, no action alternative, and an additional alternative may be riprap for bank stabilization).	NRCS completes with voluntary assistance from Sponsor except for NRCS only portion of Section 1A.
2A	List all resource concerns which are relevant to the area of the proposed action and alternatives. Refer to National Bulletin 450-5-8 TCH-COMPLETING AND FILING MEASUREMENT UNITS FOR RESOURCE CONCERNS IN THE FIELD OFFICE TECHNICAL GUIDE (FOTG). Note: the affected area may extend beyond the construction foot print (ex. where water quality or water rights are affected downstream of the site).	
2B	Provide a brief description of the present condition of each resource concern listed in 2A. Quantify conditions where possible. Reference accompanying photo documentation.	
2C	Briefly summarize the practice/system of practices being proposed, as well as the “no action” alternative is the predicted future condition if no action is taken.	
2D	Document the efforts of the proposed action and alternatives for the considerations listed in 2A. Reference applicable quality criteria, information in the CPPE, and quantify effects whenever possible. Consider both long-term and short-term effects. Consider any effects which may be individually minor but cumulatively significant at a larger scale or over an extended time period. Clearly define the differences between proposed action, no action, and the other alternatives.	

	Explanation of Requested Item	Who Completes
2E	Enter Special Environmental Concerns for Clean Water Act Waters of the U.S., Coastal Zone Management Areas, Coral Reefs, Cultural Resources, Endangered and Threatened Species, Environmental Justice, Essential Fish Habitat, Fish and Wildlife Coordination, Floodplain Management, Invasive Species, Migratory Birds, Natural Areas, Prime and Unique Farmlands, Riparian Areas, Scenic Beauty, Wetlands, and Wild and Scenic Rivers for each alternative considered. In the case where the selected alternative from Section 5A impacts a Special Environmental Concern, additional information, coordination, permitting or mitigation may be required and adequate documentation should be prepared and attached to the DSR to identify how NRCS or the Sponsor addressed the concern.	
2F	Identify Property Protected both private and public, business losses and other economic impacts considered for each alternative. Enter the dollar value of the potential future damages if no action is taken in the Future Damage (\$) column. This would be the estimate of the value lost if the EWP recovery measure is not installed. Use the repair cost or damage dollar method to determine the estimate of future damages. The repair cost method uses the costs to return the impaired property, good, or services based on their original pre-event condition or value. The damage dollar method uses an estimate of the future damage to value (e.g. if the structure is condemned, then enter the value of the structure). Enter the estimated amount based upon existing information or information furnished by the sponsor, contractors or others with specific knowledge for recovery from natural disasters for each alternative considered. Often market values for properties or services can be obtained from personnel at the local county/parish tax assessment office. The DSR team needs to determine the Damage Factor (%) which is a coefficient that indicates the degree of damage reduction to a property that is attributed to the effect of the proposed EWP recovery measures. Use an appropriate estimate of how much of the damage the EWP recovery measure will avoid for the alternative being considered. If the recovery measures from a single site will prevent 100 percent of the damage use 100 percent. The Near Term Damage Reduction is the Future Damage (\$) times the Damage Factor (%). Sum the Near Term Damage Reduction values to calculate the Total Near Term Damage Reduction. Enter the Net Benefit which is computed by subtracting the Cost from section 3 from the total near term damage reduction. The economic section must be completed for each alternative considered. Attach additional sheets as necessary.	NRCS completes with voluntary assistance from Sponsor except for NRCS only portion of Section 1A.
2G	Enter information to describe the potential social impacts and considerations for each alternative. Answer Yes or No and any remarks necessary to adequately address each question. The information may be obtained through interviews with community leaders, government officials or sponsors. Factors such as road closures, loss of water, electricity, access to emergency services are used when answering whether the community as a whole has been impaired. This information is part of the environmental evaluation portion of the DSR but may be pertinent in Section 4 regarding priorities. The Social Considerations Section must be completed for each alternative considered. Attach additional sheets as necessary.	
2H	Enter the Group Representation Information for the preferred alternative. Use the most recent census tract information based upon where the EWP recovery measures are located.	Sponsor completes

