

FREQUENTLY ASKED QUESTIONS RELATED TO THE NRCS EWP PROGRAM

Q How do we request EWP program help and how soon do we need to ask for help after the disaster event?

A A sponsor can apply for EWP program help at any NRCS office. The request should be as soon as possible after conditions permit access to the damaged areas, but no later than 10 days after the storm event for urgent and compelling sites and 60 days for non-urgent and compelling sites.

Q Can EWP funds be used on a non-Presidential-declared disaster?

A Yes.

Q When a Presidential-declared disaster exists, who coordinates emergency activities for the various programs?

A The Nebraska and local EMA will coordinate activities. NRCS, FEMA, and other emergency agencies provide assistance as their programs allow.

Q What is an urgent and compelling site and how long does the sponsor have to fix such a site?

A An urgent and compelling situation exists if there is an immediate threat of damage to life or property - immediate action must be taken. After the sponsor is notified that funds are available, work on an urgent and compelling site must be completed within 30 days.

Q How long does the sponsor have to fix non-urgent and compelling sites?

A All sites should be repaired as soon as possible. However, work on non-urgent and compelling sites must be completed within 220 days after the sponsor is notified that funds are available.

Q What type of easements are required for EWP work?

A For permanent, long-life measures that are off the sponsors R.O.W., permanent easements should be obtained. Temporary construction easements may be adequate for work consisting of shaping, vegetation, and minor rock structures. The sponsors are responsible for obtaining the easements they deem necessary for accomplishing the work and for providing future maintenance if applicable. The sponsors must provide NRCS written assurance on an AD-78 form that the necessary easements have been obtained, but they do not have to provide copies of the easements.

Q Which sites must have a site-specific O&M Plan prepared?

A Permanent, long-life measures such as gabion structures, large pipe drop structures, large grade stabilization structures, etc., require a formal O&M Plan and Agreement.

Q What kinds of damage are eligible for repair under the EWP program?

A Typical (but not limited to) examples are:

- * Gullied road ditches.
- * Head-cutting gullies.
- * Severely eroded streambanks and drainage ditches.
- * Wildfire damage.
- * Tornado and flood debris in streams.
- * Severe scour of stream bottom and banks at culvert/bridge entrances and exits.
- * Recent sediment deposits in streams and drainage ditches.

Q What kinds of damage are not eligible for repair under the EWP program?

- A**
- * Damage that would be expected from a “normal” storm event. This is considered routine operation and maintenance.
 - * Damage that existed before the disaster event.
 - * Road surfaces, bridges, culverts, utilities, and similar structures.
 - * Increase channel capacity.
 - * Removal of sediment and debris from reservoirs.
 - * Damage to structures installed by other federal agencies, such as canals and drainage channels built by the Corps of Engineers.

Q A gully is threatening a federal aid highway. Can the EWP program be used to stabilize the gully and protect the road?

A No. The federal aid highway is eligible for the Emergency Relief Program administered by the Federal Highway Administration of the Department of Transportation (DOT).

Q Can EWP funds be used to construct a new channel to provide the drainage necessary for protection from flooding that is creating a hazard to life and property?

A No. EWP funds cannot be used to construct a new channel, realign a channel, or do work that increases the predisaster capacity of a channel.

Q A large gully existed off the right-of-way of a county road prior to the big flood. The rains associated with the flood caused the gully headcut to move and threaten the road. Can EWP funds be used to stabilize the gully and protect the road?

A Yes.

Q A county road has been completely cut through by a gully during the storm event. Can EWP funds be used to rebuild the road?

A No. Generally the road is rebuilt with FEMA funds. EWP funds cannot be used to repair or replace public facilities. If inlet/outlet protection is necessary, EWP funds could be utilized to solve that situation.

Q An eligible EWP site can be repaired with riprap. The sponsor wants to design for a permanent solution including concrete and pipe. Can this be allowed in the EWP program?

A The riprap solution is all that can be paid for in the EWP program. Any additional costs associated with the permanent solution must be incurred by the sponsor.

