Fire Island Inlet to Montauk Point, NY

Final General Reevaluation Report

APPENDIX M

NONSTRUCTURAL IMPLEMENTATION PLAN

U.S. Army Corps of Engineers

New York District

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APPENDIX M

Nonstructural Implementation Plan

A. DEFINITIONS

Term	Definition
Base Flood	Defined by the National Flood Insurance Program (NFIP) as the "flood having a 1 percent chance of being exceeded in any given year, and is also called the 100-year flood."
Base Flood Elevation (BFE)	The computed elevation to which floodwater is anticipated to rise during the base flood. The BFE is shown on community's Flood Insurance Rate Map (FIRM).
Dry Floodproofing	Dry floodproofing makes the structure watertight below the level for which coastal storm risk management is provided by preventing flood waters that derive from storm surge from entering the structure. Dry floodproofing may include one or more of the following methods: using waterproof membranes or sealants to reduce seepage of floodwater through walls and wall penetrations; use of watertight shields for doors and windows; and/or installing measures to prevent sewer backup.
Economically Justified	The cost to elevate the structure does not exceed the total monetary cost of the coastal storm damages that are anticipated to be avoided over the 50-year period of economic analysis.
Eligible structures	Structures that are determined by the United States Army Corps of Engineers (USACE) to be eligible for floodproofing after the completion of the investigations and analyses as described herein.
Floodplain	A floodplain is an area of land adjacent to a coast, stream, or river that experiences flooding during periods of elevated water surface elevations due to storms or high discharge.
Floodproofing	Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce the risk of coastal storm damage to improved real property, water and sanitary facilities, structures and their contents.
Historic Structure	As defined in 44 CFR Part 59, a historic structure is any structure that is (1) listed individually in the National Register of Historic Places (maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district

	preliminarily determined by the Secretary to qualify as a registered historic district; (3) individually listed on a state inventory of historic places with historic preservation programs which have been approved by the Secretary of the Interior; and (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by (a) an approved state program as determined by the Secretary of the Interior or; (b) directly by the Secretary of the Interior in states without approved programs.
Hazardous, Toxic, or Radioactive Waste (HTRW)	Hazardous, toxic and radioactive waste as more specifically defined in Engineer Regulation (ER) 1165-2-132, “Hazardous, Toxic, and Radioactive Waste (HTRW) Guidance for Civil Works Projects.”
Main Floor Elevation	Also known as the Lowest Flood Elevation or First Flood Elevation. Define here. The bottom of the lowest horizontal structural member of a building.
Non-Federal Sponsor (NFS)	The cost-sharing partner for the study, design, construction of the project, as well as for the Operation, Maintenance, Repair, Rehabilitation and Replacement (OMRR&R) of the project.
Nonstructural Measures	Permanent or contingent measures applied to a structure and/or its contents that reduces the risk of damages that could result from coastal storms. Nonstructural measures differ from structural measures (i.e., levees, floodwalls, etc.) in that they focus on reducing the consequences of damages from coastal storm surge instead of focusing on reducing the probability of damages from coastal storm surge.
Wet Floodproofing	Wet floodproofing is a design method that allows water to move in the enclosed parts of a home's lower area, such as the crawlspace or an unoccupied area, and then out when water recedes

B. INTRODUCTION

This Nonstructural Implementation Plan describes the general process for the implementation of nonstructural measures designed to reduce the risk of damages caused by coastal storms in the study area. The primary goal of the Recommended Plan is to reduce the risk of coastal storm damage through the implementation of nonstructural and structural measures. This Implementation Plan focuses on the nonstructural features of the Recommended Plan.

1. Leveraging National Assets for Successs

The New York District recognizes that there are unique challenges related to implementing a relatively large nonstructural plan. Because of this, the District has proactively leveraged national experts in the planning, design, and construction of nonstructural measures. Within the enterprise, these groups include the National

Nonstructural Committee, Coastal Storm Risk Management Center of Expertise, and Silver Jackets program, as well as project teams that are currently working to implement similar projects (e.g., Southwest Coastal, Louisiana project). The District is also coordinating with staff from the Federal Emergency Management Agency (FEMA), the New York City post-Hurricane Sandy Build it Back Program, the Louisiana post-Hurricane Katrina Road Home Program, the Association of State Floodplain Managers, and local floodplain managers. The NFS and local communities have also provided valuable information pertinent to the project. The District places a priority on continuing this coordination throughout PED and construction, and sharing lessons learned with USACE teams.

