



**Planning & Development  
Scott County, Iowa**

**Timothy Huey, Director**

Email: [planning@scottcountyiowa.com](mailto:planning@scottcountyiowa.com)  
Office: (563) 326-8643  
Fax: (563) 326-8257

Administrative Center  
600 West Fourth Street  
Davenport, Iowa 52801-1106

To: Mahesh Sharma, County Administrator

From: Alan Sabat, Planning and Development Specialist

Date: October 8, 2018

Re: Acknowledging application to the Federal Emergency Management Agency (FEMA) for funding from the Hazard Mitigation Grant Program

Property owners Samuel and Mary Yarham have requested that Scott County, the applicable local government, submit an application for FEMA's Hazard Mitigation Grant for the acquisition of their property located at 31379 Scott Park Road, which is located in the Wapsipinicon River 100-year floodplain. The intent of the program is to acquire flood-prone properties and demolish vulnerable structures to prevent repetitive losses and further federal flood insurance payouts. The County would then retain ownership of this property in perpetuity to prevent future development within the floodplain. The regulations would allow the County to have passive uses on the property such as row crops, as the surrounding property is currently farmed. The Yarham's property has suffered repetitive losses from numerous flooding events since 2004 and before, so Planning and Development staff submitted a Notice of Intent to participate in the program after notifying the Board at their October 17, 2017 Committee of the Whole meeting. FEMA intends to announce the start of the program before calendar year 2019, and will begin selecting projects at an unknown date in 2019.

As it stands, this application may require a 25% local match for the buyout. No funding for such buyouts has been included in any recent County budget, but the property owners have expressed willingness to provide the local match themselves by effectively reducing the amount of their compensation to 75% of the value of the residential structures. However, the Iowa Homeland Security and Emergency Management Division (HSEMD) has notified staff that projects completed through the program may end up being 100% federally-funded, so a local match may not be required. In any event, the property owners would be responsible for the local match should it be required.

Passage of this resolution will allow the HSEMD to forward Scott County's application to FEMA once the program has officially begun.



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT  
PO BOX 2004 CLOCK TOWER BUILDING  
ROCK ISLAND, ILLINOIS 61204-2004

rcvd 3/14

March 9, 2018

Operations Division

SUBJECT: CEMVR-OD-P-2018-169

Scott County  
Planning and Development Department  
600 West 4<sup>th</sup> Street  
Davenport, Iowa 52801

To Whom It May Concern:

Our office reviewed the application received February 1, 2018, concerning the demolition of the residence, garage and shed, located in Section 6, Township 80 North, Range 4 East, Scott County, Iowa.

We determined your project as proposed does not occur in a Water of the United States and therefore does not require a Department of the Army (DA) Section 404 permit. The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision. No indication of discharge of dredged or fill material was found to occur in waters of the United States (including wetlands). Therefore, this determination resulted.

This letter contains an approved jurisdictional determination for the subject site. If you object to this jurisdictional determination, you may request an administrative appeal under Corps regulations found at 33 CFR Part 331. Enclosed is a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this approved jurisdictional determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the following address:

Administrative Appeals Officer  
U.S. Army Corps of Engineers  
Mississippi Valley Division  
ATTN: CEMVD-PD-KM  
Post Office Box 80  
Vicksburg, Mississippi 39181-0080

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by May 8, 2018.

It is not necessary to submit an RFA form to the Division Office if you do not object to the approved jurisdictional determination contained in this letter.

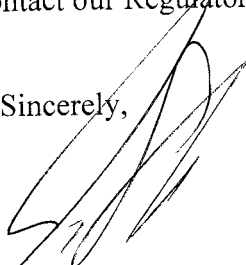
You are advised that this determination for your project is valid for five years from the date of this letter. If the project is not completed within this five-year period or your project plans change, you should contact our office for another determination.

Although an individual Department of the Army permit will not be required for your project, you must still acquire other applicable Federal, state, and local permits prior to initiating construction.

The Rock Island District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete the attached postcard and return it or go to our Customer Service Survey found on our web site at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey). (Be sure to select "Rock Island District" under the area entitled: Which Corps office did you deal with?)

Should you have any questions, please contact our Regulatory Branch by letter, or telephone Mrs. Jackie Groves at 309/794-5351.

Sincerely,

  
For Michael D. Hayes  
Chief, Iowa Permit Section  
Regulatory Branch

Copies Furnished:

Ms. Christine Schwake (3)  
Iowa Department of Natural Resources  
Water Resources Section  
Wallace State Office Building  
502 East 9<sup>th</sup> Street  
Des Moines, Iowa 50319-0034

Sam Yarham  
6 Blackhawk Court  
Eldridge, Iowa 52748



**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** March 9, 2018

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Rock Island District, Scott County, IA, 2018-169

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Iowa *Choose an item* County/parish/borough: Scott County City: Davenport

Center coordinates of site (lat/long in degree decimal format): Lat. 41.762155°, Long. -90.534322°

Universal Transverse Mercator: 15

Name of nearest waterbody: Wapsipinicon River

Name of watershed or Hydrologic Unit Code (HUC): 07080103

- ☒ Check if map/diagram of review area is available upon request.
- ☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- ☒ Office (Desk) Determination. Date: March 9, 2018
- ☐ Field Determination. Date(s): *Click here to enter a date.*

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

**SECTION III: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: location map
- ☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- ☐ Office concurs with data sheets/delineation report.
- ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: *Click here to enter text.*
- ☒ U.S. Geological Survey Hydrologic Atlas: *Click here to enter text.*
- ☐ USGS NHD data.
- ☒ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: Davenport
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Google Earth Pro
- ☒ National wetlands inventory map(s). Cite name: Davenport, IA
- ☐ State/Local wetland inventory map(s): *Click here to enter text.*
- ☐ FEMA/FIRM maps: *Click here to enter text.*
- ☐ 100-year Floodplain Elevation is: *Click here to enter text.* (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth
- ☐ or ☒ Other (Name & Date): ground level views of the two proposed borrow sites
- ☐ Previous determination(s). File no. and date of response letter: *Click here to enter text.*
- ☐ Applicable/supporting case law: *Click here to enter text.*
- ☐ Applicable/supporting scientific literature: *Click here to enter text.*
- ☐ Other information (please specify): *Click here to enter text.*

**B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:** The project site is located in an upland area, no waters of the US are being impacted.

