Appendix A
SCOPING FOR THE EWP PEIS

Council on Environmental Quality regulations at 40 CFR 1501.7 state that: *There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed scoping.* As part of the scoping process the lead agency is required to invite the participation of affected Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons (including those who might not be in accord with the action on environmental grounds. The lead agency is to determine the scope and the significant issues to be analyzed in depth in the environmental impact statement. As part of the scoping process the lead agency may hold an early scoping meeting or meetings which may be integrated with any other early planning meeting the agency has.

This appendix documents the scoping process conducted for this EWP PEIS. It describes the major issues identified in discussions with NRCS staff, other agencies, voiced in scoping meetings, and submitted by other means. The first section describes agency comments made at a number of meetings held at NRCS headquarters and at locations around the country. The second section describes the formal comments made by the public, other agencies, and other organizations at six formal scoping meetings. The last section identifies other programs of NRCS and of other agencies that are related to the Emergency Watershed Protection program and that are particularly relevant to the definition of the Prioritized Watershed Planning and Management alternative.

A.1. AGENCY SCOPING FOR THE EWP PEIS

This section tabulates and summarizes the comments made by NRCS personnel and by personnel from other agencies during NRCS scoping on the EWP PEIS. Comments were made during working sessions held in conjunction with the formal public scoping meetings in Kansas City, Atlanta, Sacramento, Minneapolis, Albany, and Washington, DC. The report also incorporates comments made by the EWP PEIS project team, which reviewed the issues discussed during scoping. Because the discussion of floodplain easements touched on numerous concerns about applicability and feasibility and issues in implementation, the floodplain easement topic is addressed in a number of subcategories. The other categories were not subdivided. Tabulation of internal scoping comments is provided in Attachment 1 to this report.

A.1.1 Floodplain Easements

Most of those who commented on the issue of purchasing floodplain easements supported their use, but many commenters noted potential constraints and problems associated with their implementation. Commenters suggested that easements are more appropriate as a preventative tool or as an alternative to engineering solutions, especially where repeated use of engineering solutions has been unsuccessful. Commenters also suggested that the policy on increasing floodplain easements should be clarified, that their use would require additional funding and staffing, and that their use where there are residences should include relocation of residents.

Other comments on purchasing floodplain easements included focusing purchases in flood-prone areas, purchasing contiguous plots of land to avoid a patchwork system, relocating residents, eliminating Category 1 of the proposed action, and purchasing cropping and development rights along with easement purchases.

A.1.1.1 Applicability as a Recovery Tool

Commenters generally supported the use of easements, although some questioned whether or not they could be considered true recovery tools because they do not repair watershed impairment on a short-term basis. Another commenter suggested that easements could be considered recovery tools in a broad sense because they allow farmers to recoup some financial losses.

A.1.1.2 Funding of Floodplain Easements

Commenters questioned why only a 15 percent funding appropriation was proposed and suggested pooling funds from several agencies to purchase easements.

A.1.1.3 General Policy on Use of Easements

Commenters noted that current policy does not provide sufficient guidance on the use of floodplain easements, specifically, on what criteria trigger use of easements, the applicability of repeated flooding as a trigger, and what cost/benefit considerations apply. Others noted that floodplain easements do not fit in the EWP mandate to relieve imminent threats to life and property.

A.1.1.4 Easements Used as a Preventative Tool vs A Recovery Tool

Suggestions included setting up the floodplain easement program as both a preventive tool to reduce risks before disaster events and as a recovery tool. The program would be used as a recovery tool if the environmental, social, and economic situations warranted purchasing the easement rather than fixing the impairment. The program would be used as a preventive tool to prevent potential future cost burdens to society. Easements would be purchased only in agricultural areas unless relocation and structure removal are made part of the program.

A.1.1.5 Easement Program Staffing Requirements

Commenters noted that purchasing easements would increase the burden on NRCS staff. They recommended hiring additional staff dedicated to EWP and asked whether the EWP Program would have to employ a land management company to manage the easements.

A.1.1.6 How and When Easements Can or Should Be Purchased

Suggestions for criteria to specify when to purchase easements included using easements in flood-prone areas, after repeated failure of engineering solutions, and in certain low relief and developed areas only if set-back levees are used, and purchasing contiguous floodplain areas so as not to leave a patchwork of easements.

A.1.1.7 Problems Accompanying Use of Easements

Commenters noted the need to specify easement responsibilities, including clean-up of current site problems, future O&M, and payment of taxes. Others suggested that individual easement purchase may conflict with rights of other floodplain users since allowing the watershed impairment to exist may jeopardize other properties.

A.1.1.8 Floodplain Easements and Residences

A number of commenters suggested that the program should address situations where residences are at risk and that relocation of residents should be an option. Others cautioned that the greatest emphasis should be placed on keeping people from building in flood-prone areas by planning and zoning restrictions.

A.1.1.9 Easements and Cropping

Commenters recommended eliminating the most restrictive easement category because surveying would not be required (only a buffer strip would be needed), and other NRCS programs do not have such separate categories. Others were concerned about purchasing cropping and development rights. One suggested that the total societal benefits should be considered in evaluating the cost/benefit of an easement purchase.

A.1.2 Exigency and Non-Exigency Terminology

Comments on eliminating the terms “exigency” and “non-exigency” were varied. Those who supported the present terminology expressed concern that other federal and state permits contain the term “exigency” and that the term speeds up emergency response. Comments supporting eliminating the terms suggested that replacing “exigency” with “urgent and compelling” would speed up the emergency-response process. Other commenters noted that their states had trouble dealing with exigency situations because of a lack of staff, equipment, and project deadlines.

A.1.3 Limited Resource Sponsors’ Cost Share Rates

Comments on increasing the cost share rates for limited resource areas were generally favorable to the proposed action. Concerns included the expected difficulty in defining what a limited resource sponsor is, the heavy workload burden on staff, and an anticipated increase in the total number of project sites. One commenter suggested leaving the cost share rate at 75%/25%, citing the likelihood that most states would continue to provide funding for areas that have limited resources.

A.1.4 Economic, Environmental, and Social Defensibility

Commenters on economic, environmental, and social defensibility suggested that an archeologist be involved in pre-planning meetings and, when needed, on site. One commenter suggested that consideration of state-listed sensitive and endangered species slowed response in emergencies.

Another suggested that upgrading the environmental defensibility of the program was necessary and to do this, the review process would need to provide more backup documentation.

Implementing bioengineering practices during the emergency process when feasible was also suggested. This raised the concern that bioengineering is more costly in some areas of the nation than in others. Another commenter questioned why EWP did not allow a degraded area to be improved.

Some commenters suggested that a national database be set up at NRCS headquarters to help track EWP projects. The database should include GIS, fund tracking, efficacy of the installed practice, costs, and benefits. Another commenter suggested using Newton pads for DSR completion. The DSRs should cover T&E species, cultural resources, and environmental issues.

A.1.5 Immediate Handling of Urgent and Compelling Situations

Comments were made supporting handling urgent and compelling situations immediately and making available a $25,000 emergency fund to speed up the emergency-response process. Commenters expressed concerns about the general oversight of the emergency fund, the definition of an emergency, and how to obtain land rights in an emergency situation.

A.1.6 Allow Non-Profit Organizations to Sponsor Floodplain Easements

Commenters generally approved of the proposed action of allowing non-profit organizations to sponsor floodplain easements, citing benefits to education, environmental stewardship, and a reduced NRCS workload. One commenter suggested that such sponsorships were not needed because the landowner/farmer could monitor the easement. Concerns with this topic included setting up sponsorship criteria and determining O&M responsibilities.

A.1.7 Use DART to Train NRCS Employees

Commenters supported the proposed action, citing better emergency preparedness. Several commenters suggested that the training staff should include environmental, cultural, economic, contract, and engineering personnel. The training should involve information on contracts, the environment, floodplain easements, and policy.

A.1.8 Coordination of EWP Program with Other Programs and Agencies and Support of Pre-Disaster Planning

Comments on coordination of the EWP program indicated that interagency coordination and advance planning are essential in the emergency-response process, that red tape bogs down the process, and that permits need to be issued faster and more easily. T&E species and permitting issues should be handled in these pre-emergency interagency coordination meetings. Some

concerns about the use and misuse of the 400-mi^2 standard were voiced. Commenters stated that the pre-disaster planning process needs to be better staffed and to include public outreach to address environmental justice.

A.1.9 Impacts Analysis the PEIS Should Address

Several commenters described content they believe should be included in the PEIS analysis. These suggestions included assessing the cumulative impacts of the EWP practices on the environment, addressing environmental justice, determining what an in-kind match consists of, relating the program to nationwide permits, and addressing the level of analysis that is needed to assess the program accurately. One comment addressed project accountability. It was also suggested that the PEIS include a list of eligible projects.

A.1.10 EWP Project Staffing and Contracting

Suggestions were made that NRCS staff members doing EWP work be paid by EWP funds. Staffing budgets are often depleted during emergencies and other duties have to be put off until the following budget cycle. Commenters also suggested that contracting be done at a local level to help alleviate some of the administrative burden of the EWP Program and to help secure the commitment of the local community. One participant pointed out that some counties and districts are not equipped to administer contracts. Another suggested keeping trained contractors on retainer. Several commenters indicated that they felt that the current program was staffed as a temporary program with temporary staff. They pointed out that an emergency occurs somewhere in the nation at any given time and the program needs to be prepared for it.

A.1.11 EWP Eligibility Criteria

Commenters suggested expanding the eligibility criteria to include roadwork, drainage ditches, and PL534 and PL566 structures. Other suggestions included revising the work period to two years from the date of application or disaster and allowing single landowner windfall benefits. One commenter recommended that bridge protection should not be carried out because of a lack of expertise.

A.1.12 Other EWP Program Recommended Changes

Suggestions included the need for cross-state consistency, wetlands investigation by experts, and stricter enforcement of schedule deadlines. Others recommended allowing sponsors to appeal decisions on a national basis and that O&M agreements not be required on projects involving debris removal, log jams, and other non-structural solutions.