2. **Recommended Plan**

The Recommended Plan consists of implementing nonstructural measures for up to 4,432 structures within the current ten percent floodplain. Specific measures include:

- 3,675 structure elevations
- 650 structure floodproofings
- 14 structure acquisitions

Per USACE Planning Bulletin (PB) 2016-01 “Clarification of Existing Policy for USACE Participation in Nonstructural Flood Risk Management and Coastal Storm Damage Reduction Measures” (December 22, 2015), The structure elevations and floodproofing will be implemented on a voluntary basis. Property owners may choose to participate in the plan. In contrast, there is a requirement for mandatory implementation of the 14 structure acquisitions. The NFS is aware of the requirement for it to use eminent domain if necessary in order to aquire the properties.

It is worth noting that the Recommended Plan includes the construction of ringwalls around 93 structures. Ringwalls were considered as part of the nonstructural analysis, and are grouped with nonstructural measures in the Final General Reevaluation Report. Ringwalls are classified as structural measures, per USACE PB 2016-01. Because of this, they are not included in this Implementation Plan.

The specific nonstructural measures to be implemented at each property will be reviewed and refined in the Pre-construction Engineering and Design (PED) phase to ensure that the proposed measures, and the applicable population is appropriately identified. Property owners located in the project area will be informed of the details of project implementation, including eligibility criteria, the eligibility process, and the related duties and obligations of USACE, the NFS, and the property owner. Based upon present information, the anticipated duties and obligations are generally outlined below; however, some of this information may be modified as the Nonstructural Implementation Plan is finalized as part of PED.

If the structure owner does not want to participate in the Project, USACE and the NFS would defer any further action on that structure until such time as the structure owner elects to participate or until the period of construction ends. However, the Government reserves, at its sole discretion, the right to determine whether or not a structure may

participate in the Recommended Plan after a structure owner has declined participation, and if allowed to participate, the timing and scheduling of such participation in the Project.

Each of the nonstructural measures has the potential to cause adverse effects to historic properties. The Programmatic Agreement executed for the project identifies the process by which USACE will determine which of the participating buildings and structures are historic properties (see Appendix E of the project's Environmental Impact Statement). This process also includes conducting archaeological investigations associated with building and structures determined to be historic properties and for area in which ringwalls are proposed for construction. The investigations, coordination and consultation required by the Programmatic Agreement and any resulting mitigation will be conducted after participating buildings and structures are identified but before any of the nonstructural measures identified below are carried out.

C. STRUCTURE ELEVATIONS

Owners of eligible structures may participate in having their structure elevated.

1. Determining Eligibility: Two Step Eligibility Process

Step 1- Preliminary eligibility: Structures that are included in the Recommended Plan meet the eligibility criteria. As of the date of this Implementation Plan, a structure inventory has been compiled which identifies 4,432 structures in the study area that, based on present information, have been deemed to be preliminarily eligible to participate in the Project. These structures will require additional structure-specific analysis during PED to determine final eligibility.

Step 2 - Eligibility Determination – Investigations: The following is a general overview of Step 2 in the eligibility process for those residential structures meeting the Step 1 eligibility requirement. Additional details concerning the process, what makes up the eligibility criteria, and related requirements will be developed during PED and provided prior to project implementation.

- Once preliminary eligibility is determined, property owners will be asked to grant a temporary right-of-entry to USACE and the NFS to enter upon the property to conduct such property and structural investigations deemed necessary to determine final eligibility for participation in the Project. These investigations may include, structural inspections, surveys, limited environmental testing and site assessments, verifying current elevation and determining elevation requirements, and conducting such other activities deemed necessary by USACE and the NFS to make a final determination of eligibility. A property owner may elect not to participate at any time prior to execution of an agreement for the performance of the nonstructural measure upon the property. Refusal to grant temporary right-of-entry will constitute the election not to participate.
- The property owner shall submit satisfactory documentation as deemed necessary by USACE (to be detailed during the design phase) which may include, but will not be limited to:

    - Proof of Ownership deemed necessary by USACE (including but not limited to a legal description of the property, deed, or a tax assessor's receipt) to identify the names of all of the owners of the property, and provide information regarding the names and addresses of all third party interest holders and any holders of a lien or encumbrance against the property.
    - In instances involving the representation of a person or persons whose signature is required for any document, subordination, or release which may be required to be executed for the Project, either through a trust, agency, succession, partnership, business, or corporation or any other form of representation under law or contract, documentation will be provided along with the title evidence that documents the identity, powers, and authorities of the person or persons authorized to act on behalf of the required signatory.
- The NFS shall conduct title research to confirm the property has clear title; and appraisals that may be necessary.
- An ASTM Phase I Environmental Site Assessment (ESA) and asbestos investigation will be conducted to confirm the absence of HTRW and damaged or friable asbestos or asbestos-containing materials, and, if warranted, additional HTRW investigations and a Phase II ESA will be conducted at the property. If the presence of HTRW, asbestos, or asbestos-containing materials in a damaged or friable form is confirmed on the property, the property owner shall be obligated, at his sole cost and expense, to conduct all necessary response and remedial activities in full compliance with applicable local, state, and federal laws and regulations and provide proof of same before the property can be deemed to have met the eligibility requirements;
- The structure will be evaluated by USACE to ensure that all of the following eligibility requirements are satisfied:
    - The structure can be elevated to meet the target design elevation;
    - Based on a visual assessment, the structure is in a condition that is suitable for elevation without the need for repair or rehabilitation as determined by a professional registered structural engineer. Any repair or rehabilitation necessary to achieve that condition will be at the sole cost and expense of the property owner (see paragraph 5 "Eligible and Ineligible Improvement Costs" below);
    - Implementation of nonstructural measures will not impact threatened or endangered species;
    - Implementing nonstructural measures on the property does not require fill in the waters of the United States and would not result in any impact to wetlands; and
    - The property has not previously received any disaster assistance for the elevation of the structure.

2. **Execution and Recordation of Agreement**

An agreement shall be executed between the NFS and the property owners. The agreement will be binding upon the owners, their heirs, assigns, transferees, and any other successors in interest. The provisions of this agreement will be developed during

the design phase; however, it is anticipated that it will include provisions such as those discussed below, including provisions to allow investigations to determine if a historic property is present, assessment of effect and mitigation of adverse effects in accordance with the project Programmatic Agreement. The agreement will obligate the property owner to expend any and all costs that may be necessary in connection with the elevation of the structure which are not deemed "eligible costs" (as described in paragraph 5); the agreement releases and holds USACE and the NFS harmless for any and all loss, cost, damage, or expense arising out of any claims, including third party claims that arise directly or indirectly from any project-related activity. The agreement will include provisions that would prohibit both the conversion of any part of the structure located below the lowest habitable finished floor for purposes of human habitation, the alteration of the structure in any way that would impede the movement of flood waters under the structure and would prohibit the construction of any new habitable structures on the property that do not meet the requirements of the project. The agreement, as well as any required curative documents, subordination or release agreement(s), shall be recorded by the NFS in the public records of the county in which the property is located prior to commencement of the nonstructural improvements on the property.

The agreement will contain restrictive covenants that run with the land in perpetuity. Among other rights, the agreement will include the right for the NFS and the Government to inspect the property during structure elevation. The agreement, as well as any required curative documents, subordination or release agreement(s), shall be recorded by the NFS in the public records of the county in which the property is located prior to commencement of the nonstructural improvements on the property.

3. Commencement of Nonstructural Improvements

Following eligibility determination, the historic property survey required by the project Programmatic Agreement, and receipt of proof of recordation of the required documentation, elevation of the structure will be commenced. The entire foundation of the structure will be lifted and placed on a new foundation (i.e., columns, piers, posted or raised foundation walls) so that the lowest habitable finished floor is at or above the target design elevation. All utilities and mechanical equipment, including air conditioners and hot water heaters, will also be raised to the required elevation. Property owners may choose to raise the structure, utilities, and/or mechanical equipment in excess of the target design elevation; however costs attributable to elevations in excess of the minimum requirements set forth herein are not deemed eligible costs (described below) and would be performed at the sole cost, risk, and expense of the property owner.

4. Notice of Construction Complete (NCC)

Upon completion of the improvements, an inspection will be performed by USACE and upon final approval by the District Engineer, or his designee, a notice of construction completion will be issued to the NFS and the individual elevation project will be closed out as complete.