<sup>1</sup> This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.



## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Scott County(Planning & Development)		File Number: 2018-169	Date: March 9, 2018
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.



## SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

### POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Jackie Groves  
US Army Corps of Engineers District, Rock Island  
**ATTN: Regulatory Branch**  
Clock Tower Building  
Post Office Box 2004  
Rock Island, Illinois 61204-2004  
309-794-5351

If you only have questions regarding the appeal process you may also contact:

Administrative Appeals Review Officer  
Mississippi Valley Division  
U.S. Army Corps of Engineers  
1400 Walnut Street  
Vicksburg, MS 39181-0080  
601-634-5820

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Date:

Telephone number:

\_\_\_\_\_  
Signature of appellant or agent.

August 28, 2017

Scott County Board of Supervisor's

Samuel E. Yarham and Mary J. Yarham are respectfully requesting The Board's support in regards to mitigation of our property at 31379 Scott Park Road, Long Grove, Iowa due to repetitive losses to structure, contents and property at this address that has created financial losses to ourselves and has created an extreme difficulty in the pursuit of selling this property at market value.

We have received a letter (copy of said letter included) from our flood insurance provider indicating that our property meets the criteria for a subset of repetitive loss structures, designating this property as a "Severe Repetitive Loss Property". This letter also informs us that the Flood Insurance Reform Act of 2004 made it a top priority to reduce the number of SRL properties nationwide. Since 2004, this property has been inundated 4 times (2004, 2008, 2014 and 2016) with major flooding of the Wapsipinicon River that has reached the proportions requiring us to file claim with our flood insurance.

This property has been in our family since 2003, our son Nicholas Yarham and his wife Lisa purchased the home as their first home after getting married in 2003. They experienced the wrath of the 2004 and 2008 flood, the flood of 2004 occurred during the time Nicholas was deployed to Iraq as a member of Iowa National Guard. Each of these caused loss of use of the home during the flood, as well as the financial loss of repair, as they were required to pay the deductible amount of the insurance settlement.

In 2011 we (Samuel and Mary) purchased the home and property for our Son and his wife after they were unable to sell this property, partially due to the previous flooding issues, hardships and the subsequent cost of flood insurance. We have marketed this property as rental property since our purchase. During this time, we have encountered two major floods of the river, causing loss of the renter's use of the home, rental income loss as well as our financial loss of \$5,000.00 per claim to our flood insurance. This does not include the estimated \$3,000.00 that was incurred as a result of damages to the property (fences, decks, yard etc.) from the flood that were not covered by the flood insurance. This properties basement is constantly having anywhere from a wet floor to an inch (or two) of water in the basement due to the saturation of the ground due to the rising water table of the Wapsipinicon. Attempts have been made by the owners to subside this water by installation of foundation drain and submersible pump and pit equipment (Nicholas) and installing a larger submersible pump in the "sump pit" (Sam and Mary). This has lessened the effect of seeping water in the basement, but has not eliminated the problem. This issue has caused the basement, that was once semi-finished as recreational area, to be reduced to an unfinished area, where the furnace and water heater are located. These are still at times subjected to increased moisture and water. We have included documentation of losses and payments from the flood insurance companies. Please be aware that there has been a \$5,000.00 deductible payment (out of our pockets) associated with each claim. Also, I would like to mention that the insurance premiums for flood insurance has increased substantially over the past 3 years and is scheduled to increase for the next few years as the federal government has changed regulations.

I (Samuel) have been in touch with Mr. Jonathan Pogones, Lead Mitigation Project Officer – Property Acquisition and Demolition of the Iowa Department of Homeland Security and Emergency Management regarding mitigation of this issue/property. For the Board's review, I have included a copy of an email communication from Mr. Pogones concerning the acquisition of this property and his statement that this "will almost certainly be considered cost-effective".

I have also been in contact with Mr. Tim Huey from the Scott County Planning and Zoning. Mr. Huey is familiar with this property and situation and Mr. Huey has been extremely helpful with his guidance in our pursuit of this mitigation.

With this explanation, we are submitting the request to this Board to consider and their referral of this property for mitigation. We are aware that there will be a cost (up to 25%, we were informed) that is normally paid by the affected county associated with the acquisition at fair market value and demolition of said structures. If necessary, we, Samuel E. Yarham and Mary J. Yarham are willing to absorb these costs in lieu of Scott County, Iowa. Mr. Tim Huey informed us of this option and Mr. Pogones confirmed that this is a viable option of us as homeowners.

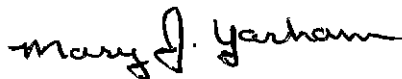
Please consider this an affidavit of our commitment to pay Scott County's portion of this mitigation.

Thank You;

Samuel E. Yarham

A handwritten signature in black ink, appearing to read "Samuel E. Yarham", written in a cursive style.

Mary J. Yarham

A handwritten signature in black ink, appearing to read "Mary J. Yarham", written in a cursive style.



**District 6 Office/Highway Division**

5455 Kirkwood Blvd SW | Cedar Rapids, Iowa 52404  
Phone: 319-364-0235 | Email: [Sam.Shea@iowadot.us](mailto:Sam.Shea@iowadot.us)

Alan Sabat  
Scott County Planning & Development  
600 W 4<sup>th</sup> St  
Davenport, IA 52801

REF: Dubuque County Flood Buyout Program

January 25, 2018

Dear Mr. Sabat:

The Iowa Department of Transportation received your January 24th, 2018 request for consultation, regarding the FEMA Hazard Mitigation Grant Program.