	Explanation of Requested Item	Who Completes
2I	Enter whether easement, permissions, or permits, and mitigation will require consultation or coordination for the selected alternative (e.g., Clean Water Act section 404 permit, Endangered Species Act section 10 permits, and any State or county permits or requirements). Describe mitigation to be applied that will offset any adverse impacts and attach any documentation from other agencies regarding mitigation requirements.	NRCS completes with voluntary assistance from Sponsor.
Section 3	Enter Proposed Recovery Measure(s) including Quantity, Units, Unit Cost, and Total Amount Cost. Enter sum of all Proposed Recovery Measure Costs to calculate Total Costs. Enter Total Installation Costs in Section 1F. The Engineering Cost Estimate must be completed for each alternative considered. Attach additional sheets as necessary.	
Section 4	Explanation of Requested Item This section is used to determine the Funding Priority for the preferred alternative and sequence for initiating recovery measures. Enter Yes/No for questions 1 through 4 and enter the number (exigency 1, serious threat to human life 2, etc.) in the right column, Ranking Number Plus Modifier. Complete the Modifier portion by placing the alphabetic indicator a. through f. in the Modifier column. Complete the Ranking Number Plus Modifier column by entering the alphabetic indicator(s) that exists within the site. The number of the site designates the priority (e.g., a site with a designation of 2 is a higher priority than a site with a designation of 3). The modifiers increase the priority for the same numeric site (e.g., a site with a designation of 1a, would be a higher priority than a site with a designation of 1, a site with a designation of 2bc would be a higher priority than a site designated as 2b). Enter the Funding Priority in Section 1A.	
Section 5	Enter the Findings, Rationale Supporting Findings, NRCS Representative signature and Comments, and Concurrence signature by the Sponsor(s).	NRCS completes.
5A	Indicate the preferred alternative and check the applicable finding being made. The NRCS Representative signs indicating the Finding selected. If the proposed action was adequately addressed in the PEIS, check all appropriate chapter paragraphs.	
5B	Enter any additional Comments.	
5C	Sponsor(s) review and concurrence.	
Section 6	Include attachments for location map, site sketch, or plan and other information as needed.	NRCS completes with voluntary assistance from Sponsor.

Appendix K – Training

All NRCS employees involved in the EWP program shall receive training applicable to their roles and responsibilities. For NRCS field personnel, the Assistant State Conservationist(FO) will coordinate training annually and as needed at area meetings or other appropriate times. Agencies other than NRCS may be invited to participate in this training, if space is available.

NRCS Area Staff will take the lead in training employees within their administrative area. Training will, as a minimum, include the following:

- overview of the EWP program coordination both within and outside NRCS,
- roles and responsibilities of the local DC and Area staff,
- determining sponsor eligibility,
- determining site eligibility,
- completing the DSR,
- preparing construction cost estimates,
- potential permitting issues,
- landrights requirement,
- GPS configuration,
- NEPA, ESA, NHPA, for compliance, and
- associated documentation to ensure consistency among DSR Teams.

When an emergency is declared, all NRCS employees working with damage assessments, shall meet in person or by teleconference for EWP scheduling and coordination of assistance, program updates, and a briefing by the local Assistant State Conservationist(FO).

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**Appendix L – Cooperative Agreement – Financial Assistance and Technical Assistance
(FA-TA)**

Agreement Number: -FY-
Fund Code: F
Amount (\$)
Fund Code: T
Amount (\$)
Expiration date:

**Plan of Work for
COOPERATIVE AGREEMENT
(#)
between the
UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE (NRCS)
and
(Sponsors Name)**

**PROJECT: (Sponsor's Name) (FY) 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 County and NRCS once work requirements are analyzed and estimated repair costs determined.

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

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

2. This agreement also provides NRCS financial assistance to the County of up to \$XXX for technical and administrative costs directly charged to the project. This amount, \$XXX, is an estimate. Amount allowable is typically 10% of the FA funds actually expended. TA funding for the agreement may be insufficient to cover all costs and require the County to contribute resources to fully complete all necessary TA work.

