

Purpose: To provide information to all field offices.

Expiration Date: September 30, 2012

With the existing potential for ongoing flooding and windstorm events, The Emergency Watershed Protection Program (EWP) is a program available through NRCS to help mitigate the effects of these events on private property. EWP work is authorized by section 216, P.L. 81-516, (33U.S.C. 701b1) and Sections 403-405, P.L. 95-334, (16 U.S.C. 2203-2205).

The excerpt from Section 216, P.L. 81-516, (as amended) that pertains to NRCS EWP Program, states:
“The Secretary of Agriculture is authorized to undertake emergency measures, including the purchase of floodplain easements, for runoff retardation and soil erosion prevention, in cooperation with landowners and land users, as the Secretary deems necessary to safeguard lives and property from floods, drought, and the products of erosion on any watershed whenever fire, flood, or any other natural occurrence is causing or has caused a sudden impairment of that watershed.”

It is not necessary for a federal emergency to be declared for an area to be eligible for EWP assistance. A local or state emergency can be declared by the NRCS State Conservationist. The EWP program objective is to assist sponsors and individuals in implementing emergency measures for runoff retardation and erosion prevention to relieve imminent hazards to life or property created by a natural disaster that causes a sudden impairment of a watershed. Activities include providing financial and technical assistance to remove debris from streams, protect destabilized stream banks, establish cover on critically eroding lands, repairing conservation practices, and the purchase of flood plain easements. The program is designed for installation of recovery measures. The following excerpts are from the EWP Manual:

501.3 Eligibility for recovery assistance

(A) General EWP recovery assistance is made available to sponsoring local organizations (sponsors).

(B) Project Sponsor Eligibility

(1) A **project sponsor** is —

(i) Any legal subdivision of a State government or a State agency including the following:

- Cities
- Counties or parishes
- Towns
- Municipal Authorities
- Townships
- Soil and Water Conservation Districts
- And when chartered under state laws—
- Levee Districts
- Irrigation Districts
- Drainage Districts

(2) A project sponsor must —

(i) Have a legal interest in or responsibility for the areas threatened by a watershed emergency.

- (ii) Be capable of obtaining necessary land rights and required permits.
- (iii) Be capable of carrying out any operation and maintenance (O&M) responsibilities.
- (iv) Administer contracting when part of a local agreement.

C. Program Eligibility

The STC may provide assistance that is based on a determination that the current condition of the land or watershed impairment poses a threat to health, life, or property. Assistance includes EWP practices associated with removing threats to public health and safety and restoring the natural environment after natural disasters.

D. Eligible Measures

- (1) NRCS will only provide assistance for measures that —
 - (i) Reduce threats to life or property from a watershed impairment, including sediment and debris removal.
 - (ii) Provide protection from additional flooding or soil erosion by retarding runoff.
 - (iii) Remove debris deposited by a natural disaster that would affect runoff or erosion.
 - (iv) Restore the hydraulic capacity to the natural environment to the maximum extent practical based upon pre-event conditions.
 - (v) Are economically, socially, and environmentally defensible and technically sound.
- (2) Measures must also —
 - (i) Provide immediate, adequate, and safe relief from the hazard
 - (ii) Be limited to only measures or practices necessary to reduce applicable threats to a stable condition and which approximate the conditions that existed before the impairment of the watershed.
 - (iii) Conform to all applicable statutes, published regulations, and Executive Orders.

(E) Prior work EWP funds may not be used to reimburse sponsors for work carried out prior to the signing of a fund-obligating document by the sponsors **and** NRCS.

In cases where the same type of natural event occurs within a 10-year period and a structural measure has been installed or repaired a total of two times within that period using EWP assistance, then EWP assistance is limited to those sites eligible for the purchase of a floodplain easement.

501.4 Limitations

In addition, emergency watershed protection funds cannot be used to fund:

- normal operation and maintenance,
- solve problems that existed before the disaster-causing event,
- repair, rebuild, or maintain private or public transportation facilities, public utilities, or similar facilities,
- construct a new channel, relocate a stream, or do work that increases pre-disaster capacity of channel,
- repair erosion damage to breaches, dunes, and shorelines,
- work on any measures installed by other federal agencies.

501.6 Cost sharing

(a) Rate Federal funds will provide up to 75 percent of the construction costs of emergency measures. Cost sharing is waived for measures installed on national forest and national grasslands. Floodplain easement will be cost shared at 100 percent of the value established according to the policy in 504.33.

The process that a field office will need to go through to respond to a potential EWP project or request includes the following:

- 1) Determine if there is a potential watershed impairment that the EWP program may help. You may require assistance from technical staff to help make this determination.
- 2) Talk to the potential EWP project sponsor (usually the local towns) to determine interest (in this conversation please do not commit funds or even respond that the project is eligible).

- 3) In the absence of a national disaster declaration, notify the Assistant State Conservationist for Operations that you believe a watershed wide impairment has occurred and you believe the State Conservationist may need to declare a local emergency.
- 4) The ASTC for Operations shall notify the state EWP Program manager (Robin Allen, Acting State Conservation Engineer) of potential project.
- 5) Immediately a State Response Team, including state office and field office personnel, will be assigned to review the potential project. The team will prepare the Damage Survey Report (DSR) and submit the DSR to the national office for funding, if the project is eligible.
- 6) National office approves project and sets up funds for the state. This may require being put on a waiting list. This waiting period may be extensive depending on the size of reserves being held at NHQ and the scope of the project.
- 7) An EWP team will be assembled to finalize plans to address the approved EWP project.

Additional information on EWP can be found on the NRCS web page located at:
<http://www.nrcs.usda.gov/programs/ewp>.

The link to the National EWP Manual can be accessed through: <http://directives.sc.egov.usda.gov/>, then browse Manuals and go to Title 390.

A copy of the Damage Survey Report (DSR), which is completed for all potential Emergency Watershed Protection (EWP) projects and sample Letters of Request, can be accessed through the National EWP Manual, Subpart C - Forms. The DSR will need to be completed for all eligible EWP projects and associated measures.

Please contact Robin Allen, Acting State Conservation Engineer and EWP Program Manager at 802-951-6796, if you have a request for EWP or questions regarding EWP.



RICHARD P. ELLSMORE
State Conservationist, New Hampshire

Cc:

Bill Stockman, President, New Hampshire Association of Conservation Districts
Lorraine Merrill, Commissioner, New Hampshire Department of Agriculture, Markets & Food
James Raynes, Chairman, New Hampshire State Conservation Committee
John Pike, Dean and Director, UNH Cooperative Extension
Jay Phinizy, State Executive Director, USDA Farm Service Agency
Molly Lambert, State Director, USDA Rural Development

Dist: S, F