Table A.1-1: Scoping Comments by Category and Location

			Kansas City	1.2 Atlanta	Sacramento	1.3 Minneapolis	1.4 Albany	Washington DC	2nd Project Team	E-mail #1	E-mail #2
Comment Category	**Sub-category**	**Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)**									
Floodplain Easements	Applicability as a Recovery Tool	Use floodplain easements as a tool for recovery (Support proposal).			X				X		
		Support the purchase of floodplain easements [use in recovery or prevention not specified]. Floodplain easement buyout option should be in a natural resource manager's toolbox.	X	X	X	X	X	X	X		
		EWP should emphasize easements first, repair last.									X
		Floodplain easements could be considered recovery tools in a broad sense because they give landowners money to recover financially from a disaster.							X		
		Floodplain easements do not buy real watershed impairment recovery on a short–term basis. If scour and erosion continue, it is not a true recovery tool.							X		
		NRCS should market the program as a sound alternative to repetitive engineering projects for dealing with emergencies.				X					
		Easements might be used as a substitute for low cost/benefit ratio projects where the alternative is a decision to do no project.							X		

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Comment Category	**Sub-category**	**Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)**									
		If floodplain easements are allowed as a recovery tool in the EWP program, the total number of projects would likely increase so the total impact of the program would also increase.							X		
	Funding of Floodplain Easements	Dedicate 15% of appropriated funds to the purchase of floodplain easements (Support proposal).						X			
		Why would only 15% of appropriated funds be dedicated for easement purchases? Why not fund them as much as is needed?					X				
		Can FEMA, EWP, FWS, and other agency funds be pooled to purchase large areas of floodplain?						X			

Table A.1-1: Scoping Comments by Category and Location

			Kansas City	1.5 Atlanta	Sacramento	1.6 Minneapolis	1.7 Albany	Washington DC	2nd Project Team	E-mail #1	E-mail #2
Comment Category	**Sub-category**	**Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)**									
	General Policy on Use of Easements	Floodplain easement program is not clearly understood. Need to develop policy on floodplain easements. Who, where, and what will it protect? Floodplain easement program needs clarification of requirements and guidelines for implementation in EWP handbook.							X		X
		Need to specify the EWP policy on floodplain easements (cost beneficial, purchase if it is cropland and has flooded at least twice in the previous ten years).							X		
		Floodplain easements do not fit the EWP program (because they do not alleviate an immediate threat to life or property).							X		
		EWP should be allowed to purchase easements if the purchase aids in retarding runoff, prevents soil erosion, safeguards lives and property, protects the land from the products of a disaster.							X		

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			Kansas City	1.8 Atlanta	Sacramento	1.9 Minneapolis	Albany	Washington DC	2nd Project Team	E-mail #1	E-mail #2
Comment Category	**Sub-category**	**Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)**									
	Easements as a Preventative vs. Recovery Tool	Use floodplain easements as a preventative tool to reduce risk before disaster events.				X		X			
		Floodplain easements need to be set up in both preventive and recovery programs. In the recovery program, they would be used if the environmental, social, and economic aspects warrant buying the easement rather than fixing the watershed impairment.							X		
		Both types of easements could be accommodated in the EWP program for somewhat different purposes and timing. A recovery easement should be purchased within 60 days. A preventative easement should be purchased within 1 year of a presidentially- declared disaster.							X		
		Preventative easements would apply only to agricultural areas unless relocation and structure removal are made part of the program.							X		
	Easement Program Staffing Requirements	Easement purchase would require burdensome administrative work and monitoring. (Can EWP use the same process as WRP?) Will EWP have to hire land management contractors?	X			X			X		
		Hire an NRCS staffer to run the easement portion of the program.		X							

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Comment Category	**Sub-category**	**Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)**									
	How and When Easements Can or Should be Purchased	NRCS should concentrate on purchasing easements in certain flood-prone areas. Try not to leave a "patchwork" area. The easement buyouts will be more effective in dealing with watershed impairments in the long term if large contiguous floodplain areas can be acquired.	X			X					
		Easement purchase should be an option in the third year if emergency repairs have been required at the same site in two successive years.	X								
		Floodplain easements would be of use in some areas only if setback levees are used. Some areas are too flat or too developed to allow unrestricted flooding. Some California areas are now flooded in winter and farmed in summer.			X						
	Problems Associated with Use of Easements	Need to specify the future responsibilities associated with an easement purchase (preventing future flooding and erosion). Who will clean up existing problems, e.g., underground storage tanks?					X		X		
		It does no good to have an easement on only one side of a stream – it violates the rights of other landowners. (These situations would be less of a problem if local codes that restrict building in the floodplain were enforced.)						X			

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Comment Category	**Sub-category**	**Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)**									
		Easements will not be popular because landowners do not want to manage or pay taxes on the easement.	X								
	Floodplain Easements and Residences	NRCS should work jointly with the State Highway Administration to purchase and relocate residences.						X			
		It is a problem if EWP can buy homes but cannot relocate households.						X			
		Shouldn't EWP be relocating people? How many people are not being helped if EWP does not relocate them?							X		
		EWP should not relocate people unless it is the least-cost alternative.							X		
		It does no good to buy an easement unless someone will move the buildings and property [improvements].							X		
		Do not use EWP funds on projects to protect private dwellings if people decide to build in an inappropriate area.								X	
		Try to discourage people from building in the floodplains by changing planning and zoning laws.		X						X	

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Comment Category	**Sub-category**	**Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)**									
	Easements and Cropping	Eliminate Category 1 of the easement program and surveying will not be needed; only need a certain width buffer for Categories 2 and 3.							x		
		Cropping and development rights should be purchased along with the easement.							x		
		Cropping rights can be purchased only if the land has been cropped for 3 of the past 5 years.							x		
		Eliminate Category 1 (most restrictive) of the floodplain easements and just require buffer strips. (There currently are no separate categories in EWRP or WRP programs.)	x								
		The benefits of purchasing a floodplain easement should be based on the sum of CRP, restoration, insurance, etc. savings (increase societal benefits).							x		

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Comment Category	**Sub-category**	**Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)**									
Exigency and Non-Exigency Terminology		(3) Eliminate the use of the terms "exigency" and "non-exigency" (Support proposal).							X		
		Currently, nationwide and other state or federal permits contain the term exigency. If the term is changed, permitting agencies would need notification to make corresponding changes.	X				X				
		Currently some projects that are identified as exigencies go beyond 30 days. These may not be true exigency situations.	X								
		Should just call everything an emergency and complete the project within 220 days or get an extension; the extension should not be more than 2 years.		X							
		Replace terms with "urgent & compelling."			X				X		
		Elimination of terms would enhance emergency response due to current program requirements for sponsors and agency coordination.			X	X					
		The term exigency speeds up the emergency process because of allowance for accelerated contracting.					X				
		Have trouble with true exigency situations because of a lack of equipment and staff.				X		X			

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Comment Category	**Sub-category**	**Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)**									
Limited Resource Sponsors' Cost Share Rates		(4) Cost share rate should include a 90%/10% split for limited resource entities. (Support proposal)	X		X	X			X		
		State governments routinely provide extra funds when needed. Leave the cost share rate at 75%/25%.						X			
		Changing the cost share rate to 90%/10% split would put an extra burden on state agencies to identify limited-resource sponsors.	X								
		The phrase "limited-resource" is too nebulous. All areas are limited in some form of resource. (How do we define limited-resource entities? The phrase needs to take into account economic, social, and environmental issues.) Limited-resource sponsors may also be limited in terms of project implementation and program knowledge.	X	X	X	X	X	X	X		
		A sliding scale based on economics may be an alternative to deal with cost sharing for limited-resource entities. (The scale would vary the cost share from 10% to 25% depending on the per capita income of the community and adjust for the cost-of-living index.)					X				

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Comment Category	**Sub-category**	**Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)**									
		Changing the cost share rate to 90%/10% would have many effects. It would increase the total number of EWP projects, shift the location of sites, increase the workload, increase sponsor requests, avoid state cost-share involvement, cause a debate on rate qualification, generate more economic development on a local scale, and meet NRCS goals.							X		
Economic, Environmental, and Social Defensibility		(5) Stipulate that measures be economically, socially, and environmentally defensible to be installed, and identify criteria to meet those requirements. (Support proposal)							X		
		An archeologist should be involved in pre-planning and on-site when necessary (would document significant effects more often).			X		X	X			
		The concept of least-cost should be defined to include total costs. These costs should include environmental, social, and economic costs, not just the project construction costs.									X
		Program should implement the use of bioengineering, natural stream dynamics, and natural techniques where appropriate.	X		X	X		X	X		X
		Bioengineering is much more costly than rip-rap.	X								

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Comment Category	**Sub-category**	**Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)**									
		A combination of rip-rap and bioengineering should be used. Use rip-rap on the lower bank and bioengineering where velocities are lower.	X			X			X		
		Why can't NRCS EWP projects restore the site to better than pre-disaster conditions?	X								X
		Upgrade defensibility with an enhanced environmental review process that provides more backup documentation.							X		
		A national database should be set up at headquarters that deals with tracking watershed projects. Database needs to include GIS, fund tracking, and whether or not the installed practice worked.		X		X					
		A DSR needs to be completed for every site. The new DSR needs to cover T&E species, and cultural, and environmental issues.							X		
		A national database needs to be setup to address the costs ad benefits of EWP projects. Currently this section of the DSR is narrative. It needs to be in a form that can be easily tabulated. Newton pads should also be used in the field to fill out DSRs.				X			X		

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Immediate Handling of Urgent and Compelling Situations		(6) Stipulate that urgent and compelling situations be handled immediately upon discovery. (Support proposal)	X	X		X					
		DSR needs to be completed both for urgent and compelling work and for any additional work that is done. (Cultural resources and T&E species need to be addressed immediately after the urgent and compelling situation is remedied.)							X		
		Land rights may become an issue in urgent and compelling situations (cannot proceed unless NRCS has permission to be on the site).							X		
		[Other than obvious urgent and compelling emergency situations] a clear definition of what constitutes an EWP program emergency needs to be provided in EWP documents.					X				
		Provide $25,000 in funding for exigency [urgent and compelling] situations up front. This would alleviate the problem of waiting to start a project (speeds up the benefit process).				X	X		X		
		Who will have the responsibility of overseeing the $25,000 up-front funding?					X				

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Allow Nonprofit Organizations Floodplain Easements Sponsorship		(7) Allow organizations certified by the Internal Revenue Service as 501c organizations to sponsor floodplain easements. (Support proposal) [They could help with education, stewardship, getting easements, etc.]			X	X	X				
		Sponsorship by non-profits is not needed [because they would not fill a necessary role].						X			
		Groups such as the Nature Conservancy may wish to purchase easements.	X								
		Concerned about the ramifications if non-profit sponsors do not provide the O&M on the easements.	X								
		O&M agreements on floodplain easements are not necessary unless you have an agreement with a sponsor because no one will do it. (Current policy states that an agreement is required for all EWP projects.)							X		
		In an urban area, sponsorship is needed. In an agricultural area no sponsors are needed because the landowner/farmer can monitor the easement.						X			
		Sponsorship does mean that O&M is included in the agreement.		X							

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Use DART to Train NRCS Employees		(8) Use disaster-assistance recovery teams to train NRCS employees (Support proposal) [Pre-disaster planning should be stressed].			X	X	X		X		
		Training should involve information on setting up contracts, policy, floodplain easements, and emergency preparedness. Training should be broad.	X		X	X					
		Proposed training should include environmental, social, economic, investigative, contract, and engineering personnel.							X		
Coordination of EWP Program with Other Programs and Agencies [and Support Pre-disaster Planning]		(9) Evaluate ways to improve coordination between EWP and other emergency programs (Support proposal).	X	X	X	X	X	X	X		
		Corps of Engineers and Fish and Wildlife Service bureaucratic red tape bogs down emergency program.	X		X						
		Review by state agencies with responsibility for state-listed sensitive and endangered species delays recovery projects in non-exigency situations.					X				

