



**Kentucky Emergency Recovery Plan (ERP)
Natural Resources Conservation Service
(NRCS)
United States Department of Agriculture**



This emergency recovery plan provides guidelines that address the recovery actions and inter-agency coordination that the Kentucky NRCS will follow when an emergency is declared and the Emergency Watershed Protection Program is initiated and/or implemented.

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I. INTRODUCTION

The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) administers Federal assistance on state, tribal, and private lands to relieve imminent hazards to life and property created by a natural occurrence that causes a sudden impairment of a watershed. Natural occurrence includes, but is not limited to, floods, fires, windstorms, ice storms, hurricanes, typhoons, tornadoes, earthquakes, volcanic actions, slides, and drought. A watershed impairment exists when the ability of a watershed to carry out its natural functions is reduced to the point where an imminent threat to health, life, or property is created.

[7 CFR 624](#) sets forth the requirements and procedures for Federal assistance through the Emergency Watershed Protection (EWP) Program administered by NRCS. The [EWP Program Manual Parts 510-515](#) contains NRCS policy for administering the EWP Program. The EWP Program national SharePoint site maintains current information for EWP implementation: https://usdagcc.sharepoint.com/sites/nrcs_programs/watershed/EWP/

This ERP contains information to assist NRCS staff to efficiently and effectively implement EWP measures in the event of a natural disaster. The contents of this document are not intended to replace or alter the implementing regulations of the EWP Program. A generalized EWP Program implementation process is shown in Figure 1.



II. EMERGENCY WATERSHED PROTECTION (EWP) PROGRAM

A. KENTUCKY EWP PROGRAM CONTACTS

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and gravel, surface disturbance of dredging of river or creek sand and gravel: mining of clay: mining of fluorspar and other vein minerals. Mineral operations include the surface disturbance of underground mining as well as strip mining.”

For EWP activities that include a significant amount of gravel or cobble removal from a stream the sponsors should contact the local non-coal inspectors before removing the material. The non-coal inspectors can be found by clicking the following link: [Non-Coal Inspector Areas](#). Generally speaking, in Kentucky, if the project qualifies as an emergency under EWP and complies with DOW and Corps 401 and 404 conditions, a non-coal permit will not be required. Follow this link for more information concerning the KY Department of Natural Resources, Division of Mine Reclamation and Enforcement creek gravel removal requirements -[KY Guidelines for Gravel Excavation and Removal](#).

XIX. FEDERAL CONSULTATION

Once NRCS and sponsor funding has been committed to the recovery effort, a notice will be transmitted to the Army Corps of Engineers (Louisville District) and the Kentucky Water Quality section of Division of Water. If an EWP funded event is presidentially declared NRCS will consult with the Federal Emergency Management Agency (FEMA).

A. U.S. FISH AND WILDLIFE SERVICE CONSULTATION

Section 7a(2) of the Endangered Species Act (ESA) of 1973 requires NRCS, in consultation with and with the assistance of the Secretary of the Interior, to insure that its agency actions and activities do not jeopardize the continued existence of threatened and endangered species or result in the destruction or adverse modification of the species' critical habitat. The NRCS policy states that NRCS will assist in the conservation of federally listed species and consistent with legal requirements, avoid or prevent activities detrimental to such species. In addition, the ESA states that NRCS will use its authorities in furtherance of the purposes of the ESA by carrying out programs for the conservation of listed species.

Kentucky NRCS has a programmatic consultation agreement in place with USFWS. This agreement is updated periodically and was developed in coordination with NRCS and USFWS biologists. The purpose of the document is to provide conservation planners in Kentucky with a consistent and simplified process for determining the potential effects of NRCS conservation practices on federally listed species within Kentucky. The protection and conservation of federally listed species is consistent with the NRCS mission, and is required for compliance with NRCS policy, NEPA and the ESA. This agreement contains a matrix that outlines potential effects and the rationale in making an affect determination to listed species and their designated habitats. The matrix also identifies any possible instances when additional consultation or coordination is needed.

When the Damage Assessment Response Team (DART) has completed the Damage Survey Report (DSR) and NRCS-CPA-52 for a site, the document is sent to Kentucky NRCS state office personnel to review the damage areas for potential impacts to federally listed species. The NRCS reviews the project location to

determine the presence/absence of listed species and compares the proposed activities to the conservation practice matrix and any agreed upon avoidance strategies. If there is a potential impact to federally listed species that is not covered under the current consultation agreement, the project is halted until consultation with USFWS is completed. All consultation is informal unless USFWS deems a formal consultation is necessary.

B. CULTURAL RESOURCES CONSULTATION

When acting as the lead agency, NRCS must address all potential cultural resource issues. Working with the Kentucky State Historic Preservation Office (SHPO), other federal agencies and local sponsors, all damaged areas must be reviewed to ensure that restoration activities will not damage or destroy cultural resources. Stipulation VI of the Prototype Programmatic Agreement (PPA) between the SHPO and Kentucky NRCS (executed in June of 2016) provides the process by which cultural resources consultation in emergency situations is to occur. The KICT may be used to screen if known cultural resources are present within the damaged area. The State Archaeologist/Cultural Resource Specialist will work with the DART team to determine if cultural resources are likely to be impacted by the recovery efforts and coordinate consultation with SHPO and American Indian tribes.

C. Nationwide Rivers Inventory Consultation

Rivers and other waterways protected under the Wild and Scenic Rivers Act and the Nationwide Rivers Inventory (NRI) have legal protections from impacts. Under the Wild and Scenic Rivers Act section 5(d)(1) and related guidance, all federal agencies must seek to avoid or mitigate actions that would adversely affect NRI river segments. The KICT will identify if a NRI river segment is present and if consultation will be required. If consultation is necessary, the DART team member will coordinate with the KY NRCS NEPA coordinator.