Upon review of the properties (at 31379 Scott Park Road, Long Grove, in Scott County), the Iowa DOT has no future transportation needs for right-of-way at this property location.

If you have further questions on this matter, please contact me at 319-286-4907 or by email at [sam.shea@iowadot.us](mailto:sam.shea@iowadot.us).

Sincerely,



Sam J. Shea  
Transportation Planner  
District 6, Iowa DOT

CC: Sheila Lee – DOT Davenport Field Office  
Danielle Mulholland – DOT Davenport Field Office  
Jim Schnoebelen – DOT District 6 Engineer  
Ken Yanna – DOT Assistant District 6 Engineer

FOR  
FFY 20  CA FOR (Name of Applicant)  
Scott County

This summary sheet includes Assurances and Certifications that must be read, signed, and submitted as a part of the Application for Federal Assistance.

An applicant must check each item that they are certifying to:

- Part I ☒ FEMA Form 20-16A, Assurances-Nonconstruction Programs
- Part II ☒ FEMA Form 20-16B, Assurances-Construction Programs
- Part III ☒ FEMA Form 20-16C, Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements
- Part IV ☒ SF LLL, Disclosure of Lobbying Activities (If applicable)

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the identified attached assurances and certifications.

Timothy Huey

Typed Name of Authorized Representative

Planning & Development Director

Title

Signature of Authorized Representative

Date Signed

NOTE: By signing the certification regarding debarment, suspension, and other responsibility matters for primary covered transaction, the applicant agrees that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by FEMA entering into this transaction.

The applicant further agrees by submitting this application that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the FEMA Regional Office entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (Refer to 44 CFR Part 17.)

#### Paperwork Burden Disclosure Notice

"Public reporting burden for this form is estimated to average 1.7 hours per response. Burden means the time, effort and financial resources expended by persons to generate, maintain, retain, disclose, or to provide information to us. You may send comments regarding the burden estimate or any aspect of the form, including suggestions for reducing the burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (3067-0206). You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Please do not send your completed form to the above address.



**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND  
OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying; and 28 CFR Part 17, "Government-wide Debarment and suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the covered transaction, grant, or cooperative agreement.

**1. LOBBYING**

A. As required by section 1352, Title 31 of the U.S. Code, and implemented at 44 CFR Part 18, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 44 CFR Part 18, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any other funds than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or an employee of Congress, or employee of a member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontract(s) and that all subrecipients shall certify and disclose accordingly.

☒ Standard Form LLL, "Disclosure of Lobbying Activities" attached. *(This form must be attached to certification if nonappropriated funds are to be used to influence activities.)*

**2. DEBARMENT, SUSPENSION, AND OTHER  
RESPONSIBILITY MATTERS  
(DIRECT RECIPIENT)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 44 CFR Part 67, for prospective participants in primary covered transactions, as defined at 44 CFR Part 17, Section 17.510-A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or perform a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public t transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or shall attached an explanation to this application.

**3. DRUG-FREE WORKPLACE  
(GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 44 CFR Part 17, Subpart F, for grantees, as defined at 44 CFR Part 17, Sections 17.615 and 17.620:

A. The applicant certifies that it will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant to be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employee in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to the applicable FEMA awarding office, i.e., regional office or FEMA office.

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

(g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

8. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, City, County, State, Zip code)

**Scott County Planning & Development**

**600 W 4th Street**

**Davenport, IA 52801**

Check ☐ if there are workplaces on file that are not identified here.

Section 17.630 of the regulations provide that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for FEMA funding. States and State agencies may elect to use a Statewide certification.

I, \_\_\_\_\_, hereby sign this form as of \_\_\_\_\_.



**STATE OF IOWA**  
**DESIGNATION OF APPLICANT'S AUTHORIZED REPRESENTATIVE**

\_\_\_\_\_ is hereby authorized to execute on behalf of  
(Name of Representative)

<div> <div>Scott County</div> <div>(Applicant Entity)</div> </div>	<div> <div>this mitigation project and to file it with</div> </div>
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Iowa Homeland Security and Emergency Management (HSEMD) for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 93-288, as amended) and the Code of Iowa, Chapter 29c.

Signed this \_\_\_\_\_ Day Of \_\_\_\_\_, 2018.

Chief Executive Officer  
(Print Name and Title)

(Signature)

**Timothy Huey, Planning & Development Director**  
Applicant's Authorized Representative  
*(Print Name and Title)*

(Signature)

Attested: \_\_\_\_\_  
(Print Name and Title)

(Signature)

## DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure)

Approved by OMB  
0348-0046

<b>1. Type of Federal Action:</b> <input checked="" type="checkbox"/> <b>a. contract</b> b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance		<b>2. Status of Federal Action:</b> <input checked="" type="checkbox"/> <b>a. bid/offer/application</b> b. initial award c. post-award		<b>3. Report Type:</b> <input checked="" type="checkbox"/> <b>a. initial filing</b> b. material change For Material Change Only: year _____ quarter _____ date of last report _____	
<b>4. Name and Address of Reporting Entity:</b> <input checked="" type="checkbox"/> <b>Prime</b> <input type="checkbox"/> <b>Subawardee</b> Scott County, Iowa Tier _____, if known. Congressional District, 1, if known.				<b>5. If Reporting Entity in No. 4 is Subawardee,</b> Enter Name and Address of Prime: NA Congressional District, if known: _____	
<b>6. Federal Department/Agency:</b> FEMA Region VII 9221 Ward Parkway Suite 300 Kansas City, MO 64114-3372				<b>7. Federal Program Name/Description:</b> Flood Mitigation Assistance Program / Hazard Mitigation Grant Program CFDA Number, if applicable: 97.029 / 97.039	
<b>8. Federal Action Number, if known:</b> NA				<b>9. Award Amount, if known:</b> \$ _____	
<b>10. a. Name and Address of Lobbying Registrant</b> (if individual, last name, first name, MI): _____				<b>b. Individuals Performing Services (including address if different from No. 10a)</b> (last name, first name, MI): _____	
<b>11. Information requested through this form is authorized by title 31</b> U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.				<b>Signature:</b> _____ <b>Print Name:</b> Timothy Huey <b>Title:</b> Planning & Development Director <b>Telephone No.:</b> 563-326-8643 <b>Date:</b> _____	
<b>Federal Use Only:</b>				Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)	