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Comment Category	**Sub-category**	**Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)**									
		Interagency coordination between FEMA, NRCS, COE, etc., is crucial in the emergency process. Programs need to identify specific work areas (i.e., FEMA-urban, EWP-tributaries, COE-larger rivers). Agencies need to be on site.	X	X	X	X					X
		Too much emphasis is placed on the 400 square mile standard. If it is emphasized it should be well defined.	X	X	X						
		Other groups besides NRCS should participate in pre-disaster planning. Do mock disaster drills.						X	X		
		A pre-disaster planning meeting between all emergency management agencies needs to take place.		X							X
		Permitting needs to be faster and easier. Need to get into agreement with various agencies on permitting. Handle permitting in pre-disaster planning.		X	X				X		
		Pre-disaster planning needs to include public outreach and education about the program so that environmental justice can be included in decisionmaking (use district conservationist to help inform the public).							X		

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Comment Category	**Sub-category**	**Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)**									
		EWP should fund half of a position in each state to help deal with pre-disaster planning.		X							
		Interagency planning occurs every two months in Minnesota. This has created a close working relationship with COE, USF&WS, etc. Permits have been issued in a timely manner due to this.				X					
		Critical areas and T&E species should be mapped by USF&WS				X					
PEIS Impacts Analysis Should Address		Level of decisionmaking in the PEIS should be based on national, state, and site levels.							X		
		PEIS should address how the program relates to the Army Corps nationwide permit.	X								
		A clear list of the eligible projects within the EWP program needs to be included in the PEIS. (Currently a large percentage of funds are spent on roadwork in some states.)		X			X		X		
		EWP response for new construction in floodplains needs to be addressed. There should be some type of "categorical exclusion" on structures eligible to be considered for protection. The program should not be fixing streambanks and levees for continued floodplain development so a cutoff date should be established.									X

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Comment Category	**Sub-category**	**Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)**									
		Assess the cumulative impacts of all projects on the environment. Emphasis should be placed on value and function. (These should include biotic as well as hydraulic considerations.)			X		X				X
		Address environmental justice/cultural resources. Pre-planning needs to include information on income, cultural resources, etc., so that project directors can determine up front whether or not environmental justice needs to be considered.			X		X				X
		PEIS needs to address what in-kind match consists of (should include planning and design as well as construction).			X		X				
		Can the PEIS compare the impacts of rip-rap versus floodplain easements? We do not rip-rap agricultural land and currently the easement pilot project does not have monitor impacts.							X		
		PEIS needs to address accountability of projects. Set up a database to accomplish this. Changing to a more accountable system would cause an additional workload, identify programmatic problems quicker, and better identify outcomes and benefits.							X		

Table A.1-1: Scoping Comments by Category and Location

			Kansas City	Atlanta	Sacramento	Minneapolis	Albany	Washington DC	2nd Project Team	E-mail #1	E-mail #2
Comment Category	**Sub-category**	**Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)**									
EWP Project Staffing and Contracting		NRCS staff members doing EWP work should be paid by EWP funds. (A consultant could be hired to take care of problem areas. This would free up staff to perform their regular functions.)		X							
		Concerned about staff shortages.				X					
		The current program is managed as if it were a temporary program with temporary staff requirements. But there is an emergency program occurring somewhere in the nation at this time, therefore [permanent] staffing needs to be addressed.		X	X						
		Current contracting process has a very slow turn-around.							X		
		Proposed contracting methods would emphasize local contracting, shift the administrative burden, and free NRCS staff from EWP to support other programs.							X		
		Not all counties/districts are equipped to deal with local contracting.			X			X			
		Local contractors are used frequently in California. This helps secure the commitment of local communities.			X						

Table A.1-1: Scoping Comments by Category and Location

Comment Category	Sub-category	Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)	Kansas City	Atlanta	Sacramento	Minneapolis	Albany	Washington DC	2nd Project Team	E-mail #1	E-mail #2
		Should have contractors set up on retainer to do EWP work. (This would help with the potential NRCS staffing problem) The contractors should be trained by DART.				X					
EWP Eligibility Criteria		Limit emergency work and fund obligation periods to two years from the date of disaster or the date of application. (The current 220 work days are not enough in a situation where debris needs to be cleaned out of a stream before the levees can be repaired.) Urgent and compelling situations would allow for immediate construction. Some of the lower priority projects may not get done because of this change.	X						X		
		Some dirt roads, which provide access to low-income communities, are not covered by any other program. Why shouldn't EWP cover these? This situation would be a threat to life and property.		X							
		If a road isn't covered under ERFO or ER it can be repaired but no maintenance is allowed.							X		
		Unstable channels and ephemeral waterways should be added to the list of impairments caused by fires.									X

Table A.1-1: Scoping Comments by Category and Location

			Kansas City	Atlanta	Sacramento	Minneapolis	Albany	Washington DC	2nd Project Team	E-mail #1	E-mail #2
Comment Category	**Sub-category**	**Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)**									
		Minnesota has trouble with drainage ditches. If they were not taken care of, crop losses would hit 20–30%. This activity should be allowed in EWP.				X	X				
		Do not consider repairs/debris removal to be windfall benefits to a single landowner. Make benefits available to a single landowner.					X		X		
		Bridge protection should not be done due to the lack of expertise, the fact that it is a Band-aid® approach, and for liability concerns.					X				
		Make 534/566 structures eligible for assistance.							X		
		Focus funds on areas where they will do the most good--areas that flood year after year.						X			
Other EWP Program Recommended Changes		Need an ID team to investigate wetland issues.	X								
		O&M agreements are currently required on all projects but should not be required on projects that involve debris removal, log jams, etc.							X		
		Allow sponsors to appeal problems on a national level.							X		
		Cross-state consistency, with local flexibility is important in the program.	X		X						
		Enforcement of schedule deadlines is lax.					X				

A.2 PUBLIC SCOPING FOR THE EWP PROGRAM PEIS

This section tabulates and summarizes the comments on the EWP Program received by NRCS at the six public scoping meetings and through mail, telephone, and e-mail during the public scoping period for the EWP Programmatic Environmental Impact Statement.

A total of 264 individual comments were received from 54 agencies, sponsor, and consulting firm representatives who submitted comments by letter, e-mail, telephone and at public scoping meetings. Table A.2-1 lists the affiliation of the 54 commenters by communication mode. Table A.2-2 lists the comments received through the public scoping process by major category and subcategory and tabulates comments by subcategory and source. It also lists, in coded form, the identification of each commenter and the number of comments in each category received through the various modes of communication. Comments within each major category were tabulated according to whether the commenter supported the proposed action item or had concerns about the item. Both tables can be found at the end of the text in this section.

The comments were grouped into 11 major categories. These categories include the nine original proposed action alternative changes in the Notice of Intent, with NOI-listed proposals 1 and 2 combined under the floodplain easements category, and six additional categories that did not fall within the scope of the NOI-listed proposed action items:

- Permanent watershed management solutions
- General alternative preference
- Issues for the PEIS impacts analyses to address
- Project staffing and contracting concerns
- Expanded eligibility criteria
- EWP project efficacy and effects monitoring.

A.2.1 Floodplain Easements

Those who commented on the use of floodplain easements in the EWP Program generally favored their use. They expect easements would improve riparian and aquatic habitats and the economic and technical soundness of the program, and would provide a longer-term solution to deal with flood-prone areas. A commenter who expressed concern about the use of floodplain easements suggested that in some areas of the country, such as California, floodplain easements may not be feasible. Reasons cited for this opinion were that letting a flooding stream meander unchecked through an area that uses setback levees would have a multitude of impacts; easements could affect neighboring properties by reducing land values, potentially introducing threatened and endangered species; and preventing flood waters from receding quickly, once an area is thick with vegetation, could create impacts. Another commenter suggested that the EWP Program should allow some level of funding for the maintenance of the easements, citing potential problems outside the easement if no maintenance is done.

One commenter recommended extending easements to urban areas. Others urged speeding the purchasing process to take advantage of land that comes on the market, informing the seller of tax implications, coordinating easements with other federal programs, and using local determinations for elevations and valuation of the land.

The comments also generally favored appropriating 15 percent of EWP funds annually for the purchase of floodplain easements. Several commenters suggested that the success of the pilot project indicates that a percentage greater than 15 percent should be considered. One commenter questioned the basis of the 15 percent funding level, arguing that the percentage funded should be based on what percentage of EWP work can successfully be dealt with using floodplain easements instead of traditional methods. Another commenter asked who would actually own the easements and NRCS becoming a substantial land-owning agency.

A.2.2 Exigency/Non-Exigency Terminology

The commenters who addressed the terms exigency and non-exigency suggested that the terms be replaced with a more understandable phrase as long as the new terms are well defined and do not slow down or inhibit the emergency-response process. One commenter expressed concern that the EWP Program would lose its usefulness if the definition of exigency were tightened. Another urged that immediate emergency work be allowed only when projects are true exigencies because the term has been applied much too broad.

A.2.3 Limited-Resource Sponsors Cost-Share Rates

The comments submitted on the issue of changing the cost-share rate to 90 percent NRCS to 10% sponsor for limited-resource sponsors were generally supportive of the proposal. The positive comments cited the fact that many county and small governmental unit budgets are overwhelmed with day-to-day operational and maintenance issues. When an emergency arises, the work on many of these programs is put aside to handle the emergency. If the sponsor-required contribution is reduced, the day-to-day work might not be disrupted to such an extent. Many commenters did raise concerns that what constitutes a limited-resource sponsor be defined clearly, fairly, and objectively and that several examples be included in the PEIS. One commenter stated that the 75 percent cost-share rate is the same as FEMA's cost-share; therefore the current 75/25 rate should be maintained.

A.2.4 Economic, Environmental, and Social Defensibility

Many comments dealt with the stipulation that measures be demonstrably defensible, economically, socially, and environmentally. Most of these were related to environmental defensibility. The commenters suggested that for the installed EWP measures to be environmentally defensible, the measures need to take into consideration threatened and endangered species and shallow-water habitats for fish, wildlife, and invertebrates. A comment at the California meeting suggested that where the installed measures were found to be not completely defensible environmentally, EWP funds should be made available for mitigation

work. This commenter stressed that protecting life and property is the crucial role of the EWP Program. A second commenter expressed concern about what environmentally and socially defensible means. He stated that definitions of these words have made other Federal programs practically useless in an emergency because they slowed the process of dealing with the emergency situation.