- Q A farm pond is immediately upstream of a county road. The flood has caused the emergency bypass of the pond to erode severely. If the pond should fail, the road will be washed out. Can EWP funds be used to stabilize the emergency bypass of the pond?**
- A** Yes. In this case there is more than one beneficiary. The county or other appropriate body must agree to sponsor the repair. Normally repairs to farm structures are performed with other programs such as ECP. However, where there is a clear threat to public property, repairs can be made with EWP funds.
- Q A site qualifies for assistance based on the type of damage; however, the economic benefits are significantly less than the cost of restoration. What are the alternatives?**
- A** In some cases the site would be eligible for assistance without economic justification. If there is a clear and significant hazard to life, or if the damage completely isolates residences or businesses from fire and emergency team access, the site may qualify. Another option would be for NRCS to fund costs up to the amount that is economically justified with the sponsors funding the remainder.
- Q Can a prior EWP funded site be eligible for financial assistance during a subsequent event?**
- A** Yes, if the damage is caused by an extreme storm event. A site can be re-repaired once in 10 years. However, the intent of the EWP program is to provide emergency repairs to restore sites to their pre-storm condition. It is expected that sponsors would make additional improvements as needed to insure long-term stability. Consequently, sites that have been funded in prior events may receive lower priority for funding than newly damaged sites.
- Q A gully below a road is being repaired with an EWP contract. During construction it is discovered that the culvert invert is rusted out. Can the culvert be replaced with EWP funds?**
- A** No. Replacement of transportation facilities (roads and bridges) is not eligible for EWP assistance. The sponsor may have the contractor replace the culvert while working on the site, but the total cost for replacement of the culvert will be the responsibility of the sponsor.
- Q The county (or city) has already performed obstruction removal at a bridge location prior to requesting assistance from the EWP program. Can this work that has already been performed be included in DSRs and the county receive payment for the work?**
- A** No.
- Q How “fancy” (neat and detailed) do construction drawings developed by the sponsors design engineer have to be?**
- A** Drawings only need to be as detailed as is necessary to convey the information required to construct the work. The amount of detail should be commensurate with the complexity of the site. In some cases, simple pencil drawings may be adequate. Keep in mind that formal contracts generally require more details and should be more specific to avoid contract disputes.

Q Do all engineering plans developed by the sponsor need to have a P.E. seal?

A Yes, except for non-structural practices like debris removal or seeding.

Q Do NRCS engineers have to review all plans developed by the sponsor's engineer?

A No. Sites with only non-structural practices can be reviewed by a NRCS representative who is not an engineer. All structural practices will be reviewed by a NRCS engineer. All NRCS review comments are to be addressed by the sponsor's designer.

Q What design criteria are used for EWP work?

A The designer will meet or exceed NRCS design criteria for the practices involved with the EWP work.

Q What construction specifications are used for EWP work?

A The sponsor's engineer may develop construction specifications or use construction specifications provided by the NRCS. Items of Work and Construction Details specific to the site must be added by the designer. The sponsor's engineer is ultimately responsible for the specifications used on the project.

Q EWP work involves removal of debris from a stream. Can equipment be used in the bottom of the streambed to do this work?

A Generally, no. All work must be performed in the most environmentally sensitive manner possible. When possible, debris removal from a stream should be performed with heavy equipment from the top of the streambank.

Q Who performs the final inspections?

A The sponsor is responsible for insuring that repairs are completed as designed on non-formal federal contract work. NRCS personnel will look at each site to confirm that the repair was made and that it is in keeping with the work that was planned for the site. NRCS may not do an item-by-item inspection. However, if any critical deficiencies are noted by NRCS personnel, they must be corrected before final payment is made.

Q Can some of the sites in a project agreement be paid before all the sites included in the agreement are complete?

A Yes. SF-270 forms (Request For Payment) may be submitted for groups of completed sites.

Q What should be done if a cost-overrun occurs?

A As soon as it is apparent that repair costs will exceed the estimate, notify the NRCS representative and request a modification to the project agreement. If the additional costs are justified, normally there will not be a problem obtaining the additional funds. However, if EWP funds are exhausted, NRCS may only be able to pay only the amount obligated in the original agreement.

Q Once the work is completed and the sponsors have submitted a request for payment, how long will it be before they receive payment?

A Payment is usually made within 10 to 14 working days.

Q What are examples of goods for “in kind goods and services”?

A Materials, laborers and equipment which are utilized in EWP project installation are considered goods.

Q What are examples of services for “in kind goods and services”?

A Planning, design work, inspection and contract administration of the EWP project are considered services.