5. Eligible and Ineligible Project Costs

Eligible Project Costs: All elevations will require local permits prior to any onsite construction. Only the costs of elevation and foundation retrofitting are eligible costs. No Federal funds will be used to restore, replace, or repair the structure. No additions to the habitable spaces of the structure will be permitted in the performance of the elevation work. Elements of structure elevation work that are deemed to be potentially eligible project costs include: historic property investigations, including mitigation in accordance with the project Programmatic Agreement, design costs; costs of obtaining all required permits (i.e., zoning or land use approvals, environmental permits or required certifications, historic preservation approvals, and building permits), except as identified to be an ineligible item of project cost; costs of title searches (in review of title information submitted by the property owner), surveys, and costs for the following tasks:
elevating the structure;

- raising the roof and extending the walls of a side structure attached to the main structure (i.e., garage);
- raising mechanical equipment (i.e., air conditioner, furnace, water heater, electrical panel, fuel storage, valves, or meters);
- connecting, disconnecting, and extending utility connections for electrical power, fuel, incoming potable water, wastewater discharge;
- meeting access requirements of applicable building codes (i.e., stairs with landings, guardrails);
- creating large vent openings in the foundation and walls to meet requirements for flood water entry and exit;
- in instances where special access improvements (i.e., elevators, lifts, ramps, etc.) may be required (i.e., in the case of physically handicapped or elderly homeowners or occupants) special handicapped access can be considered an eligible improvement cost when documented by the medical certificate of a licensed physician. Multiple special access points may also be eligible for funding where necessary to meet state or local building code compliance;
- removal of any trees which restrict the elevation of a structure;
- site grading and site restoration including restoring landscaping to its preconstruction condition;
- for historic properties, costs associated with the investigations, coordination, consultation and mitigation undertaken in accordance with the project Programmatic Agreement (including such costs to complete associated archaeological investigations, if warranted, preserve the historic façade and character of the building whether through exterior structural modifications, landscaping, lighting, paint, disguising and/or blending of the nonstructural measure with the building, etc.);
- temporary site protection measures during site work; and
- allowable relocation assistance funds for displaced tenants in accordance with Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs of 1970, Public Law 91-646, 84 Stat. 1894 (42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Public Law 100-17, 101 Stat. 246-256. Relocation assistance for tenants may include, among other things, advisory

services, differential housing payments, and reimbursement of costs of moving personal property, rental assistance to supplement the costs of leasing a comparable replacement dwelling, or down payment assistance to purchase a replacement dwelling. (See Appendix E, Real Estate Plan for more detailed information.) Property owners whose properties are voluntarily elevated will not be eligible for benefits in accordance with URA. Tenants of these structures are generally not eligible for benefits in accordance with URA.

Ineligible Project Costs: The costs that exceed that which is necessary to safely elevate an eligible structure are deemed ineligible costs and any such costs remain the sole responsibility of the property owner. These costs may include, among others, costs associated with:

- any structural and system repair due to existing deficiencies;
- modifications or improvements to a septic system except for extension of lines from the raised structure to the existing system;
- cost for elevation above the identified target design elevation;
- modifications to structures that are not attached to the eligible structure;
- modifications to tubs, pools, spas, hot tubs, and related structures or accessories;
- modifications to decks and patios not connected to or immediately adjacent to the structure except for modifications that are expressly required by building codes (i.e., stairways and landing modifications);
- the proper remediation, removal and disposal of environmental contaminants including but not limited to HTRW, asbestos, and asbestos-containing materials in damaged or friable form;
- costs associated with bringing a non-conforming structure into compliance with current building code, housing code, and/or other applicable codes;
- costs associated with special access improvements (i.e., elevators, lifts, ramps, etc.) that are not deemed eligible; and
- improvements to structures not considered the primary residence (i.e., detached garage, shed and/or barns).

6. **Target Design Elevation**

The target design elevation is the final height of structures to be elevated. The Hurricane Sandy Rebuilding Task Force (TF) required that all Hurricane Sandy-related rebuilding projects funded by P.L. 113-2 must meet a single uniform flood risk reduction standard (FRRS) of one foot above the best available and most recent BFE) information provided by FEMA. The base flood is an event that has a one percent chance of occurrence in any given year (commonly known as a 100-year flood). The FRRS takes into account the increased risk to the region from extreme weather events, sea level rise and other impacts of climate change; is informed by the best science and best practices, including assessments taken following Hurricane Sandy; and brings the Federal standard into alignment with many state and local standards already in place. Where Federal, state and local standards exceed this standard, Federal agencies will be guided by the higher standard. The FRRS applies to USACE vertical infrastructure and nonstructural flood proofing projects located in the Sandy recovery area as described by the guidelines presented in Engineering and Construction Bulletin (ECB) 2013-33 “Application of Flood

Risk Reduction Standard for Sandy Rebuilding Projects" (December 17, 2015). New York State Building Codes require that all new or retrofitted construction in floodprone areas have a target design elevation of two feet above the BFE. The target design elevation of all structure elevations is thus two feet above the BFE.