The NRCS-CPA52 has sections which cover all of the special environmental concerns that are considered during the National Environmental Policy Act (NEPA) process and has a section that describes the findings determined by the responsible federal official. The completed NRCS-CPA-52 serves as documentation that the NEPA regulations have been followed.

XX. CONTRACTING PROCEDURES

Contracting procedures will vary depending on the lead entity for construction contract administration. EWP contracts can either be federal or non-federal. If NRCS is the contracting official, the contracting officer decides the procurement method for acquiring construction services. The local sponsor may be asked to prepare a list of potential contractors qualified to complete the project activities, coordinate a site showing, identify potential material sources, etc. If the contracting mechanism is non-federal, the project sponsor arranges, awards, and administers the contract for the acquisition of services and the installation of the recovery measures.

Typically in Kentucky, EWP contracts are non-federal and the sponsor is the contracting entity. A project agreement (PA) is drafted for the damage site(s) and signed by the local

sponsor and NRCS state conservationist. This PA serves as the fund obligating document for the specific project and the sponsors shall be responsive to the requirements set forth in the agreement.

The PA is drafted after all the approved documents are completed (see [section B.2](#) in this document). The PA is considered valid when the STC signs the document; no work should begin on a EWP project until the PA has been fully executed. Beginning work prior to the PA execution makes the site ineligible for EWP assistance.

The fully executed PA will be transmitted to the sponsors, along with the NRCS contracting officer representative (COR) and inspector appointment letters for the work associated with the agreement. All sponsors are to follow local and state procurement procedures when implementing EWP work.

XXI. EMERGENCY RECOVERY COMMUNICATION PLAN

A. GOALS

The overall goal of the communication plan is to outline responsibilities, timeframes, and methods for keeping the public informed about NRCS EWP activities and events. The EWP Program Manager will be responsible for establishment of internal communication procedures and coordination. The EWP Program Manager will keep the Public Affairs Specialist informed of disaster occurrences.

The communication plan will:

- Provide uniform, consistent information to sponsors and the general public.
- Provide sponsors information about how to apply for the program.
- Keep decision-makers informed of progress.
- Let the public know how tax dollars are being spent.

B. OBJECTIVES

- Through news releases, and other notification systems in place (Twitter, Facebook, and GovDelivery), the public is notified of the natural disaster and NRCS' involvement in response to the disaster.
- The EWP Program Manager will inform the Congressional Delegate and State Legislators of the EWP assistance provided by NRCS after a natural disaster has occurred and provide them guidance on requesting assistance.
- The Public Affairs Officer will provide regular communication to the media contacts for the affected area. News releases may be issued at the following stages of the emergency action:
 - Immediately following disaster to indicating that assistance is available.
 - Following completion of damage assessments to report proposed actions.
 - At the resolution of an "unusually compelling" situation.
 - During construction phase.
 - When construction completed.
 - At other occasions when deemed necessary.
- Key messages to convey are:
 - Role of NRCS technical expertise and financial assistance in disaster recovery.
 - What can be/has been accomplished including:
 - people benefited
 - number of homes/businesses/community structures protected

- value of services provided
- role and contribution of sponsors
- environmental benefits provided.

C. AUDIENCE

- Affected Citizens
- Congressional Delegate
- State Legislators
- General Public
- Media (newspaper, television, radio and website, social media)

D. KEY MESSAGES

- Nature of the disaster, location, damage caused and resources affected
- Identification of the local sponsors
- Type of assistance provided by NRCS

E. ROLES AND RESPONSIBILITIES

- Public Affairs Officer is responsible for developing and implementing a communication plan for the disaster. An example communication plan can be found in *Appendix E* of this document.
- Local Contact (Supervisory District Conservationist) is responsible for providing local information on the area and resource damage, and is available to talk with the media on the damage.
- EWP Program Manager coordinates with Public Affairs staff to provide information on the recovery effort and is available to talk with the media on the effort.
- ASTC/FOs and EWP Program Manager available to talk with the media about the program and NRCS project activities.

XXII. HELPFUL LINKS

A. NRCS FORMS

- [Request for Advance or Reimbursement Form \(SF-270\)](#)
- [Request for Federal Assistance Forms \(SF-424\)](#)
- [Federal Financial Report Form \(SF-425\)](#)
- [Environmental Evaluation Worksheet \(NRCS-CPA-52\)](#)
- [Assurance of Real Property Form \(ADS-078\)](#)
- KY NRCS Employees can access the following forms at the [KY NRCS SharePoint Site](#):
 - EWP Program Eligibility Screening Worksheet
 - Damage Survey Report
 - Plan of Operations Template
 - Operation and Maintenance Plan

B. KENTUCKY PUBLICATIONS AND GUIDANCE

- [KY Emergency Stream Bank Restoration / Stabilization](#)
- [KY Guidelines for Removal of Stream Flow Obstructions](#)
- [KY General Conditions to Nationwide Permits](#)

- [KY Water Quality Permit Application](#)

- [KY Non-Coal Area Requirements](#)

C. *US ARMY CORPS OF ENGINEERS PUBLICATIONS AND GUIDANCE*

- [USACE Nationwide Permits](#)
- [USACE Permit Form and Instructions](#)

XXIII. LIST OF APPENDICES

Appendix A. Sponsor Fact Sheet

Appendix B. Sample Letter for Requesting EWP Assistance

Appendix C. Attorney Opinion of Landrights (EXAMPLE)

Appendix D. Detailed Filing Instructions for NRCS Employees

Appendix E. Communications Plan Template

Appendix F. Checklist for Project Agreement Requirements