NOTE: The County 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 County 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 County residents and long-term benefits to the general public in protection of the watershed.

IV. ATTACHMENTS TO AGREEMENT (refer to Ohio NRCS EWP web page for contract attachments):
<http://www.nrcs.usda.gov/wps/portal/nrcs/detail/oh/programs/?cid=stelprdb1119258>

The following attachments are incorporated into the agreement:

Attachment A: Plan of Work (this document)

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 County:
SF 424 – Application for Federal Assistance
SF 424B - Assurances for Non-Construction Programs
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 (**expiration date**). The agreement may be amended to extend the date. Requests from the County to the NRCS State Conservationist, (name), 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

(Sponsor's Name)	NRCS (State)
<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:

VII. RESPONSIBILITIES AND OBLIGATIONS:

A. (Sponsor's Name) will:

1. **Construction Plan** - (Sponsor's Name) 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 County 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's Name) 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's Name) 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 County in two separate NRCS funding accounts. In order for funds to be expended according to NRCS program requirements, the County 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 County's construction contract .

(4) Other administrative costs such as verifying invoices, record keeping, and accounting for County resources expended for the project.

(5) NRCS is obligating TA funding of \$. 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 \$) are exclusively for actual allowable costs of on-the-ground construction. Total construction cost of the project is estimated to be \$.

(1) NRCS is obligating FA funding of \$to the County for up to 75 percent of total actual allowable on-the-ground construction costs.

(2) The County is responsible for cost-sharing 25 percent of total actual on-the-ground construction costs (estimated to be \$). The County's contribution may be comprised of County 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 de-obligated from the agreement.

NOTE: EWP program rules prohibit NRCS from reimbursing the County 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 County 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** - County 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 County incorporates all cultural resource requirements as determined by NRCS (see paragraph 7 below).

e. **National Environmental Protection Act Compliance** – The County 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 County.

g. **Operations and Maintenance Plan** – the plan, developed by NRCS, is acceptable to the County. The County is responsible for 100 percent of operations and maintenance costs upon completion of the project.

4. **Real Property Rights** – Secure real property rights. The County 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 County. In accordance with EWP program regulations, NRCS cannot pay for these costs nor can they be counted as a cost-share contribution by the County.**

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 County. In accordance with EWP program regulations, NRCS cannot pay for these costs nor can they be counted as a cost-share contribution by the County.**

6. **National Environmental Protection Act Compliance (NEPA)** - The County is responsible for compliance with all NEPA requirements. **The County 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 County must incorporate all cultural resource requirements as determined by NRCS. **If the County has not been contacted by NRCS prior to starting construction, the County Project Manager must contact (Name & Title), at (Phone Number), (email address), or in writing, to verify that the County has taken all required action. Correspondence via email message to Andrew is acceptable.**

8. **Endangered Species Act Compliance** – The County 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 County 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 County 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 County is

responsible for periodically checking the contractor's compliance. The County 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, (**Name**), 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. The (State) NRCS Engineering website address is: (website). Contact the NRCS State Engineer if you have difficulty accessing the site. 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 County if items of concern are discovered in the functional review. The NEM website is: <http://www.info.usda.gov/CED/ftp/CED/NEM.html>.

NOTE: Designs and/or specifications that, upon cursory review by NRCS, appear to be unacceptable will be returned to the County for revision without further review by NRCS. The County 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) County developed design and specifications.

(2) NRCS standards.

(3) Requirements of all necessary local, State, and Federal permits. The County 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 County 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 County 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 County.

16. **Deviations from Certified Design** – The County will obtain NRCS concurrence, in writing, for any deviations from the County'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 County 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 County in writing and submitted to the NRCS Project Manager and Administrative Contact within 24 hours of occurrence.**

17. **Removal or Relocation of Utilities** – The County will arrange and pay for any necessary location, removal, or relocation of utilities; **EWP program regulations prohibit NRCS from reimbursing the County or otherwise paying for any such costs nor do the costs qualify as a County 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 County 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 County desires to increase the level of protection over and above that described in the NRCS Damage Survey Report (DSR), the County 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 County 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 County'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 completion of time schedules and objectives sooner or for less cost than anticipated or producing more beneficial results than originally planned.