## Environmental & Historic Preservation Information

The applicant must provide certain environmental and historic preservation information and documentation to the State before the State and FEMA can adequately review any proposed project. Some projects require specific documentation depending upon the project type and its potential effects on the physical, biological and built environment. The following sections will help ensure that you provide the necessary information and documentation for the project you are proposing. Each of the sections below will begin with a specific question, for which you will provide a Yes, No or Unknown response. In each section where you select Yes or Unknown for any answer, please explain your response in the comments section, and provide any further information about this project that could assist the State and FEMA in their reviews.

### A. National Historic Preservation Act - Historical Buildings and Structures

Contact the State Historical Society of Iowa to request a SHPO Comment:

[http://www.iowahistory.org/preservation/review\\_compliance/request\\_for\\_shpo\\_comment\\_form.html](http://www.iowahistory.org/preservation/review_compliance/request_for_shpo_comment_form.html)

Does your project affect, or is it in close proximity to, any buildings or structures 50 years or more in age?

Yes

If yes, please confirm that you have provided the following:

The property address and original date of construction for each property affected. (This information may be contained in the Property Data Sheet.)

Yes

A minimum of two (2) color photos, showing at least three (3) sides of each structure. (Please label the photos accordingly.)

Yes

A diagram or USGS 1:24,000 scale quadrangle map, displaying the relationship of each property to the total project area.

Yes

To help FEMA evaluate the impact of the project, please indicate any other information you are providing:

Information gathered about potential historic properties in the project area, including any evidence indicating the age of the structure and presence of structures that are listed or eligible for listing on the National Register of Historic Places or within or near a National Register listed or eligible historic district. Sources for this information may include the SHPO/THPO, your local planning office, historical societies, or historic preservation organization.

Yes

Consideration of how the project design will minimize adverse effects on known or potential historic structures, and any alternatives considered or implemented to avoid or minimize effects on historic structures. Please address and note associated costs in your project budget.

For Acquisition/Demolition projects involving historic structures, have you provided any data regarding the consideration and feasibility of elevation, relocation or flood proofing as alternatives to demolition?

List all supporting documentation pertaining to historic structures attached to this application:

Request for SHPO comment form & ISIF or
Historical and Architectural Recon Survey

Additional comments regarding historic structures:

The project does not affect structures eligible for or potentially eligible for the national registry of historic places. Structures do not contribute to a historic district.

---

## B. National Historic Preservation Act - Archeological Resources

Does your project involve disturbance of ground?

Yes

If yes, please confirm that you have provided the following:

A description of the ground disturbance by giving the dimensions (area, volume, depth, etc.) and location.

Yes

The past use of the area to be disturbed, noting the extent of previously disturbed ground.

Yes

A diagram or USGS 1:24,000 scale quadrangle map, displaying the relationship of each property to the total project area.

Yes

To help FEMA evaluate the impact of the project, please indicate any other information you are providing:

Information gathered about potential historic properties in the project area, including any archeological sites. Sources for this information may include the SHPO/THPO, or the Tribe's cultural resources contact if no THPO is designated. Include, if possible, a map showing the relation of any identified historic properties to the project area.

Yes

List all supporting documentation pertaining to archeological resources attached to this application:

Request for SHPO comment form or
Historical and Architectural Recon Survey
Isites map

Additional comments regarding archeological resources:

Areas of disturbance are limited to areas previously disturbed by the construction of homes. No suspected archaeological sites in the project area.

---

## C. Endangered Species Act & Fish and Wildlife Coordination Act

1. Are federally listed threatened or endangered species or their critical habitat present in the area affected by the project?

No

If yes, please confirm that you have provided the following:  
Information obtained to identify species in or near the project area. Provide the source and date of the information cited.

To help FEMA evaluate the impact of the project, please indicate any other information you are providing:

Any request for information and associated response from the United States Fish and Wildlife Service (USFWS) or the Iowa Game and Parks Commission, regarding potential listed species present and potential of the project to impact those species.

List all supporting documentation pertaining to the Endangered Species Act & Fish and Wildlife Coordination Act:


Additional comments regarding the Endangered Species Act & the Fish and Wildlife Coordination Act:

Per Iowa Code, DNR will be consulted in preparation for demolition.
---

2. Does your project remove or affect vegetation?

If yes, please confirm that you have provided the following:  
Description of the amount (area) and type of vegetation to be removed or affected.

A site map showing the project area and the extent of vegetation affected.

Photographs or digital images that show both the vegetation affected and the vegetation in context.

To help FEMA evaluate the impact of the project, please indicate any other information you are providing:

List all supporting documentation pertaining to the Endangered Species Act & Fish and Wildlife Coordination Act:


Additional comments regarding vegetation:

Demolition of structures will not include the removal of trees or other vegetation.
---



3. Is your project in, near (within 200 feet), or likely to affect any type of waterway or body of water?

No

If yes, and the project is not within an existing structure, please confirm that you have provided the following:

A USGS 1:24,000 scale quadrangle map, showing the project activities in relation to all nearby bodies of water (within 200 feet).

Select One

Information about the type of water body nearby, including: dimensions, proximity of the project activity to the body of water, and expected and possible changes to the water body, if any. Identify all bodies of water regardless whether you think there may be an effect.

Select One

Photographs or digital images that show both the body of water affected and the project area.

Select One

To help FEMA evaluate the impact of the project, please indicate any other information you are providing:

Evidence of any discussions with the United States Fish and Wildlife Service (USFWS) or the Iowa Game and Parks Commission, regarding any potential impacts if there is the potential for the project to affect any body of water.

