East Troublesome Fire Watershed Recovery – 1 year recap – watershed success story

https://www.youtube.com/watch?v=Pz9Ha203hck
INTRODUCTION
James Tillman, Regional Conservationist, Southeast Region &
Nikki Herbert, Regional Conservationist for the Central Region

WATERSHED AND FLOOD PREVENTION OPERATIONS (WFPO) PROGRAM
Kevin Farnier, Branch Chief Watershed Programs/
Ralph Smith, National Watershed Operations Programs Manager

WATERSHED REHABILITATION PROGRAM (REHAB)
Jesse Wilson, National Watershed Rehabilitation Program Manager

BREAK - 15 MINUTES

EMERGENCY WATERSHED PROTECTION (EWP) PROGRAM
John Derbis, National EWP Program Coordinator

TIMELINES FOR PROJECT PHASE COMPLETION
Kevin Farnier, Branch Chief Watershed Programs

OPEN FORUM - Q & A

FARM PRODUCTION AND CONSERVATION
FSA | NRCS | RMA | Business Center
<table>
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<tr>
<th>Infrastructure Act Funding</th>
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<tr>
<td>Watershed Operations Program</td>
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<tr>
<td>Rehab Program</td>
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<td>EWP Program</td>
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## Total Potential Funding FY 2022

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<tr>
<td>WFPO</td>
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<td>FY 2022 Annual Appropriation</td>
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<tr>
<td>REHAB</td>
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<td>WFPO/REHAB</td>
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<td>FY 2022 Annual Appropriation (Farm bill)</td>
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<td>EWPP</td>
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<tr>
<td>WFPO</td>
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<td>Infrastructure Bill</td>
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<tr>
<td>REHAB</td>
<td>$118 Million</td>
<td>Infrastructure Bill</td>
</tr>
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<td>$300 Million</td>
<td>Infrastructure Bill</td>
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</table>

**Total:** $1.438 Billion
During this presentation today I will discuss the NRCS Watershed Operations Program and how you might work with the local NRCS office in your state on a Watershed Project.

Before we continue, I’d like to introduce Kevin Farmer, the Branch Chief for Watershed Programs. Kevin, would you like to stay a few words?
During my presentation today I will provide an Overview of the Watershed Operations Program (click)
I will then discuss how you, as a potential sponsor, can work with your local NRCS office to initiate a PL-566 Watershed project effort (click)
The Flood Control Act of 1944 and the Watershed Protection and Flood Prevention Act (Public Law 566, PL 566) are the foundational legislation for the Watershed Operations program. Through these important legislative acts, the Natural Resources Conservation Service (NRCS) is authorized through the Secretary of Agriculture to “cooperate with States and local agencies in planning and carrying out works of improvement for soil conservation and for other purposes.” It provides for technical, financial, and credit assistance by the USDA to sponsoring local organizations (SLO) representing the people living in watersheds. It also provides for needed additional treatment and protection of federally owned lands within such watersheds.
The Watershed Program requires the development of physically, environmentally, socially, and economically sound watershed project plans with actions scheduled for implementation over a specified period of years. Watershed project plans contain project actions, which are formally planned undertakings carried out within a specified geographic area by sponsors for the benefit of the general public.

Public Law 83-566 sets forth three general purposes: (click)
(i) Preventing damage from erosion, floodwater, and sediment (click)
(ii) Furthering the conservation, development, utilization, and disposal of water (click)
And (iii) Furthering the conservation and proper utilization of land
Watershed Operations Program
Purpose and Need

Authorized Purposes

1) Flood Prevention (Flood Damage Reduction)
2) Watershed Protection
3) Public Recreation
4) Public Fish and Wildlife
5) Agricultural Water Management
6) Municipal and Industrial Water Supply
7) Water Quality Management
8) Watershed Structure Rehabilitation

The previously mentioned general purposes are more specifically refined as shown here. Every NRCS watershed project will have one or more of these purposes. In the next few slides we will review each purpose in detail. As we do so, think about watershed scale projects in your area that could be addressed under the authority of one or more of these purposes.
Flood Prevention (Flood Damage Reduction) – Historically, this is the one of the most widely utilized purpose in the program.