The discussion of economic defensibility followed a similar pattern. Commenters suggested that the proposed changes in the EWP Program would improve the economic soundness of the Program. A written comment supported the need for economic defensibility, but suggested that the economists doing the project analysis should be trained in natural resource economics to ensure that proper weight be given to environmental costs in the cost-benefit analysis. Another participant suggested that the economic feasibility of a project be based upon a least-cost-plus-risk method rather than a simple cost-benefit analysis. EPA recommended that the NRCS consider alternative-funding mechanisms in cases of recurring requests; for example, the Federal cost-share could be reduced to less than 75 percent for second and subsequent projects that deal with watershed impairments in the same location.

Comments on the socially defensible category were in support of the proposal. One commenter did suggest that all of the defensibility categories have clearly defined criteria to evaluate them.

A.2.5 Immediate Handling of Urgent and Compelling Situations

Comments submitted about handling urgent and compelling situations immediately were supportive. The comments suggested that by handling emergency situations quickly, potential adverse effects on the environment would be minimized.

A.2.6 Allow Non-Profit Organizations to Sponsor Floodplain Easements

Most of the comments concerning non-profit organizations' sponsoring floodplain easements supported the proposed action. The comments cited improvements in the use of habitually flooded areas for recreation, habitat, threatened and endangered species, and watershed protection. Some suggested that criteria need to be established for operation, maintenance, and adherence to local and state guidelines. The one commenter who opposed the proposed action cited that to remain truly accountable, sponsorship eligibility should remain with local governmental entities.

A.2.7 Use DART to Train NRCS Employees

Commenters on the use of disaster assistance recovery training (DART) to train NRCS employees favored the training teams, but noted that the training needs to be conducted before disaster strikes so that local, rather than federal personnel can respond. The locally trained teams know the areas and should write the DSRs. Countrywide meetings would help ensure uniform policy application and interpretation.

A.2.8 Coordination of EWP Program with Other Programs

Numerous comments were submitted suggesting ways to improve coordination between EWP and other emergency agencies and programs. In general, the comments supported the proposed action. The main reasoning for the support is the current lack of coordination at the Federal level in certain geographical areas between field teams from FEMA and NRCS, and the inability to work collaboratively with the states to ensure that nationwide permits are certified. According to the supporting comments, better coordination would speed up emergency response. Commenters noted the need to coordinate on T&E species and crucial wildlife habitat. They also noted the need for the PEIS to clarify the roles and responsibilities of all agencies involved and to define clearly what constitutes an emergency. Opposing comments suggested that the current EWP Program has worked very well and that restructuring coordination efforts may ruin well-established relationships.

A.2.9 Seek Permanent Watershed Management Solutions

Of the comments submitted proposing that the EWP Program consider providing permanent solutions to watershed problems, the majority suggested using methods that would have a lasting effect on a project without impeding the emergency preparedness of the Program. One stated that NRCS and the EWP Program should adopt a program approach, involving natural hydrology, floodplain management, bioengineering, vegetation, and relocation solutions. One commenter noted that permanent solutions are many times more cost effective in the long term than short-term fixes. Another stressed that permanent solutions are important even in an emergency situation and should be implemented. One commenter urged that funds continue to be used for EWP emergency practices that include slowing soil erosion, reshaping and protecting stream banks, reseeding damaged areas, and purchasing floodplain easements.

A.2.10 General Alternative Preference

Of the numerous comments submitted on the alternatives, only two preferred the no- action alternative. These two sets of comments stated that the Program is working very well and changing it may hamper its efficiency. Even though the general consensus was approval of the proposed action alternative, comments suggested that some particulars of the proposed action categories need to be changed.

A.2.11 Impacts the PEIS Analysis Should Address

EPA provided written comments that identified what it considers necessary to be included in the PEIS. Those requirements include a clear statement of purpose and need, alternatives, and mitigation; coordination of the programmatic approach; tiering of subsequent environmental reviews; field office coordination with other agencies; past practices effects, monitoring, and mitigation; qualifications of EWP project contractors; environmental justice issues; and incorporation of the rule and handbook changes. Other commenters urged including endangered

and threatened species, cumulative impacts, environmental justice, and incorporating a clear description of the programmatic approach to NEPA as it relates to the environmental review process.

A.2.12 Project Staffing and Contracting Concerns

Commenters noted that Program delays have been caused by insufficient staff to cover EWP and the large volume of other NRCS work. They also noted that contractors doing EWP work should be certified.

A.2.13 Expand Eligibility Criteria

The comments on changes in EWP-eligible work include broadening the scope of EWP work to include lakeshores, single landowner or windfall benefits, dams, concrete spillways, substitution projects, and storm water detention basins. Others suggested that eligibility criteria and the definition of "threat to life and property" be clarified. For example, eligibility descriptions need to identify when EWP or FEMA is the appropriate responding agency.

A.2.14 EWP Project Efficacy and Effects Monitoring

A suggestion was made at the California meeting to initiate a series of long-term monitoring projects that would allow personnel to implement proven environmentally sound projects that would function on a holistic level. A few comments also addressed the need for a long-term monitoring database to help exchange information on successful projects among states.

Table A.2-1 Affiliation of Scoping Commenters on the EWP PEIS

Letter	State/Organization/Affiliation	Commenter
1	Arkansas Soil & Water Conservation Commission	J. Randy Young
2	Arkansas Game & Fish Commission	Steve Filipek
3	South Dakota Department of Environment & Natural Resources	David Templeton
4	Oklahoma Department of Wildlife Conservation	Alan Stacey
5	Arizona Game & Fish Department	John Kennedy
6	Louisiana, Jefferson Parrish Department of Drainage & Public Works	Prat B. Reddy
7	Virginia, Department of Game & Inland Fisheries	Raymond T. Fernald
8	Kansas, Department of Wildlife & Parks	Mark A. Shaw
9	Louisiana, Evangeline Soil and Water Conservation District	Earl Fontenot Jr.
10	North Dakota, Walsh County Water Resource District	Walter Ramsey
11	South Carolina Department of Natural Resources	Robert E. Duncan
12	Maine, Oxford County Soil and Water Conservation District	Roger Smedberg
13	Idaho, Division of Environmental Quality	Wallace N. Cory
14	Washington State Department of Natural Resources	Dave Dietzman
15	Ohio, Scioto County Emergency Management Agency	Kim Carver
16	Oregon, Wasco County Soil and Water Conservation District	Dick Overman
17	South Carolina, Dept. of Health & Envir. Control, Div. Water Quality	Sally C. Knowles
18	North Dakota Game And Fish Department	Michael G. McKenna
19	California, Tehama County Public Works	O. Gary Plunkett
20	North Carolina Wildlife Resources Commission	Frank McBride
21	California, County of Lake Public Services Department	Caroline C. Constable
22	New York State, Dept Envir. Conservation, Division of Water	N. G. Kaul
23	U.S. Fish & Wildlife Service, Cortland, New York	Dave Stilwell
24	Nat'l Marine Fisheries Service, Habitat Conserv. Div, Portland OR	Keith Kuhendahl
25	USDA Forest Service, Pac SW Region 5, San Francisco, CA	Laurie Fenwood
26	U.S. EPA, Region 4, Atlanta, GA	Thomas C. Welborn
27	Trout Unlimited, Environmental Counsel	Leon F. Szeptycki
28	New York, Greene County Soil & Water Conservation District	Rene Van Schaack
29	New York, L.J. Gonzer Assoc, Arch & Engin Staffing Consult., Albany	Stephen Tomasik
30	Connecticut, Dept. Envir. Protection, Bureau of Water Management	Alphonse Letendre
31	Maryland, Dept of Transportation, State Highway Administration	Raja Veeramachaneni
32	U.S. EPA, Office of Enforcement and Compliance Assurance	Richard E. Sanderson
33	California, County of San Mateo, Planning And Building Division	Samuel Herzberg
34	U.S. Fish & Wildlife Service, Ecological Services, Gloucester, VA	Karen L. Mayne

Table A.2-1 (Continued) Affiliation of Scoping Commenters on the EWP PEIS

Speaker	Organization	Name
1	Georgia, Dekalb County	Dean Williams,
2	Georgia	Cran Upshaw
3	California, Butte County, Emergency Services Officer	Mike Madden
4	USDA Forest Service, Region 5, California	Rob Griffith
5	California, Tahama County Flood Control & Water Conserv. District	Ernie Ohlin
6	California, Northern California Water Association	Dan Keppen
7	California, Regional Water Quality Control Board, South LakeTahoe	Diana Henriolle-Henry
8	California, Big Valley Rancheria (Tribe)	Mike Shaever
9	Louisiana, Mayor of City of Carencro	Tommy Angelle
10	Maryland, Department of Public Works, Allegany County	Steven Young
11	USDA Forest Service, Burned Area Rehabilitation Program Director	Russ Lafayette
12	Maryland, Department of Housing and Community Development	Jim Hannah
e-mail	Organization	Name
1	Iowa Association of County Conservation Boards	Don Brazelton
2	Arkansas Game & Fish Commission	David Long
3	Montana, Yellowstone Co., Emergency Services & Floodplain Admin.	James I. Kraft
4	Maryland, Land Improvement Contractors of America, Inc.	Wayne F. Maresch
5	Rock Island District, Army Corps of Engineers	Neal Johnson
6	North Dakota, SWC	Jeff Klein
7	North Carolina, Wake County	J. R. Bailey
PhoneCaller	Organization	Name
1	Louisiana, Iberia Soil & Water Conservation District	Charles Stimmens

Table A.2-2 Scoping Comments by Category and Subcategory and Numbers of Comments by Category and Source

Comment Category	Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)	Scoping Meetings	Letter	Telephone	E-mail	Category Total
Floodplain Easements	(1) Use floodplain easements for recovery work (Support proposal).	0	14	0	4	18
	(2) Dedicate 15% of funds for purchasing floodplain easements (Support proposal).	0	7	0	3	10
	Use floodplain easements to replace recovery work.	0	1	0	0	1
	Floodplain easements are very appropriate in areas that experience recurring problems. The easements can have benefits on wildlife, habitat, and natural flood drainage.	0	2	0	0	2
	More emphasis should be placed on evaluating the long-term cost and protection benefits of using floodplain easements in lieu of recovery work.	0	1	0	0	1
	Expand floodplain easement program to include urban areas.	0	1	0	0	1
	Dedicate more than 15% to floodplain easements due to high interest of potential sponsors, and staff accordingly.	0	2	0	0	2
	Since the extent of easement use is uncertain now, there is no solid basis for the fixed appropriation of 15%.	0	1	0	0	1
	What is the 15% based on? Seems arbitrary. The 15% should be evaluated in the EIS based on what percentage of emergency protection can be dealt with, versus traditional methods, through the purchase of easements.	0	1	0	0	1
	Questioned the use of floodplain easements as a recovery tool since recovery work still needs to be done.	0	0	0	1	1
	Address impacts of easements on areas outside of easement site.	0	1	0	0	1
	Consider allowing some types of maintenance (e.g., slash removal) in the easement using EWP monies even if it does not fit into one of the proposed three categories.	0	1	0	0	1
	Prioritize easement categories 1 and 2 in the Program.	0	1	0	0	1