Select One

List all supporting documentation pertaining bodies of water:

Digital FIRMette showing project area & body of water

Additional comments regarding bodies of water:

Project seeks to return floodplain to it's natural function by removing structures and improvements and permanently restricting property to open space.

---

#### D. Clean Water Act, Rivers & Harbors Act, and Executive Order 11990 (Protection of Wetlands)

Will the project involve dredging or disposal of dredged material, excavating, adding fill material or result in any modification to bodies of water or wetlands as "waters of the U.S." as identified by the US Army Corps of Engineers or on the National Wetland Inventory?

No

If yes, please confirm that you have provided the following:

Documentation of the project location on a USGS 1:24,000 scale topographical map or image, and a copy of National Wetlands Inventory map or other available wetlands mapping information.

Select One

To help FEMA evaluate the impact of the project, please indicate any other information you are providing:

Request for information and response letter from the US Army Corps of Engineers and/or State resource agencies regarding the potential for wetlands, and applicability of permitting requirements.

Select One

Evidence of alternatives considered to eliminate or minimize impacts to wetlands.

Select One

List all supporting documentation pertaining to bodies of water or wetlands attached to this application:


Additional comments regarding bodies of water or wetlands for your project:

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#### E. Executive Order 11988 (Floodplain Management)

1. Does a Flood Insurance Rate Map (FIRM), Flood Hazard Boundary Map (FHBM), hydrologic study or some other source indicate that the project is located in or will affect a 100-year floodplain, a 500-year floodplain if a critical facility, an identified regulatory floodway, or an area prone to flooding?

Yes

If Yes, please indicate in the comments section below any documentation to identify the means or the alternatives considered to eliminate or minimize the impacts to floodplains to help FEMA evaluate the impact of the project. (See the 8 step process found in 44 CFR §9.6.)

Comments regarding E.O. 11988 (Floodplain Management):

Project seeks to remove development in the floodplain and permanently convert land to open space, allowing it to serve its natural function. Alternatives were not as effective in minimizing impact on the floodplain.

2. Does the project alter a watercourse, water flow patterns or a drainage way, regardless of its floodplain designation?

No

If Yes, please indicate any other information you are providing to help FEMA evaluate the impact of the project:

Hydrologic/hydraulic information from a qualified engineer to demonstrate how drainage and flood flow patterns will be changed, and to identify up and down stream effects.

Select One

Evidence of consultation with the US Army Corps of Engineers. (May be included under Part D of this section.)

Select One

Request for information and response letter from the State waterway resource agency, if applicable, with jurisdiction over modifications of waterways.

Select One

List all documentation pertaining to Altering Watercourses, Water Flow Patterns, or Drainage Ways attached to this application:


Additional comments regarding Altering Watercourses, Water Flow Patterns or Drainage Ways:

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#### F. Farmland Protection Policy Act

Will the project convert more than five (5) acres of "prime or unique" farmland outside city limits to non-agricultural use:

No

List all documentation pertaining the Farmland Protection Policy Act attached to this application:


Additional comments regarding the Farmland Protection Policy Act:

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#### G. RCRA and CERCLA (Hazardous and Toxic Materials)

1. Is there reason to suspect that there are contaminants from a current or past use on the property associated with the proposed project?

No

If yes, please indicate below any other information you are providing to FEMA to evaluate the impact of the project:

Comments and any relevant documentation.

Select One

Results of any consultations with State or local agency to obtain permit with requirements for handling, disposing of or addressing the effects of hazardous or toxic materials related to project implementation.

Select One

List all documentation pertaining to Hazardous and Toxic Materials attached to this application:




Additional comments regarding Hazardous and Toxic Materials and your project:

--

2. Are there any studies, investigations or enforcement actions related to the property associated with the proposed project?

No

If yes, please indicate below any other information you are providing to FEMA to evaluate the impact of the project:

Comments and any relevant documentation.

No

Results of any consultations with State or local agency to obtain permit with requirements for handling, disposing of or addressing the effects of hazardous or toxic materials related to project implementation.

No

List all documentation pertaining to Studies, Investigations or Enforcement Actions attached to this application:


Additional comments regarding Studies, Investigations and Enforcement Actions and your project:

--

3. Do any project construction or operation activities involve the use of hazardous or toxic materials?

No

If yes, please indicate below any other information you are providing to FEMA to evaluate the impact of the project:

Comments and any relevant documentation.

Select One

Results of any consultations with State or local agency to obtain permit with requirements for handling, disposing of or addressing the effects of hazardous or toxic materials related to project implementation.

Select One

List all documentation pertaining to the use of Hazardous and Toxic Materials attached to this application:


Additional comments regarding the use of Hazardous and Toxic Materials and your project:

Prior to demolition, structures will be tested for asbestos. Any identified asbestos will be removed in accordance with EPA and DNR regulations. No new hazardous materials will be brought to the project site.

4. Do you know if any of the current or past land uses of the property affected by the proposed project or of the adjacent properties are associated with Hazardous or Toxic Materials?

No

If yes, please indicate below any other information you are providing to FEMA to evaluate the impact of the project:

Comments and any relevant documentation.

Select One

Results of any consultations with State or local agency to obtain permit with requirements for handling, disposing of or addressing the effects of hazardous or toxic materials related to project implementation.

Select One

List all documentation pertaining to the use of Hazardous and Toxic Materials related to Current or Past Land Uses attached to this application:


Additional comments regarding the use of Hazardous and Toxic Materials related to Current or Past Land Uses and your project:

Properties included in the project have been used for residential purposes.

---

#### H. Executive Order 12898, Environmental Justice for Low Income and Minority Populations

Are there low income or minority populations in the project's area of effect or adjacent to the project area?

No

If yes, please indicate below that you have provided the following:

Description of any disproportionate and adverse effects to these populations.