The Flood prevention purpose involves installing measures to prevent or reduce damages caused by floodwater.

- Flood damage reduction is further defined as the control and disposal of surface water caused by abnormally high direct precipitation, stream overflow, or floods aggravated or caused by wind or tidal effects.
The types of measures and activities that fall under the Flood Prevention, Flood Damage Reduction, purpose are (click)

The installation of dams and levy’s (click) and projects that involve flood proofing or the removal of houses and other structures in the floodplain. (click) . The program also provides for other measures that prevent encroachment into the floodplain. This purpose can also cover other measures that reduce the frequency, depth or velocity of flooding that might be .
While there are thousands of dams that have provided protection to farm and ranchlands throughout the country, a project in West Virginia demonstrates how the flood protection purpose can be used to develop a voluntary buyout and relocation effort. The Dunloup Creek Watershed project in south central West Virginia involves numerous communities that have suffered from repeated flooding. Using PL566 authorities, 107 homes have been purchased and removed from the flood plain. (Click) Benefits beyond the lives and property saved include:

- Restoration of natural floodplain functions
- Improved riparian habitat and streambank stability and,
- Improved water quality
The watershed protection purpose consists of land treatment practices, within a watershed that result in reduced off-site flooding, erosion, sediment and agricultural pollutants.

The NRCS office in Tennessee worked with the Town of Oneida to implement a project with this purpose in the Bear Creek Watershed. Remnants of mining in the area during the 1800s resulted in acid mine drainage going directly into the creek, all but terminating any life in the waterway. After reclamation efforts and treatment of runoff through the watershed project, aquatic life was detected in reaches of bear creek that had been void of life for many years. The project also had a tremendous unexpected benefit of economic development to the area – increased home sites and the construction of a recreational sports complex.
Watershed Operations Program
Purpose and Need

Watershed Protection

Watershed protection plans may include ecosystem restoration type activities. Project measures for watershed protection include land treatment practices installed by land users to conserve and develop any of the following:

- Soil
- Water quality and quantity
- Woodland
- Fish and wildlife habitats
- Energy
- Recreation and scenic resources

Project measures when implemented, result in conserved or developed soil, improved water quality or quantity, enhancements to woodland, fish and wildlife habitat, and the conservation or development of recreation and scenic resources. Watershed protection can also involve the conservation of energy.
The NRCS office in Tennessee worked with the Town of Oneida to implement a project with this purpose of Watershed Protection in the Bear Creek Watershed. Remnants of mining in the area during the 1800s resulted in acid mine drainage going directly into the creek, all but terminating any life in the water way. After reclamation efforts and treatment of runoff through the watershed project, aquatic life was detected in reaches of bear creek that had been void of life for many years. The project also had a tremendous unexpected benefit of economic development to the area – increased home sites and the construction of a recreational sports complex.
This purpose is also being used in a project in Massachusetts where measures are being installed throughout the watershed to improve the water quality which directly impacts wildlife habitat and fisheries in the area. Measures such as the installation of enlarged culverts help to restore tidally-restricted salt marshes. Fish ladders are installed to help fish species reach fresh water spawning locations that would be otherwise obstructed by man-made barriers. Dry Wells and Sand Filters are constructed to restore and protect shellfish beds by treating stormwater runoff before it reaches shellfish beds.
Watershed Operations Program
Purpose and Need

Public Recreation

Public recreation developments may be included in a watershed project plan when the SLO agrees to operate and maintain a reservoir or other area for public recreation. Project measures must include only minimum basic facilities needed for public health and safety and access to, and use of the area. Minimum basic facilities may include picnic areas, sanitary facilities, fishing piers, shelters, cooking grills, parking areas, swimming beaches, access roads, water, and trails. Also included are practices to provide needed access, water, and power.