Table A.2-2 Scoping Comments by Category and Subcategory and Numbers of Comments by Category and Source

Comment Category	Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)	Scoping Meetings	Letter	Telephone	E-mail	Category Total
Floodplain Easements, Cont'd	Streamline the purchase of easements so that purchasing can take place within 90 days of land availability and within 1 year of the disaster.	0	0	0	1	1
	Easements can be used to acquire development rights (where purchase may violate zoning) where intensive uses are not appropriate but open land uses are.	0	1	0	0	1
	Streamline the purchase of easements so that purchasing can take place within 90 days of land availability and within 1 year of the disaster.	0	0	0	1	1
	The purchase of land easements in mapped identified 100-year floodplain and floodway areas should be the highest priority of EWP.	0	0	0	1	1
	Floodplain easements would not be desirable in some areas, e.g., levees, because setback levees and neighboring properties may be affected and T&Es may be introduced.	1	1	0	1	3
	PEIS should describe how this easement program relates to other federal programs.	0	1	0	0	1
	As in FEMA's program, relocation and acquisition, when cost effective, should be pursued.	0	1	0	0	1
	There should be more local determination of elevations and valuation of land.	0	1	0	0	1
	Inform seller of tax implications	0	1	0	0	1

Table A.2-2 Scoping Comments by Category and Subcategory and Numbers of Comments by Category and Source

Comment Category	Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)	Scoping Meetings	Letter	Telephone	E-mail	Category Total
Exigency and Non-exigency Terminology	(3) Eliminate the terms exigency and non-exigency. (Support proposal)	3	6	1	2	12
	Allow immediate emergency work only when projects are submitted are true exigencies.	1	0	0	1	2
	Terms should remain the same if the emergency response process would be slowed down with a change.	1	0	0	0	1
Limited-Resource Sponsors' Cost Share Rates	(4) Establish a cost-share rate to include a 90%/10% rate for limited-resource sponsors (Support proposal)	2	6	0	1	9
	There must be a clear basis for determining what are limited resource entities.	2	3	0	0	5
	A new cost share rate is not necessary because FEMA's rate is 75% for all hazard mitigation grants.	0	1	0	0	1
Economic, Environmental, and Social Defensibility	(5) Stipulate that measures must be economically, socially, and environmentally defensible to be installed and identify criteria to meet those requirements. (Support proposal)	3	19	0	1	23
	PEIS should deal with problem of recurring project requests at the same location by reducing Federal cost share for 2nd and later projects.	0	1	0	0	1
	Taking time to consider environmental and social defensibility may slow emergency response and jeopardize life and property.	1	0	0	0	1
	Projects should be economically defensible based on a cost/benefit analysis.	1	2	0	0	3
	Projects should be economically defensible based on a least-cost + risk economic analysis.	1	1	0	0	2
	Economists must have proper training in environmental economics to ensure that appropriate weight is given to environmental costs and benefits.	0	1	0	0	1
Immediate Handling of Urgent and Compelling Situations	(6) Stipulate that urgent and compelling situations be handled immediately after discovery. (Support proposal)	3	7	1	1	12

Table A.2-2 Scoping Comments by Category and Subcategory and Numbers of Comments by Category and Source

Comment Category	Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)	Scoping Meetings	Letter	Telephone	E-mail	Category Total
Allow Nonprofit Organizations to Sponsor Floodplain Easements	(7) Allow organizations certified by the Internal Revenue Service as 501c organizations to become sponsors of floodplain easements. (Support proposal)	2	7	0	2	11
	PEIS should clarify and evaluate alternatives regarding whether sponsorship includes responsibility for O&M of measures through their reasonable life.	1	1	0	0	2
	Do not allow nonprofit organizations to sponsor floodplain easements. For true accountability, sponsor-ship should remain with local government entities.	0	1	0	0	1
Use DART to train NRCS employees	(8) Use Disaster Assistance Recovery Teams to train NRCS employees. (Support proposal)	4	8	0	1	13
Coordination of EWP Program with Other Programs	(9) Evaluate ways to better coordinate EWP with other available emergency programs. (Support proposal)	8	16	0	4	28
	Concerned that formalizing the coordination structure will ruin current system.	1	0	0	0	1
	Program should allow for state and Federal agency notice and review of potential impacts to T&E species and crucial wildlife habitat from a proposed action.	0	1	0	0	1
	PEIS should include a description of other disaster programs and describe how they relate to the EWP program.	1	3	0	0	4
	Program documents should convey a clear understanding of what constitutes an emergency and which agencies have roles in the emergency process.	2	0	0	0	2
	Paramount to successful implementation of the program is the need for Federal consistency with existing state and Federal programs and state laws.	0	4	0	0	4
	Work with state and Federal agencies to create mandatory work time frames with exclusionary periods to protect natural resources.	0	1	0	0	1
	Check with appropriate agencies concerning permits.	2	7	0	1	10

Table A.2-2 Scoping Comments by Category and Subcategory and Numbers of Comments by Category and Source

Comment Category	Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)	Scoping Meetings	Letter	Telephone	E-mail	Category Total
Seek Permanent Watershed Management Solutions	NRCS and the EWP program should adopt a program approach, which will advocate natural hydrology, floodplain management, bioengineering, vegetation, and relocation solutions.	1	8	0	0	9
	Permanent solutions are many times more cost-effective in the long term than short-term fixes.	0	1	0	0	1
	Funds should continue to be used for slowing soil erosion, reshaping and protecting stream banks, reseeding damaged areas, and purchasing floodplain easements.	0	1	0	0	1
	Permanent solutions are important even in an emergency situation and should be implemented (includes betterment work).	3	7	0	0	10
General Alternative Preference	Support the proposed action alternative as stated or with minor changes.	1	7	0	1	9
	Support the no-action alternative.	2	0	0	0	2
Impacts the PEIS Analysis Should Address	The PEIS needs to incorporate the programmatic approach to NEPA compliance (how environmental reviews, etc., will occur).	0	1	0	0	1
	Address environmental justice.	1	1	0	0	2
	PEIS should address endangered/threatened species, critical area concerns.	0	5	0	0	5
	Include cumulative analysis in PEIS.	1	5	0	0	6
	PEIS should include a clear description of the basic EWP Program purpose and need, environmental impacts, mitigation measures and a description of the alternatives proposed (including potential impacts to water quality, air, fish, and wildlife).	0	1	0	0	1

Table A.2-2 Scoping Comments by Category and Subcategory and Numbers of Comments by Category and Source

Comment Category	Summary of Specific Issue (numbers in parentheses identify NOI-listed proposals)	Scoping Meetings	Letter	Telephone	E-mail	Category Total
Project Staffing and Contracting Concerns	Delays in the Program have been caused by lack of sufficient staff to cover EWP and the high volume of other NRCS work.	0	0	0	1	1
	Contractors doing emergency work should have some form of certification to show the contractor is knowledgeable about environmental issues and restoration techniques.	0	1	0	0	1
Expand Eligibility Criteria	PEIS should examine adding dams and spillways. The Program applies windfall benefits to a single landowner unwisely in this case.	1	1	0	0	2
	Define threat to life and property in PEIS.	1	0	0	0	1
	EWP work should include removing debris from lake shores, stream channels, road culverts, and bridges; reshaping and protecting eroded stream banks and lake shores; and repairing drainage facilities and flood control structures.	0	1	0	0	1
	EWP should allow for substitution projects.	2	0	0	0	2
	EWP Program should clearly outline eligible projects.	1	0	0	0	1
	Expand eligibility to include public and private areas threatened by existing erosion problems and areas that have been funded in the past.	0	2	0	0	2
EWP Project Efficacy and Effects Monitoring	Establish a database with types of practices funded, used, and monitored to assess project efficacy nationally.	2	0	0	0	2
	Past practices and environmental mitigation measures should be evaluated to determine how effective they have been in minimizing impacts.	0	1	0	0	1
	Lack of monitoring is a problem in determining project efficacy. Set up a monitoring program on a sample of projects to monitor long-term condition of restoration sites versus undisturbed sites.	0	1	0	0	1
Comment Totals		56	179	2	27	264

A.3 AGENCY COORDINATION FOR THE EWP PEIS

A.3.1 Introduction

A number of Federal emergency and watershed programs have activities that complement EWP program activities. Each group of programs and its relevance to the EWP Program is described briefly below in the following sections and accompanying tables.

A.3.2 Related Federal Programs

Watersheds are recognized increasingly as logical environmental management entities by a number of federal agencies. Of particular importance to the EWP program are other NRCS watershed-related programs, which have a great potential for being more closely coordinated with the EWP program because of being in the same agency. A number of these programs are summarized in *Table A.3-1 – Other NRCS Program Actions That May Interact With EWP Activities.*

A number of other non-NRCS U.S. Department of Agriculture (USDA) agencies, such as the U.S. Forest Service (USFS), which administers the EWP program on national forest lands, and the Farm Service Administration (FSA) also have watershed-related programs. Because they are implemented within the same Federal department as the EWP program, these programs also have a significant potential for being more closely coordinated with the EWP program. Accordingly, these programs are summarized in *Table A.3-2 – Other USDA Programs That May Interact With EWP Activities.*

Many Federal agencies outside USDA have watershed-related programs. These programs may not be inherently as easy to coordinate with the EWP program as the USDA programs, but their number and scope make consideration of such coordination important. The U.S. Army Corps of Engineers (USACE), the Environmental Protection Agency (EPA), and a number of agencies in the Department of the Interior, such as the U.S. Fish and Wildlife Service (USF&WS), the National Park Service (NPS), and the Bureau of Reclamation have such programs. In addition to the EWP program, a number of Federal programs relate to natural emergencies. Many of these emergency programs are overseen and coordinated by the Federal Emergency Management Agency (FEMA), which has been managing federal disaster efforts since its formation in 1979. The Small Business Administration and the Rural Development Administration also have disaster-assistance programs that have been applied to flood-related disasters and therefore may interact with the EWP Program. A number of other Federal agencies, such as the Bureau of Land Management (BLM), NPS, and the Bureau of Indian Affairs (BIA), have fire-related emergency programs that also may interact with the EWP Program. These programs are summarized in *Table A.3-3 – Other Non-USDA Program Actions That May Interact With EWP Activities.*