Select One

To help FEMA evaluate the impact of the project, please indicate any other information you are providing:

Description of the population affected and the portion of the population that would be disproportionately and adversely affected. Please include specific effects to address the adverse impacts in your proposal narrative and budget.

Select One

List all documentation pertaining to the EO 12898 attached to this application:

Minority Impact Statement

Additional comments regarding EO 12898:

Low income and minority populations will not be disproportionately impacted by the project. Project participants do not include minority or low income families. The County will offer relocation assistance as necessary to all households in the project.

---

### **I. Other Environmental / Historic Preservation Laws or Issues**

1. Are there other environmental/historic preservation requirements associated with this project that you are aware of?

**No**

If yes, please provide a description of the requirements, issues or public involvement effort.

--

2. Are there controversial issues associated with this project?

**No**

If yes, please provide a description of the requirements, issues or public involvement effort.

--

3. Have you conducted any public meeting or solicited public input or comments on your specific proposed mitigation project?

**No**

If yes, please provide a description of the requirements, issues or public involvement effort.

--

List all documentation pertaining to Other Environmental/Historic Preservation Issues attached to this application:


Additional comments regarding Other Environmental/Historic Preservation Laws:

---

#### J. Summary and Cost of Potential Impacts

Having answered the questions in Parts A through I, have you identified any aspects of your proposed project that have the potential to impact environmental resources or historic properties?

No

If yes, please confirm that you have:

Evaluated these potential effects and provided the materials required in Parts A through I that identify the nature and extent of potential impacts to environmental resources and/or historic properties.

Select One

Consulted with appropriate parties to identify and measures needed to avoid or minimize these impacts.

Select One

Considered alternatives that could minimize both the impacts and the cost of the project.

Select One

Made certain that the costs of any measures to treat adverse effects are realistically reflected in the project budget estimate.

Select One

Please enter additional comments here:



### Minority Impact Statement

Pursuant to 2008 Iowa Acts, HF 2393, Iowa Code Section 8.11, all grant applications submitted to the State of Iowa shall include a Minority Impact Statement. This is the state's mechanism to require grant applicants to consider the potential impact of the grant project's proposed programs or policies on minority groups.

**Please choose the statement(s) that pertains to this grant application. Complete all the information requested for the chosen statement(s).**

☐ The proposed grant project programs or policies could have a disproportionate or unique **positive** impact on minority persons.

Describe the positive impact expected from this project

Indicate which group is impacted:

- ☐ Women
- ☐ Persons with a Disability
- ☐ Blacks
- ☐ Latinos
- ☐ Asians
- ☐ Pacific Islanders
- ☐ American Indians
- ☐ Alaskan Native Americans
- ☐ Other

☐ The proposed grant project programs or policies could have a disproportionate or unique **negative** impact on minority persons.

Describe the negative impact expected from this project

Present the rationale for the existence of the proposed program or policy.

Provide evidence of consultation of representatives of the minority groups impacted.

Indicate which group is impacted:

- ☐ Women
- ☐ Persons with a Disability

- ☐ Blacks
- ☐ Latinos
- ☐ Asians
- ☐ Pacific Islanders
- ☐ American Indians
- ☐ Alaskan Native Americans
- ☐ Other

☐ The proposed grant project programs or policies are **not expected to have** a disproportionate or unique impact on minority persons.

Present the rationale for determining no impact.

I hereby certify that the information on this form is complete and accurate, to the best of my knowledge:

Timothy Huey

Printed Name

Planning & Development Director

Title

Signature

Date

#### Definitions

"Minority Persons", as defined in Iowa Code Section 8.11, mean individuals who are women, persons with a disability, Blacks, Latinos, Asians or Pacific Islanders, American Indians, and Alaskan Native Americans.

"Disability", as defined in Iowa Code Section 15.102, subsection 5, paragraph "b", subparagraph (1):

b. As used in this subsection:

- (1) "*Disability*" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of physical or mental impairment that substantially limits one or more of the major life activities of the individual, or being regarded as an individual with a physical or mental impairment that substantially limits one or more of the major life activities of the individual.

"*Disability*" does not include any of the following:

- (a) Homosexual or bisexuality.
- (b) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments or other sexual behavior disorders.
- (c) Compulsive gambling, kleptomania, or pyromania
- (d) Psychoactive substance abuse disorders resulting from current illegal use of drugs.

"State Agency", as defined in Iowa Code Section 8.11, means a department, board, bureau, commission, or other agency or authority of the State of Iowa.

## MITIGATION MODEL DEED RESTRICTION

In reference to the property or properties ("Property") conveyed by the Deed between [property owner] participating in the federally-assisted acquisition project ("the Grantor") and [local government], ("the Grantee"), its successors and assigns:

WHEREAS, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, ("The Stafford Act"), 42 U.S.C. § 5121 et seq., identifies the use of disaster relief funds under § 5170c, **Hazard Mitigation Grant Program ("HMGP")**, including the acquisition and relocation of structures in the floodplain;

**WHEREAS**, the mitigation grant program provides a process for a local government, through the State, to apply for federal funds mitigation assistance to acquire interests in property, including the purchase of structures in the floodplain, to demolish and/or remove the structures, and to maintain the use of the Property as open space in perpetuity;

**WHEREAS**, the State of Iowa has applied for and been awarded such funding from the Department of Homeland Security, Federal Emergency Management Agency ("FEMA"), and has entered into a mitigation grant program Grant Agreement, dated June 6, 2008 and herein incorporated by reference; making it a mitigation grant program grantee.