22. **As-built Drawings** - Complete as-built drawings for the project. A copy of the as-built drawings will be submitted to the County'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 faxed to, Attention (Name) or emailed to (email address).

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

28. The County 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 County 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 County 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 (\$) in financial assistance (construction) funds toward expenses for the project and (\$) 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 Name) Project Manager.

3. Complete all necessary NEPA and cultural resources documentation.

4. Provide a functional review of the County's design and specifications.

5. Review the Operations and Maintenance Plan for the project developed by the County. 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 County. In the event there are questions regarding the SF-270 and supporting documentation, NRCS will contact the County 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 (Sponsor's Name) 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 County 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.

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Appendix M — Form SF 270 – Request for Advance or Reimbursement

REQUEST FOR ADVANCE OR REIMBURSEMENT <i>(See instructions on back)</i>		OMB APPROVAL NO 0348-0004		PAGE 1 OF 2 PAGES
		1. TYPE OF PAYMENT REQUESTED a. "√" one or both boxes <input checked="" type="checkbox"/> ADVANCE <input type="checkbox"/> REIMBURSEMENT b. "√" the applicable box <input type="checkbox"/> FINAL <input checked="" type="checkbox"/> PARTIAL		2. BASIS OF REQUEST <input type="checkbox"/> CASH <input checked="" type="checkbox"/> ACCRUAL
3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED		4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY		5. PARTIAL PAYMENT REQUEST NUMBER FOR THIS REQUEST
6. EMPLOYER IDENTIFICATION NUMBER	7. RECIPIENT'S ACCOUNT NUMBER OR IDENTIFYING NUMBER	8. PERIOD COVERED BY THIS REQUEST		
		FROM (month, day, year)		TO (month, day, year)
9. RECIPIENT ORGANIZATION Name: Okaloosa County Board of County Commissioners Number and Street: 101 East Jame Lee Blvd City, State and ZIP Code: Fort Walton Beach, FL 32549		10. PAYEE (Where check is to be sent if different than item 9) Name: Number and City, State and ZIP Code:		
11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED				
PROGRAM S/FUNCTIONS/ACTIVITIES ►	(a)	(b)	(c)	TOTAL
a. Total program outlays to date <i>(As of date)</i>				\$0.00
b. Less: Cumulative program income				\$0.00
c. Net program outlays <i>(Line a minus line b)</i>	\$0.00	\$0.00	\$0.00	\$0.00
d. Estimated net cash outlays for advance period	\$0.00			\$0.00
e. Total <i>(Sum of lines c & d)</i>	\$0.00	\$0.00	\$0.00	\$0.00
f. Non-Federal share of amount on line e				\$0.00
g. Federal share of amount on line e				\$0.00
h. Federal payments previously requested				\$0.00
i. Federal share now requested <i>(Line g minus line h)</i>	\$0.00	\$0.00	\$0.00	\$0.00
j. Advances required by month, when requested by Federal grantor agency for use in making prescheduled advances	1st month			\$0.00
	2nd month			\$0.00
	3rd month			\$0.00
12. ALTERNATE COMPUTATION FOR ADVANCES ONLY				
a. Estimated Federal cash outlays that will be made during period covered by the advance				
b. Less: Estimated balance of Federal cash on hand as of beginning of advance period				
c. Amount requested <i>(Line a minus line b)</i>				\$0.00
AUTHORIZED FOR LOCAL REPRODUCTION		(Continued on reverse)		STANDARD FORM 270 (Rev. 7-97) Prescribed by OMB Circulars A-102 and A-110
13. CERTIFICATION				
I certify that to the best of my knowledge and belief the data on the reverse are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested. This space for agency use	SIGNATURE OR AUTHORIZED CERTIFYING OFFICIAL			DATE REQUEST SUBMITTED
	TYPED OF PRINTED NAME AND TITLE			TELEPHONE (AREA CODE, NUMBER, EXTENSION)