Table A.3-1 -- Other NRCS Program Actions That May Interact With EWP Activities

Program	Program Description and Relevance to EWP Activities
Watershed Surveys and Planning	Provides assistance to federal, state, and local agencies and tribal governments to protect watersheds from damage caused by erosion, floodwater, and sediment and to conserve and develop water and land resources. Work can reduce need to employ current EWP measures. Program operates through local sponsors.
Small Watersheds Program and Flood Prevention Program	Provides assistance to solve natural resource and related economic problems on a watershed basis. Projects include watershed protection, flood prevention, erosion and sediment control, water supply, water quality, fish and wildlife habitat enhancement, wetlands creation and restoration, and public recreation in watersheds of 250,000 or fewer acres. Work can reduce need to employ current EWP measures. Program operates through local sponsors.
Environmental Quality Incentives Program (with Farm Service Agency (FSA))	Provides technical, educational, and financial assistance to eligible farmers and ranchers to address soil, water, and related natural resource concerns on their lands in an environmentally beneficial and cost-effective manner. The program is carried-out primarily in priority areas that may be watersheds, regions, or multi-state areas, and for significant statewide natural resource concerns that are outside of geographic priority areas. Work can reduce need to employ current EWP measures. Locally led process, administered through local agencies, groups, and individuals, in conjunction with NRCS State Conservationist and State Technical Committee
Conservation Farm Option	Pilot program for producers of wheat, feed grains, cotton, and rice to promote conservation of soil, water, and related resources, water quality protection and improvement, wetland restoration, protection and creation, wildlife habitat development and protection, or other similar conservation purposes. Work can reduce need to employ current EWP measures.
Conservation of Private Grazing Lands	Provides coordinated technical, educational, and related assistance program to conserve and enhance private grazing land resources by establishing a coordinated and cooperative federal, state, and local grazing conservation program for the management of private grazing land and providing for the integration of conservation planning and management decisions by owners and managers of private grazing lands, on a voluntary basis. Work can reduce need to employ current EWP measures.
Conservation Technical Assistance	Assists land-users, communities, units of state and local government, and other federal agencies in planning and implementing conservation systems to reduce erosion, improve soil and water quality, improve and conserve wetlands, enhance fish and wildlife habitat, improve air quality, improve pasture and range condition, reduce upstream flooding, and improve woodlands. Work can reduce need to employ current EWP measures.
Conservation Reserve Program	Reduces soil erosion, protects the Nation's ability to produce food and fiber, reduces sedimentation in streams and lakes, improves water quality, establishes wildlife habitat, and enhances forest and wetland resources by encouraging farmers to convert highly erodible cropland or other environmentally sensitive acreage to vegetative cover, such as tame or native grasses, wildlife plantings, trees, filter strips, or riparian buffers. Work can reduce need to employ current EWP measures.

Table A.3-1 (continued) -- Other NRCS Program Actions That May Interact With EWP Activities

Program	Program Description and Relevance to EWP Activities
Emergency Wetland Reserve Program	Provides easement payments and restoration cost shares to landowners who permanently restore wetlands on cropland for which the cost of cropland and levee restoration exceeds the fair market value of the food-affected cropland in seven Midwestern States. Work can reduce need to employ current EWP measures.
Farmland Protection Program	Provides funds to help purchase development rights to keep productive farmland in agricultural uses. Working through existing programs, USDA joins with state, tribal, or local governments to acquire conservation easements or other interests from landowners.
Flood Risk Reduction Program	Allows farmers who voluntarily enter into contracts to receive payments on lands with high flood potential, in return for agreement to forego certain USDA program benefits, providing incentives to move farming operations from frequently flooded land. Work can reduce need to employ current EWP measures.
Forestry Incentives Program (with U.S. Forest Service)	Supports good forest management practices, such as tree planting, timber stand improvement, site preparation for natural regeneration, and other related activities, on privately owned, non-industrial forest lands nationwide in counties designated by a Forest Service survey of eligible private timber acreage. Work can reduce need to employ current EWP measures.
Resource Conservation and Development Program	Accelerates the conservation, development and utilization of natural resources, improves the general level of economic activity, and enhances the environment and standard of living in authorized RC&D areas and also establishes or improves coordination systems in rural areas. Work can reduce need to employ current EWP measures. Administered through state, tribal and local units of government and local nonprofit organizations in rural areas.
Snow Survey and Water Supply Forecasts	Provides western states and Alaska with information on future water supplies, based on depth and water equivalent of the snowpack and estimate annual water availability, spring runoff, and summer streamflows. Individuals, organizations, and state and federal agencies use these forecasts for decisions relating to agricultural production, fish and wildlife management, municipal and industrial water supply, urban development, flood control, recreation power generation, and water quality management. Information can help predict need to employ current EWP measures and, if used successfully may reduce need to employ current EWP measures.
Water Bank	Provides for making annual per-acre payments to landowners who agree not to burn, drain, fill, or otherwise destroy the character of enrolled wetland areas in contracts not to exceed 10 years. Work can reduce need to employ current EWP measures.
Wetlands Reserve Program	Establishes conservation easements of either permanent or 30-year duration, or can provide restoration cost-share agreements where no easement is involved. Work can reduce need to employ current EWP measures.
Wildlife Habitat Incentives Program	Provides financial incentives to develop habitat for fish and wildlife on private lands through implementing wildlife habitat development plans with USDA cost-share assistance for the initial implementation of wildlife habitat development practices, generally for a minimum of 10 years from the date that the contract is signed. Work can reduce need to employ current EWP measures.

Table A.3-2 -- Other USDA Program Actions That May Interact With EWP Activities

Agency and Program	Program Description and Relevance to EWP Activities
U.S Department of Agriculture (USDA) -- Clean Water Action Plan (with EPA)	Builds on the foundation of existing clean water programs and proposes new actions to strengthen efforts to restore and protect water resources. In implementing this Action Plan, the federal government will: (1) support locally led partnerships that include a broad array of federal agencies, states, tribes, communities, businesses, and citizens to meet clean water and public health goals; (2) increase financial and technical assistance to states, tribes, local governments, farmers, and others; and (3) help states and tribes restore and sustain the health of aquatic systems on a watershed basis. Most activity is carried out by state and local agencies using federal grants to states.
Farm Service Administration (FSA) -- Emergency Conservation Program	Assists eligible persons to rehabilitate farmlands damaged by wind, water erosion, floods, hurricanes, or other natural disasters and to provide water conservation or water enhancement measures during periods of severe drought (technical assistance provided by NRCS). Work can compliment EWP activities and may reduce need to employ current EWP measures.
FSA -- Environmental Easement Program	Acquires easements on eligible farms or ranches to ensure the continued long-term protection of environmentally sensitive lands or reduction in the degradation of water quality on farms and ranches through continued conservation treatment and improvement of soil and water resources (with technical assistance provided by NRCS). Work can reduce need to employ current EWP measures.
FSA -- Highly Erodible Land and Wetland Conservation (with NRCS)	Removes eligibility for certain USDA program benefits for the production of an agricultural commodity on a field in which highly erodible land is predominant, for the production of an agricultural commodity on a converted wetland, or for the conversion of a wetland that makes the production of an agricultural commodity possible. Work can reduce need to employ current EWP measures.
U.S. Forest Service (USFS) -- Forest Stewardship Incentives Program	Provides grants to state forestry agencies for expanding tree planting and improvement and for providing technical assistance to owners of nonindustrial private forest lands in developing and implementing forest stewardship plans to enhance multi-resource needs. Work can reduce need to employ current EWP measures. Program administered by state forestry agencies.

Table A.3-3 -- Other Non-USDA Federal Program Actions That May Interact With EWP Activities

Agency and Program	Program Description and Relevance to EWP Activities
U.S. Army Corps of Engineers (Corps) -- Clean Water Act Section 404 Wetlands Permit Program	Prohibits the discharge of dredge or fill material into waters of the United States without a permit from the U.S. Army Corps of Engineers. The most important wetlands permitting authority from the standpoint of EWP activities is the Nationwide 37 permit, which is used to authorize NWP restorative activities in wetlands. Under Section 404 permits limited modification of wetlands may be allowed. Various mitigative techniques may be able to be employed to reduce the damage. Work allowed under these permits can increase need to employ EWP measures. States issue § 401 Water Quality Certifications; some states have separate wetlands regulation authority under state law
Corps -- Flood Emergency Operations and Disaster Assistance	Provides for post-flood response, emergency repair, and restoration of flood-control works. Work under this program can substitute for or reduce need to employ EWP measures.
Corps -- Flood Plain Management Services	Provides for the Corps to furnish floodplain information and technical assistance to states and local governments to encourage prudent use of flood-prone land. Work can reduce need to employ EWP measures. State and local floodplain management agencies administer program.
Corps -- Planning Assistance to States	Provides cooperation with states and Indian tribes for preparation of comprehensive flood damage reduction, water quality protection, and related issues. Work can reduce need to employ EWP measures. State and tribe floodplain and water management agencies administer program.
Corps -- Project Modification to Improve Environment (Water Resources Development Act Section 1135 Program)	Allocates $25 million annually for the Corps to restore habitat by modifying previously completed Corps projects, where local governments provide a 25 per cent cost share and acquire necessary lands, easements, rights-of-way, and pay relocation costs, for which they receive credit toward their 25 per cent cost share. Work can reduce need to employ EWP measures.
Corps -- Water Resources Development Projects	Implements Congressionally-approved flood control measures. Work can reduce need to employ EWP measures. State or local government sponsorship
Environmental Protection Agency (EPA) -- Clean Water Action Plan (with USDA)	Builds on the foundation of existing clean water programs and proposes new actions to strengthen efforts to restore and protect water resources. In implementing this Action Plan, the federal government will: (1) support locally led partnerships that include a broad array of federal agencies, states, tribes, communities, businesses, and citizens to meet clean water and public health goals; (2) increase financial and technical assistance to states, tribes, local governments, farmers, and others; and (3) help states and tribes restore and sustain the health of aquatic systems on a watershed basis. Most activity is carried out by state and local agencies using federal grants to states.