**WHEREAS**, the Property is located in Scott County,  
*City, County*

Scott County participates in the National Flood Insurance Program ("NFIP") and  
*City, County*  
is in good standing with NFIP as of the date of the Deed;

**WHEREAS**, Scott County, acting by and through the Scott County Board,  
*City, County* *City/County Board*  
has applied for and been awarded federal funds pursuant to an agreement with Iowa dated

                     ("State-Local Agreement") and herein incorporated by reference, making it a mitigation grant program subgrantee;

**WHEREAS**, the terms of the mitigation grant program statutory authorities, Federal program requirements consistent with 44 C.F.R. Part 80, the Grant Agreement, and the State-local Agreement require that the Grantee agree to conditions that restrict the use of the land to open space in perpetuity in order to protect and preserve natural floodplain values;

**NOW**, therefore, the grant is made subject to the following terms and conditions:

**1. Terms.** Pursuant to the terms of HMGP program statutory authorities, Federal program requirements consistent with 44 C.F.R. Part 80, the Grant agreement, and the State-local agreement, the following conditions and restrictions shall apply in perpetuity to the Property described in the attached deed and acquired by the Grantee pursuant to FEMA program requirements concerning the acquisition of property for open space:

**a. Compatible uses.** The property shall be dedicated and maintained in perpetuity as open space for the conservation of natural floodplain functions. Such uses may include: parks for outdoor recreational activities; wetlands management; nature reserves; cultivation; grazing; camping (except where adequate warning time is not available to allow evacuation); unimproved, unpaved parking lots; buffer zones; and other uses consistent with FEMA guidance for open space acquisition, Hazard Mitigation Assistance, Requirements for Property Acquisition and Relocation for Open Space.

**b. Structures.** No new structures or improvements shall be erected on the property other than:

(1) A public facility that is open on all sides and functionally related to a designated open space or recreational use;

(2) A public restroom; or

(3) A structure that is compatible with open space and conserves the natural function of the floodplain, including the uses describe din Paragraph 1.a, above, and approved by the FEMA Administrator in writing before the construction of the structure begins.

Any improvements on the Property shall be in accordance with proper floodplain management policies and practices. Structures built on the Property according to paragraph b. of this section shall be floodproofed or elevated to at least the base flood level plus 1 foot of freeboard, or greater, if required by FEMA, or if required by any State, Tribal, or local ordinance, and in accordance with criteria established by the FEMA Administrator.

**c. Disaster Assistance and Flood Insurance.** No Federal entity or source may provide disaster assistance for any purpose with respect to the Property, nor may any application for such assistance be made to any federal entity or source. The Property is not eligible for coverage under the NFIP for damage to structures on the property occurring after the date of the property settlement, except for pre-existing structures being relocated off the property as a result of the project.

**d. Transfer.** The Grantee, including successors in interest, shall convey any interest in the Property only if the FEMA Regional Administrator, through the State, gives prior written approval of the transfer in accordance with this paragraph.

i. The request by the Grantee, through the State, to the FEMA Regional Administrator must include a signed statement from the proposed transferee that it acknowledges and agrees to be bound by the terms of this section, and documentation of its status as a qualified conservation organization if applicable.

ii. The Grantee may convey a property interest only to a public entity or to a qualified conservation organization. However, the Grantee may convey an easement or lease to a private individual or entity for purposes compatible with the uses described in paragraph (a), of this section, with the prior approval of the FEMA Regional Administrator, and so long as they conveyance does not include authority to control and enforce the terms and conditions of this section.

iii. If title to the Property is transferred to a public entity other than one with a conservation mission, it must be conveyed subject to a conservation easement that shall be recorded with the deed and shall incorporate all terms and conditions set forth in this section, including the easement holder's responsibility to enforce the easement. This shall be accomplished by one of the following means:

a) The Grantee shall convey, in accordance with this paragraph, a conservation easement to an entity other than the title holder, which shall be recorded with the deed, or

b) At the time of title transfer, the Grantee shall retain such conservation easement, and record it with the deed.

iv. Conveyance of any property interest must reference and incorporate the original deed restrictions providing notice of the conditions in this section and must incorporate a provision for the property interest to revert to the State, Tribe, or local government in the event that the transferee ceases to exist or loses its eligible status under this section.



**2. Inspection.** FEMA, its representatives and assigns including the State or Tribe shall have the right to enter upon the Property, at reasonable times and with reasonable notice, for the purpose of inspecting the Property to ensure compliance with the terms of this part, the Property conveyance and of the grant award.

**3. Monitoring and Reporting.** Every three years on \_\_\_\_\_, the Grantee (mitigation grant program subgrantee), in coordination with any current successors in interest, shall submit through the State to the FEMA Regional Administrator a report certifying that the Grantee has inspected the Property within the month preceding the report, and that the Property continues to be maintained consistent with the provisions of 44 C.F.R. Part 80, the property conveyance, and the grant award.

**4. Enforcement.** The Grantee (mitigation grant program subgrantee), the State, FEMA, and their respective representatives, successors and assigns, are responsible for taking measures to bring the Property back into compliance if the Property is not maintained according to the terms of 44 C.F.R. Part 80, the property conveyance, and the grant award. The relative rights and responsibilities of FEMA, the State, the Grantee and subsequent holders of the property interest at the time of enforcement, shall include the following:

**a.** The State will notify the Grantee and any current holder of the property interest in writing and advise them that they have 60 days to correct the violation.

**i.** If the Grantee or any current holder of the property interest fails to demonstrate a good faith effort to come into compliance with the terms of the grant within the 60-day period, the State shall enforce the terms of the grant by taking any measures it deems appropriate, including but not limited to bringing an action at law or in equity in a court of competent jurisdiction.

**ii.** FEMA, its representatives, and assigns may enforce the terms of the grant by taking any measures it deems appropriate, including but not limited to 1 or more of the following:

**a)** Withholding FEMA mitigation awards or assistance from the State or Tribe, and Grantee; and current holder of the property interest.

**b)** Requiring the transfer of title. The Grantee or the current holder of the property interest shall bear the costs of bringing the Property back into compliance with the terms of the grant; or

**c)** Bringing an action at law or in equity in a court of competent jurisdiction against any or all of the following parties: the State, the Tribe, the local community, and their respective successors.