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0004), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY

INSTRUCTIONS

Please type or print legibly. Items 1, 3, 5, 9, 10, 11e, 11f, 11g, 11i, 12 and 13 are self-explanatory; specific instructions for other items are as follows:

<i>Item</i>	<i>Entry</i>	<i>Item</i>	<i>Entry</i>
2	Indicate whether request is prepared on cash or accrued expenditure basis. All requests for advances shall be prepared on a cash basis.		activity. If additional columns are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the summary totals of all programs, functions, or
4	Enter the Federal grant number, or other identifying number assigned by the Federal sponsoring agency. If the advance or reimbursement is for more than one grant or other agreement, insert N/A; then, show the aggregate amounts. On a separate sheet, list each grant or agreement number and the Federal share of outlays made against the grant or agreement.		activities should be shown in the "total" column on the first page.
6	Enter the employer identification number assigned by the U.S. Internal Revenue Service, or the FICE (institution) code if requested by the Federal agency.	11a	Enter in "as of date," the month, day, and year of the ending of the accounting period to which this amount applies. Enter program outlays to date (net of refunds, rebates, and discounts), in the appropriate columns. For requests prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expenses charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subcontractors and sub-recipients. For requests prepared on an accrued expenditure basis, outlays are the sum of the actual cash disbursements, the amount of indirect expenses incurred, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contracts, subgrantees and other payees.
8	This space is reserved for an account number or other identifying number that may be assigned by the recipient.		
9	Enter the month, day, and year for the beginning and ending of the period covered in this request. If the request is for an advance or for both an advance and reimbursement, show the period that the advance will cover. If the request is for reimbursement, show the period for which the reimbursement is requested.	11b	Enter the cumulative cash income received to date, if requests are prepared on a cash basis. For requests prepared on an accrued expenditure basis, enter the cumulative income earned to date. Under either basis, enter only the amount applicable to program income that was required to be used for the project or program by the terms of the grant or other agreement.
Note:	The Federal sponsoring agencies have the option of requiring recipients to complete items 11 or 12, but not both. Item 12 should be used when only a minimum amount of information is needed to make an advance and outlay information contained in item 11 can be obtained in a timely manner from other reports.	11d	Only when making requests for advance payments, enter the total estimated amount of cash outlays that will be made during the period covered by the advance.
11	The purpose of the vertical columns (a), (b), and (c) is to provide space for separate cost breakdowns when a project has been planned and budgeted by Program, function, or	13	Complete the certification before submitting this request.

Appendix N — Electronic Disaster Report (NRCS-PDM-21)

UNITED STATES DEPARTMENT OF AGRICULTURE Natural Resources Conservation Service				NRCS-PDM-21 10/2004					
Electronic Disaster Report Emergency Watershed Protection Program									
State: [Redacted]		Initial Report: <input type="checkbox"/>		Follow-up Report: <input type="checkbox"/>		Date of this Report: [Redacted]			
Contact Information:				Disaster Information:					
Name: [Redacted]		Address: [Redacted]		Disaster Name: [Redacted]		Community Affected: [Redacted]			
Telephone: [Redacted]				Disaster Date: [Redacted]					
Disaster Analysis									
County Affected:		Severity			County Affected:		Severity		
		Severe	Moderate	Light			Severe	Moderate	Light
[Redacted]		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	[Redacted]		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
[Redacted]		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	[Redacted]		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
[Redacted]		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	[Redacted]		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
[Redacted]		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	[Redacted]		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
[Redacted]		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	[Redacted]		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Additional Information									
Damage Assessment:									
[Redacted]									
[Redacted]									
EWP Actions to Date:									
[Redacted]									
Urgent Problems and/or Needs (Additional Comments):									
[Redacted]									
Limited Resource Communities Affected:									
[Redacted]									
Human Interest Examples:									
[Redacted]									
Projects (such as PL-566, RC&D) That Have Helped Limit the Damage									
[Redacted]									

Reproduce Locally

Appendix O – NRCS EWP Program Process Flow Chart