D. FLOODPROOFING

Dry floodproofing consists of sealing all areas from the ground level up to approximately 3 feet of a structure to reduce the risk of damage from storm surge resulting from coastal storms of a certain magnitude, as described in this report, by making walls, doors, windows and other openings resistant to penetration by storm surge waters. Walls are coated with sealants, waterproofing compounds, or plastic sheeting is placed around the walls and covered, and back-flow from water and sewer lines prevention mechanisms such as drain plugs, standpipes, grinder pumps, and back-up valves are installed. Openings, such as doors, windows, sewer lines and vents, may also be closed temporarily, with sandbags or removable closures, or permanently.
Some common floodproofing measures include:

- Backflow valves;
- Closures on doors, windows, stairwells, and vents--they may be temporary or permanent;
- Rearranging or protecting damageable property--e.g., relocate or raise utilities;
- Sump pumps and sub-drains; and
- Water resistant material; metal windows, doors and jambs; waterproof adhesives; sealants and floor drains.

While each eligible structures will be evaluated for the most cost effective nonstructural measure, the government reserves the right to determine which measure shall be implemented at each structure location.

1. Determining Eligibility: Two Step Eligibility Process

The process of determining eligibility would be substantially similar to the process followed above in connection with the elevation of structures. Identification of eligibility criteria and details concerning the process will be developed during PED and provided prior to project implementation. As of the date of this Implementation Plan, a structure inventory has been compiled that identifies 650 preliminarily eligible structures in the study area. Eligible property owners who request application of the floodproofing measures to their structures must provide temporary right-of-entry, undergo similar site and structural assessments, present the requisite documentation, and undergo a structure-specific analysis performed during the design phase that is substantially similar to that which is described above in connection with the elevation of residential structures.

2. Commencement of Improvements and NCC

If a determination is made that a structure is qualified for floodproofing, a scope of work will be developed and the property owner will be required to execute an agreement in favor of the NFS. The agreement will be accompanied by the requisite curative

documents, including, but not limited to any subordinations or releases of interest from third party interest owners, and holders of any liens or encumbrances against the property. The agreement and supporting curative instruments, subordinations and releases will be filed in the records of the Clerk of Court in the county where the property is located and will be binding upon the owners, their heirs, assigns, transferees, and any other successors in interest. The provisions of this agreement will be developed during the design phase; however, it is anticipated that the developed agreement may include provisions such as those discussed below. Each structure that is floodproofed must have an approved sanitary disposal system and be in compliance with local and state health and building codes. The owners of the structure must agree to hold the Government and the NFS harmless for the floodproofing work to be performed on the structure and must allow both entities the right to inspect the properties during floodproofing. Additionally, the agreement will include provisions that would prohibit the conversion or modification of any part of the structure in a manner that would damage or impair the floodproofing work performed on the structure by the project and prohibit the construction of any new structure on the property or modification to the existing structure that is not floodproofed in accordance with the project coastal storm risk management objectives and requirements. After the agreement and associated curative documents are recorded in the public records of the Clerk of Court of the county in which the property is located, and the historic property investigations are completed in accordance with the Project Programmatic Agreement, the floodproofing work will be commenced, completed, inspected by USACE, and after final approval by the District Engineer, or his designee, a notice of construction completion will be issued to the NFS and the individual floodproofing project will be closed out as complete.

E. IMPLEMENTATION METHOD: FEDERAL PROCUREMENT

The traditional method of implementation is generally described in publications of the USACE National Nonstructural Committee and Flood Risk Management Planning Center of Expertise. This method of implementation utilizes a Federal procurement to obtain design and construction contractors for the various floodproofing measures. The Government will procure contracts that will allow a contractor to perform floodproofing work on multiple structures through a series of one or more task orders. The contractor will also be responsible for all work associated with the elevation from approval of the elevation plans for each structure to final inspection.