**5. Amendment.** This agreement may be amended upon signatures of FEMA, the State, and the Grantee only to the extent that such amendment does not affect the fundamental and statutory purposes underlying the agreement.

**6. Severability.** Should any provision of this grant or the application thereof to any person or circumstance be found to be invalid or unenforceable, the rest and remainder of the provisions of this grant and their application shall not be affected and shall remain valid and enforceable.

_____	(property owner)	_____
Grantor's Signature	Name (printed or typed)	Date
_____	(local official)	_____
Grantee's Signature	Name & Title (printed or typed)	Date

State of Iowa

County of Scott

Signed and sworn to (or affirmed) before me on \_\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Names of Persons

Notary Public:

\_\_\_\_\_

Signature

\_\_\_\_\_

Title

My commission expires:

\_\_\_\_\_

Date

Stamp/Seal

## Application for Federal Assistance SF-424

\* 1. Type of Submission:

- ☐ Preapplication  
☒ Application  
☐ Changed/Corrected Application

\* 2. Type of Application:

- ☒ New  
☐ Continuation  
☐ Revision

\* If Revision, select appropriate letter(s):

\* Other (Specify):

\* 3. Date Received:

06/13/2018

4. Applicant Identifier:

Scott County, IA

5a. Federal Entity Identifier:

FEMA

5b. Federal Award Identifier:

Hazard Mitigation Grant P

State Use Only:

6. Date Received by State: 06/13/2018

7. State Application Identifier: F0S398 Scott County Yarham Acq

8. APPLICANT INFORMATION:

\* a. Legal Name: Scott County

\* b. Employer/Taxpayer Identification Number (EIN/TIN):

42-6004465

\* c. Organizational DUNS:

50812361

d. Address:

\* Street1: 600 W 4th Street

Street2:

\* City: Davenport

County/Parish:

Scott

\* State:

IA: Iowa

Province:

\* Country:

USA: UNITED STATES

\* Zip / Postal Code: 52801

e. Organizational Unit:

Department Name:

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Mr.

\* First Name:

Timothy

Middle Name:

\* Last Name:

Huey

Suffix:

Title: Planning & Development Director

Organizational Affiliation:

Scott County

\* Telephone Number: 563-326-8643

Fax Number:

\* Email: timothy.huey@scottcountyiowa.com

## Application for Federal Assistance SF-424

### \* 9. Type of Applicant 1: Select Applicant Type:

B: County Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

### \* 10. Name of Federal Agency:

Federal Emergency Management Agency

### 11. Catalog of Federal Domestic Assistance Number:

97.039 / 97.029

CFDA Title:

Hazard Mitigation Grant Program / Flood Mitigation Assistance Program

### \* 12. Funding Opportunity Number:

DR-4334 / FMA 2018

\* Title:

Iowa Severe Storms, Tornadoes, Straight-line Winds, And Flooding / Flood Mitigation Assistance Program 2018

### 13. Competition Identification Number:

Title:

### 14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

### \* 15. Descriptive Title of Applicant's Project:

Scott County 2018 Property Acquisition and Conversion to Open Space

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments



**Application for Federal Assistance SF-424****16. Congressional Districts Of:**\* a. Applicant \* b. Program/Project 

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

**17. Proposed Project:**\* a. Start Date: \* b. End Date: **18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="138,868.00"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text" value="138,868.00"/>

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ \*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:  \* First Name:

Middle Name:

\* Last Name:

Suffix:

\* Title: \* Telephone Number:  Fax Number: \* Email: 

\* Signature of Authorized Representative:

\* Date Signed:

## ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 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 (0348-0040), 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.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL <div style="border: 1px solid black; height: 40px; width: 100%; background-color: yellow;"></div>	TITLE <div style="border: 1px solid black; padding: 2px;">Planning &amp; Development Specialist</div>
APPLICANT ORGANIZATION <div style="border: 1px solid black; padding: 2px;">Scott County</div>	DATE SUBMITTED <div style="border: 1px solid black; height: 20px; width: 100%; background-color: yellow;"></div>

## ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009  
Expiration Date: 01/31/2019

Public reporting burden for this collection of information is estimated to average 15 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 (0348-0042), Washington, DC 20503.

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As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
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SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE Planning & Development Specialist
APPLICANT ORGANIZATION Scott County	DATE SUBMITTED 

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES THAT  
THIS RESOLUTION HAS BEEN FORMALLY APPROVED BY  
THE BOARD OF SUPERVISORS ON \_\_\_\_\_.

DATE

\_\_\_\_\_  
SCOTT COUNTY AUDITOR

## **RESOLUTION**

### **SCOTT COUNTY BOARD OF SUPERVISORS**

**October 18, 2018**

#### **ACKNOWLEDGING APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR FUNDING FROM THE HAZARD MITIGATION GRANT PROGRAM**

BE IT RESOLVED by the Scott County Board of Supervisors as follows:

**Section 1.** WHEREAS, Scott County (hereinafter called "the Subgrantee"), County of Scott, has made application through the Iowa Homeland Security and Emergency Management Division (HSEMD) to the Federal Emergency Management Agency (FEMA) for funding from the Hazard Mitigation Grant Program, in the amount of \$138,868 for the total project cost, and

**Section 2.** WHEREAS, the Subgrantee recognizes the fact that this grant may be based on a cost share basis with the federal share not exceeding 75%, the state share not exceeding 10% and the local share being a minimum of 15% of the total project cost, and

**Section 3.** WHEREAS, in the event that this grant is based on a cost share basis, Samuel E. and Mary J. Yarham (hereinafter called "the subrecipients"), shall provide the Subgrantee's local share being a minimum of 15% of the total project cost on its behalf, and

**Section 4.** THEREFORE, on behalf of the Subgrantee, the subrecipients agree to provide and make available up to \$34,717 (thirty-four thousand, seven hundred and seventeen dollars) of personal monies to be used to meet the minimum 15% match requirement for this mitigation grant application.

**Section 5.** This Resolution shall take effect immediately.