Table A.3-3 (continued) -- Other Non-USDA Federal Program Actions That May Interact With EWP Activities

Agency and Program	Program Description and Relevance to EWP Activities
EPA -- National Water Program	Provides basic national programs upon which watershed approaches are built and specific operational changes to existing programs to enhance watershed approaches, such as: reduced water quality reporting requirements; priority consideration for Clean Water Act grants for watershed activities; use of funds under the Safe Drinking Water Act for source water protection; simplified wetlands permitting; TMDL assistance; and facilitated development of wetlands mitigation banks and effluent trading. Work can reduce need to employ EWP measures.
EPA -- Clean Lakes Program	Authorizes EPA to provide grants to States for lake classification surveys, diagnostic/feasibility studies, and for projects to restore and protect lakes, including assistance to farmers in controlling non-point sources through the clean lakes demonstration program. Work can reduce need to employ EWP measures.
EPA -- National Estuary Program (also separately funded Chesapeake Bay Program)	Provides for the identification of nationally significant estuaries that are threatened by pollution and provides grants to states to carry out management plans, and to provide technical and financial assistance to farmers in designated areas. Work can reduce need to employ EWP measures. There are 26 Participating Intra- and Interstate Estuary Programs (and also the Chesapeake Bay Program).
EPA -- Non-Point Source Program	Provides for the identification of navigable waters that cannot attain water quality standards without reduction of non-point sources of pollution and authorizes grants to states for the development of management plans, and for the implementation of best management practices by agricultural producers, including animal waste management systems. Work can reduce need to employ EWP measures.
Federal Emergency Management Agency (FEMA) -- Hazard Mitigation Grant Program	Provides grants to state and local governments, certain non-profit organizations, and Indian tribes for public or private property hazard mitigation after presidentially-declared disasters. Work can reduce future flooding and therefore reduce need to employ EWP measures. State Emergency Agencies administer the programs.
FEMA -- National Flood Insurance Program	Makes flood insurance available to protect individual landowners in participating communities from financial loss in the event of a flood. Assistance from this program encourages development in flood-prone areas and therefore potentially increases need to employ EWP measures. Participating Local Governments administer the program.
FEMA -- Purchase of Floodplain Property	Provides for federal acquisition of previously flood-damaged property located in flood risk areas to give property owners opportunity to relocate in non-flood-prone areas. Work can reduce need to employ EWP measures.
U.S. Department of Housing and Urban Development (HUD) -- Community Development Block Grant Program (CDBG)	Provides formula grants to metropolitan cities, urban counties, and states to benefit low- and moderate-income persons to met urgent community development grants. Flood-repair work under this program can compliment EWP measures and therefore potentially reduce future flooding. However, to the extent that such work increases impervious surfaces in a watershed, it has the potential for increasing future flooding. Participating Metropolitan Cities, Urban Counties, and States administer the programs locally.

Table A.3-3 (continued) -- Other Non-USDA Federal Program Actions That May Interact With EWP Activities

Agency and Program	Program Description and Relevance to EWP Activities
HUD -- Section 108 Loan Guarantee Program	Provides loan guarantees to states to finance acquisition of real property, relocation assistance, repair and reconstruction of public utilities, housing repairs including the elevation of properties, and economic development. Flood-repair work under this program can compliment EWP measures and therefore potentially reduce future flooding. However, to the extent that such work increases impervious surfaces in a watershed, it has the potential for increasing future flooding.
U.S. Department of the Interior (DOI), Bureau of Reclamation -- Multipurpose Water Projects	Constructs and manages water control (including some flood-control) projects in the 17 western states. These impoundments can reduce the intensity of flooding and therefore reduce need to employ EWP measures.
DOI, U.S. Fish and Wildlife Service (USFWS) -- Partners for Wildlife Program	Cooperation with state and local agencies and groups to improve and restore wildlife habitats and wetland areas, through grants to state agencies, who can, in turn, partner with funds from non-profit environmental groups (such as Ducks Unlimited). Work can reduce need to employ current EWP measures. Administered through State Wildlife Agencies.
DOI, USFWS -- Small Wetlands Acquisition Program (SWAP)	Allows USFWS to purchase wetlands and surrounding upland areas or enter into perpetual conservation easements on wetlands. Work accomplished under this program can reduce runoff and add natural riparian lands, thereby potentially reducing need to employ EWP measures.
DOI, National Park Service (NPS) -- Federal Land Transfer, Federal Land-to-Parks Program	Provides for technical assistance and transfer of available surplus federal real property to states and local governments to establish park, recreation, and open space. Work done under this program can reduce runoff and add natural riparian lands, thereby potentially reducing need to employ EWP measures. Participating State and Local Governments administer programs.
DOI, NPS -- Rivers and Trails Conservation Program	Provides for NPS staff assistance to communities for river and trail corridor planning and open space preservation efforts. Work done under this program can reduce runoff and add natural riparian lands, thereby potentially reducing need to employ EWP measures. Participating State and Local Governments administer programs.
Small Business Administration -- Disaster Loans	Provides loans to owners of non-farm, flood-damaged properties (including wetlands) for repair or relocation assistance. Flood-repair work under this program can compliment EWP measures and therefore potentially reduce future flooding. However, to the extent that such work increases impervious surfaces in a watershed, it has the potential for increasing future flooding.
Rural Development Administration -- Business and Industrial Guaranteed Loans	Provides guaranteed business and industrial loans in any area outside the boundary of a city of 50,000 or larger and its immediate adjacent urbanized area with a population of no more than 100 persons per square mile. Flood-repair work under this program can compliment EWP measures and therefore potentially reduce future flooding. However, to the extent that such work increases impervious surfaces in a watershed, it has the potential for increasing future flooding.

A.3.3 Relevant Laws and Regulations (Regulatory Environment)

The "Regulatory Environment" is the legal and regulatory equivalent of the Affected Environment of the draft PEIS. As such, it warrants appropriate consideration in the PEIS development process. Moreover, the analysis that establishes the regulatory environment can be useful to the NRCS in further integrating the EWP Program with other relevant Federal, state, and local programs. Thus the PEIS process considered the procedural and substantive Federal and state environmental authorities that may affect the EWP Program.

Each authority was evaluated for applicability according to its likely relevance to environmental effects of the EWP Program, both negative and positive. The starting point for this analysis was the *Final Environmental Impact Statement, Emergency Assistance, As Authorized by Section 216 of the Flood Control Act of May 17, 1950, Public Law 81-516 (33 USC 701b-1),* USDA-SCS-ES-FP-(ADM)-75-1-F, prepared by the U.S. Department of Agriculture Soil Conservation Service (now the NRCS). The earlier EIS considered the environmental effects of the EWP Program as of October 1975 (the 1975 EIS) and the Flood Control Act itself. The current analysis also considers the results of the preliminary scoping process as reported in *Scoping Report on the Emergency Watershed Protection Program Programmatic Environmental Impact Statement,* prepared for NRCS by the Mangi Environmental Group, Inc. and released on November 18, 1998.

Table A.3-4 – Relevant Federal Statutes and Regulations summarizes the effects of the most important Federal laws and regulations that comprise the EWP regulatory environment. *Table A.3-5 – Coordinating State Agency Statutory Authority,* lists the most important statutes in the example states that were considered to have a potential to interact with the EWP Program.

Table A.3-4 -- Relevant Federal Statutes and Regulations

Environmental Resource	Principal Legal and Regulatory Authority	Relevant EWP Program Environmental Effects
Environmental Quality	National Environmental Policy Act, 42 U.S.C. 4321 et seq. (Council on Environmental Quality (CEQ) Policy Regulations, 40 CFR 1500-1508; Department of Agriculture NEPA Regulations, 7 CFR Parts 1b, 3100; Natural Resources Conservation Service Compliance with NEPA, 7 CFR Part 650.)	NEPA is essentially procedural. Both negative and positive effects are to be considered.
Soils	Flood Control Act of 1950, 33 U.S.C. § 701b-1, Section 216, Public Law 81-516, as amended; Agricultural Credit Act of 1978, 16 U.S.C. § 2203, Public Law 95-334; Federal Agricultural Improvement and Reform Act of 1996, 16 U.S.C. § 2203, Public Law 104-127 (Emergency Watershed Protection Regulations, 7 CFR Part 624).	*Negative* -- Construction areas and access routes to EWP measures may need to be cleared, thus increasing potential erosion until vegetation can be reestablished. *Positive* -- Vegetative cover reduces erosion on exposed land.
Water Quality and Resources	Clean Water Act, 33 U.S.C. 1251 et seq.; Wild and Scenic Rivers Act, 16 U.S.C. § 1271 et seq.(Clean Water Act Wetlands Regulations, 33 CFR Parts 220-230, 40 CFR Part 320; Wild and Scenic Rivers Act Regulations, 36 CFR Part 297 Subpart A; see also Executive Order 11988, Floodplain Management; Executive Order 11990, Protection of Wetlands.)	*Negative* -- Water quality will be temporarily degraded by increased turbidity resulting from installation of EWP measures and increased water temperature resulting from the removal of channel canopy. *Positive* -- Removal of sediment and debris from clogged streams will restore the pre-disaster flood regime in reaches immediately downstream from the work and can reduce stormwater runoff on exposed lands; reduce downstream sedimentation from exposed streambanks, active gullies, and land devoid of vegetation; prevent downstream deposit of sediment presently stored in dams; prevents disease spreading and contamination of urban water supplies.
Air Quality	Clean Air Act, 42 U.S.C. § 7401 et seq. (Clean Air Act Regulations, 40 CFR Parts 50-53, 60, 61 67, 81, 82.)	*Negative* -- Soil particles picked up by the wind contribute to degrading air quality. Air quality also will be degraded by construction equipment exhaust and waste disposal burning where permitted. *Positive* -- Establishment of vegetative cover reduces wind erosion.

Table A.3-4 -- Relevant Federal Statutes and Regulations

Environmental Resource	Principal Legal and Regulatory Authority	Relevant EWP Program Environmental Effects
Biota	Endangered Species Act, 16 U.S.C. § 1531 et seq.; Fish and Wildlife Coordination Act, 16 U.S.C. § 661 et seq.; Wild and Scenic Rivers Act, 16 U.S.C. § 1271 et seq. (Endangered Species Act Regulations, 50 C.F.R. Parts 17 and 23 ; Wild and Scenic Rivers Act Regulations, 36 CFR Part 297 Subpart A.)	*Negative* --Streambank wildlife habitat will be temporarily degraded when emergency channel clearing, streambank stabilization, dikes, or other similar measures are installed. Fish habitat both at the installation site and downstream will be degraded by emergency channel clearing, dike construction, debris basin installation, and other similar measures. Flood plain land use changes will be induced and loss of bottom land forest may occur due to construction and access routes causing adverse effects on fish and wildlife habitat. *Positive* -- Reseeding and revegetation helps establish cover and food for wildlife in areas devoid of vegetation.
Recreation	Wild and Scenic Rivers Act, 16 U.S.C. § 1271 et seq. (Wild and Scenic Rivers Act Regulations, 36 CFR Part 297 Subpart A.)	Negative -- Hardened streambanks may have lessened value for recreation purposes.
Cultural Resources	National Historic Preservation Act of 1966, 16 U.S.C. § 470(f); Archaeological and Historic Preservation Act of 1974, 16 U.S.C. § 469-469c; Archaeological Resources Protection Act of 1979, 16 U.S.C. § 470aa-470ll; Native American Graves Protection and Repatriation Act, 16 U.S.C. §470aa et seq.; Wild and Scenic Rivers Act, 16 U.S.C. § 1271 et seq. (National Historic Preservation Act Regulations, 36 CFR Parts 60, 61, 63, 65, 68, 79, and 800; Archaeological and Historic Preservation Act Regulations, 36 CFR Part 800; Native American Graves Protection and Repatriation Act Regulations, 43 CFR 10; Wild and Scenic Rivers Act Regulations, 36 CFR Part 297 Subpart A; see also Executive Order 13007, Access to Sacred Sites.)	*Negative* -- Continued use of floodplains encouraged by the availability of emergency measures under the EWP program can have detrimental effects on historical and archaeological resources by encouraging intensive use of floodplains, which often contain disproportionate amounts of these resources. *Positive* -- Continued use of floodplains encouraged by the availability of emergency practices can be positive for "built" examples of these resources located in floodplains, as they often are, by providing increased protection for them.