F. VARIOUS METHODS FOR PRIORITIZING THE NONSTRUCTURAL ELEVATION WORK

1. Determining an Implementation Strategy

This Plan recommends the agreement of a strategy to implement nonstructural measures, to be developed and coordinated through the NFS and local stakeholders. Structures that have been identified as preliminarily eligible as part of the Recommended Plan are located across the study area. In order to effectively implement the Recommended Plan, clusters of eligible structures that represent the highest risk for storm surge damages (i.e. those with a MFE below the current ten percent water surface elevation) would be

identified and prioritized for construction. Individual structures would be addressed based on a ranking of risk from highest to lowest within the cluster. The ranking of individual structures would be revisited as elevation work is completed, as additional funding is distributed, and as new clusters are identified. Addressing groups of structures within a small geographic area would be more cost-effective, efficient, and would also allow for a more strategic methodology for applying nonstructural measures to at-risk structures. Additional work on this process would occur during the design phase of the Project.

Any structure scheduling or prioritization will be subject to the availability of Federal funds. The locations for scheduling or prioritizing the implementation of nonstructural work will be determined during PED but will be fully assessed for implementing the nonstructural plan in an efficient and cost-effective manner. Some of the methods for scheduling or prioritizing nonstructural work that will be considered as part of the prioritization process are as follows; however, additional methods of scheduling or prioritizing such work will also be considered for the priority locations to implement the nonstructural plan

Clustering
The eligible property owners in a contiguous neighborhood or subdivision (i.e., small scale area) would be targeted for priority in nonstructural plan implementation. A focus on clustered properties would create a ranking hierarchy of which properties to address first. The size of a cluster would need to be defined but would consist of an area where multiple eligible structures would be constructed simultaneously. This approach would rank efficiency as the main factor in determining which eligible properties should be prioritized.

Risk-Level
Within the clustered area, structures of various risk levels would be identified. In such cases, the focus would be on willing property owners that exhibit the highest risk for flood damages. For example, if 100 property owners execute agreements within the clustered area, the property owners who reside in the 50 percent floodplain would be prioritized for construction over those located in the 25 percent floodplain. Once these properties are elevated, the next highest-risk properties would be targeted. This approach couples risk exposure and clustering to determine which eligible properties should be prioritized.

G. OPERATIONS, MAINTENANCE, REPAIR, REHABILITATION, AND REPLACEMENT (OMRR&R)

For all structure types, OMRR&R costs are expected to be ‘de minimus’ and will be confined to regular, periodic surveys and site visits of structures where nonstructural measures have been applied in order to determine that the requirements of the OMRR&R Manual are being met. Costs for these efforts have not been calculated as part of NFS OMRR&R responsibilities. Once the nonstructural measures have been implemented and NCC’d, the owner of the property will be responsible for all cost and risk of maintaining, repairing, rehabilitating and replacement the floodproofing measures that were utilized for the subject property. A draft OMRR&R Manual shall be provided to the NFS as early as possible in the period of implementation because USACE will issue a NCC for each floodproofed structure once the floodproofing is complete. At the time of the issuance of an NCC, the NFS’s obligations for operation and maintenance for the subject structure or

lands commences. Floodproofed structures may be considered a separable element and functional portion of the Project. The NFS is responsible for the enforcement of the provisions of the agreement executed by the owners of property benefiting from the nonstructural measures and for enforcement of the requirements of the OMRR&R Manual, including by not limited to, compliance with the requirements of Section 402 of the Water Resources Development Act of 1986, as amended. Upon NCC for a given structure or contract, the USACE will furnish to the NFS a final OMRR&R manual addressing, among other things, the NFS responsibility for enforcement of terms of the floodproofing agreement, as well as other OMRR&R requirements.. The NFS shall conduct periodic inspections at the intervals specified in the OMRR&R Manual to ensure that the owners, their heirs, and assigns, are in compliance with the terms and conditions of the executed agreements and shall provide written certifications to USACE that the structures and lands have been inspected and that no violations have been found. Regarding the elevated residential structures, the inspections will determine among other things, that no part of the structure located below the level of the lowest habitable finished floor has been converted to living area for human habitation, or otherwise altered in any manner which would impede the movement of waters beneath the structure; that the area below the BFE is being used solely for the parking of vehicles, limited storage, or access to the structure and not for human habitation; that mechanical, electrical or plumbing devices have not been installed below the BFE; that the property is in compliance with all applicable floodplain ordinances and regulations. USACE shall have the right, but not the obligation, to perform its own inspections of the floodproofed structures pursuant to the Project.