Table A.3-4 -- Relevant Federal Statutes and Regulations

Environmental Resource	Principal Legal and Regulatory Authority	Relevant EWP Program Environmental Effects
Socioeconomics, Including Effects on the Local Economy and Social Resources	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. § 4601.	*Negative* -- Local initiative to seek permanent long-term solutions may be reduced by the installation of emergency measures. Flood plain land use changes will be induced and loss of bottom land forest may occur due to construction and access routes causing adverse effects on fish and wildlife habitat. *Positive* – Lives and property safeguarded from imminent threat of disaster. Prevents additional disastrous damage from failure of weakened dikes and dams. Assures continued production and utility of areas subjected to increased flooding. Prevents downstream deposit of sediment presently stored in dams. Reduces rerouting of traffic, save fuel, and prevent increased costs and delays in providing goods and services to the disaster victims.
Infrastructure	Federal Highway Act, 23 U.S.C. § 138; Intermodal Surface Transportation Efficiency Act, as amended, 23 U.S.C. §§ 101(a) and 133.	*Negative* -- Except for some practices, such as aerial seeding and removing certain channel obstructions, the most carefully planned emergency work will impact the post-disaster environmental condition. *Positive* -- EWP measures prevent additional disastrous damage from failure of weakened dikes and dams. Prevents disease spreading and contamination of urban water supplies. Reduces rerouting of traffic, save fuel, and prevent increased costs and delays in providing goods and services to the disaster victims.
Aesthetics	Wild and Scenic Rivers Act, 16 U.S.C. § 1271 et seq. (Wild and Scenic Rivers Act Regulations, 36 CFR Part 297 Subpart A.)	*Negative* -- Installation of emergency measures will alter aesthetics of natural valleys. *Positive* -- EWP measures safeguard property from the imminent threat of flooding, and the continued use of floodplains encouraged by the availability of emergency measures under the EWP can have positive effects on "built" examples of aesthetic resources located in floodplains.

Table A.3-4 -- Relevant Federal Statutes and Regulations

Environmental Resource	Principal Legal and Regulatory Authority	Relevant EWP Program Environmental Effects
Land Use, Land Valuation, Prime and Unique Farmland, and Zoning Conflicts	Farmland Protection Policy Act, 7 U.S.C. § 420l et seq.; Land and Water Conservation Fund Act of 1974, 16 U.S.C. §§ 4601-4604; Coastal Zone Management Act, 16 U.S.C. § 1451, et seq. (Farmland Protection Policy Act Regulations, 7 CFR Parts 657 and 658; see also CEQ Memorandum of August 1, 1980: Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing the National Environmental Policy Act.)	*Negative* --Construction areas and access routes may be cleared thus increasing potential erosion until vegetation can be reestablished. *Positive* -- EWP measures can reduce stormwater runoff on exposed lands. Can reduce erosion up to 100 tons per acre per year on areas devoid of vegetation. Prevents additional disastrous damage from failure of weakened dikes and dams. Assures continued production and utility of areas subjected to increased flooding on the post-disaster environmental condition. Prevents downstream deposit of sediment presently stored in dams.
Hazardous Substances, Regulated Materials, and Solid and Hazardous Waste	Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA)), 42 U.S.C. § 9601 et seq.; Resource Conservation and Recovery Act of 1976 (RCRA) as amended by the Solid Waste Disposal Act of 1980 and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6901 et seq. (CERCLA Regulations, 40 CFR Parts 300, 302, 355, 370, and 373; RCRA Regulations, 40 CFR Parts 240-280.	Negative -- As floodwaters pass through urban and residential areas containing facilities that use, treat, store, or dispose of substances such as oils, greases, fertilizers, gas, chemicals, and other contaminants these materials are picked up and discharged into the receiving waters. Positive -- EWP measures can help prevent this contamination from entering the receiving stream.
Climate	Forest and Rangeland Renewable Research Acts of 1974 and 1978, 16 U.S.C. §§ 1600-14; 1641-47; see also Kyoto Protocol.	Negative -- If recent trends continue, climate change appears likely to intensify the occurrence of the emergencies covered by the EWP Program.

Table A.3-5 State Coordinating Agency Statutory Authority

Environmental Resource	Applicable State Statutory Authority						
	Arkansas	California	Georgia	Idaho	Iowa	Texas	Virginia
Agricultural Resources	Arkansas Code of 1987 Ann. § 14-125-101 et seq.	Ann. California Codes, Govern-ment § 51200 et seq.	Official Code of Georgia Ann. § 2-6-1 et seq.	Idaho Code §§ 22-2715 et seq.; 42-3601 et seq.	Iowa Code Ann. §§ 189-213A; 467-468	Texas Code Ann., Local Govt. § 430.002 et seq.	Code of Virginia Ann. § 10.1-500 et seq.
Air Quality	Arkansas Code of 1987 Ann. § 8-4-101 et seq.	Ann. California Codes, Health & Safety § 39000 et seq.	Official Code of Georgia Ann. § 12-9-1 et seq.	Idaho Code § 39-110 et seq.	Iowa Code Ann. § 455B		Code of Virginia Ann. § 10.1-1300 et seq.
Cultural Resources	Arkansas Code of 1987 Ann. § 13-6-201 et seq.	Ann. California Codes, Public Resources §§ 5078; 21083.2	Official Code of Georgia Ann. § 12-3-620 et seq.	Idaho Code § 33-3901 et seq.	Iowa Code Ann. §§ 461-462	Texas Code Ann., Local Govt. § 315.006	Code of Virginia Ann. § 10.1-2300 et seq.
Emergencies	Arkansas Code of 1987 Ann. § 12-75-101 et seq.	Ann. California Codes, Govern-ment §§ 8558; 14970 et seq.	Official Code of Georgia Ann. § 38-3-1 et seq.	Idaho Code §§ 31-14001; 46-1001 et seq.	Iowa Code Ann. §§ 30.1 et seq.; 252		Code of Virginia Ann. § 44-146.13 et seq.
Fish and Wildlife	Arkansas Code of 1987 Ann. § 15-41-101 et seq.	Ann. California Codes, Fish & Game § 1 et seq.	Official Code of Georgia Ann. §§ 26-2-310 et seq.; 27-1-1 et seq.	Idaho Code § 36-101 et seq.	Iowa Code Ann. § 481A	Texas Code Ann., Local Govt. § 240.001 et seq.	Code of Virginia Ann. § 29.1-100 et seq.

Table A.3-5 State Coordinating Agency Statutory Authority

Environmental Resource	Applicable State Statutory Authority						
	Arkansas	California	Georgia	Idaho	Iowa	Texas	Virginia
Floodplains	Arkansas Code of 1987 Ann. § 14-268-101 et seq.	Ann. California Codes, Water § 8400 et seq.	Official Code of Georgia Ann. § 38-3-1 et seq.	Idaho Code § 46-1020 et seq.	Iowa Code Ann. § 455B.275 et seq.	Texas Code Ann., Local Govt. § 232.021 et seq.	Code of Virginia Ann. § 10.1-600 et seq.
Forest Resources	Arkansas Code of 1987 Ann. § 22-5-501 et seq.	Ann. California Codes, Public Resources § 4001 et seq.	Official Code of Georgia Ann. § 12-6-1 et seq.	Idaho Code § 38-101 et seq.	Iowa Code Ann. §§ 314.23; 352.1		Code of Virginia Ann. § 10.1-1100 et seq.
Historic Resources	Arkansas Code of 1987 Ann. § 13-7-101 et seq.	Ann. California Codes, Public Resources § 5920 et seq.	Official Code of Georgia Ann. § 12-3-50 et seq.	Idaho Code § 67-4113 et seq.	Iowa Code Ann. §§ 303.8; 314.24	Texas Code Ann., Local Govt. § 315.006 et seq.	Code of Virginia Ann. §§ 10.1-2200 et seq.; 15.2-2306
Recreation Resources	Arkansas Code of 1987 Ann. §§ 13-5-201 et seq.; 22-4-101 et seq.	Ann. California Codes, Public Resources § 5780 et seq.	Official Code of Georgia Ann. § 12-3-5 et seq.	Idaho Code § 31-4301 et seq.	Iowa Code Ann. §§ 461-466	Texas Code Ann. Local Govt. §§ 251.001; 251.002 et seq.	Code of Virginia Ann. § 10.1-1600 et seq.

Table A.3-5 State Coordinating Agency Statutory Authority

Environmental Resource	Applicable State Statutory Authority						
	Arkansas	California	Georgia	Idaho	Iowa	Texas	Virginia
Threatened and Endangered Species		Ann. California Codes, Fish & Game § 2050 et seq.	Official Code of Georgia Ann. § 27-3-130 et seq.	Idaho Code § 36-201	Iowa Code Ann. § 481B.1 et seq.		Code of Virginia Ann. §§ 3.1-1020 et seq.; 29.1-563 et seq.
Transportation	Arkansas Code of 1987 Ann. §§ 27-1-101 et seq.; 27-65-101 et seq.	Ann. California Codes, Streets & Highways § 1 et seq.	Official Code of Georgia Ann. §§ 32-2-1; 32-2-60 et seq.	Idaho Code § 40-201 et seq.	Iowa Code Ann. §§ 314.23; 314.24	Texas Code Ann. Local Govt. § 391.001 et seq.	Code of Virginia Ann. § 33.1-1 et seq.
Water Quality	Arkansas Code of 1987 Ann. § 8-4-101 et seq.	Ann. California Codes, Fish & Game § 5650 et seq.; Health & Safety § 5410 et seq.; Water § 13000 et seq.	Official Code of Georgia Ann. § 12-5-20 et seq.	Idaho Code § 39-3601 et seq.	Iowa Code Ann. § 455B	Texas Code Ann. Local Govt. § 401.002 et seq.	Code of Virginia Ann. § 62.1-44.2 et seq.
Wetlands	Arkansas Code of 1987 Ann. § 15-22-1001 et seq.	Ann. California Codes, Public Resources § 5810 et seq.	Official Code of Georgia Ann. §§ 12-2-8; 12-5-30	Idaho Code § 42-3801 et seq.	Iowa Code Ann. § 456B.12 et seq.		Code of Virginia Ann. § 62.1-44.15:5 et seq.