Under the Public Recreation purpose measures may include picnic areas, sanitary facilities, fishing piers, shelters, cooking grills, parking areas, swimming beaches, access roads, water, and trails.
The Public Fish and Wildlife purpose involves the improvement of the habitat or the environment for the breeding, growth and development of fish and other wildlife.
The Agricultural Water Management purpose includes drainage, ground water recharge, irrigation, water conservation, water quality improvement, and agricultural (including rural communities) water supply. Work in this purpose must serve groups of landowners and communities.
This purpose is being used by many western states to implement projects that involve putting into pipes, open canals that are used to supply farmers and ranchers' irrigation water - the result is more efficient irrigation systems with reduced water loss due to evaporation and seepage.

This purpose is also being used to help rural communities in other parts of the country develop dependable water supplies. In several states such as Iowa and Missouri the Agricultural Water management purpose is being used to plan reservoirs that will benefit the agricultural and rural water users within the watershed.

There is also potential for this purpose to be used to assist limited resource and tribal communities in developing strategies for addressing water supply issues for their communities, particularly in areas where there is still not safe dependable water sources.
The purpose of the Municipal and industrial (M&I) water supply covers those measures necessary to provide storage capacity in reservoirs to increase the availability of water for present and future municipal and industrial needs. Under this purpose NRCS can work with sponsors to cover the cost for outlet works and pipelines to convey water from waterbodies to existing or proposed treatment facilities or water systems.
Water quality management measures provide water storage capacity in reservoirs for regulation of stream flow to improve water quality in streams.
Watershed Operations Program
Purpose and Need

Watershed Structure Rehabilitation

Watershed structure rehabilitation is covered in Public Law 83-566 Section 14, which authorizes financial assistance to local organizations to cover a portion of the costs of rehabilitating dams originally constructed as part of a project carried out under any of the following four authorities—Public Law 83-566, Public Law 78-534, the pilot watershed program authorized under the Department of Agriculture Appropriation Act of 1954, or the Resource Conservation and Development Program authorized by the Agriculture and Food Act of 1981.

Dams that were built by NRCS can be rehabilitated to modern standards through this purpose. NRCS does not rehabilitate dams not constructed by NRCS. Details of the NRCS Dam Rehabilitation will be discussed in the next presentation.
When you or your organizations approaches NRCS with a project idea, you will most likely have an idea of how you think the resource concern needs to be addressed. \(<\text{click}>\) Maybe your organization has done studies or hired consultants to help you develop solutions to your issue. This information can be very valuable, however because each NRCS authorized project is considered a federal action, we must follow an approach that requires us to consider all possible alternatives that might address the resource concern. \(<\text{click}>\) We encourage sponsors to keep an open mind and realize that during the planning process other possible ways to address the resource concern may be revealed.

As you work with NRCS, you might present an idea such as .. “Our tribe would like to develop a dependable water supply for our rural community. We know exactly where we like to build the reservoir structure and the desired capacity of the structure, 3 months of water for 3,000 water users in the tribe!” NRCS planners are likely to describe your project as “This project, in the Happy River watershed, will have the purpose of agricultural water management. The project will address the water supply needs of the rural community.” Notice ... in the NRCS approach we do not specifically discuss what measures are planned to be installed ... we simply state the purpose ... agricultural water management and the need ... to address the water supply needs of the tribal community.
We’ll now review the main statutory requirements of the program. (click)

- First the project must have a Sponsor that meets the eligibility requirements which include having the power of eminent domain and the authority to levy taxes or provide another means financing for the local share of the project as well as operation and maintenance expenses. (click)
- Requests for more than $25 million in Financial assistance must be congressionally approved. (click)
- Agricultural benefits, including those to rural communities, must comprise at least 20 percent of the projects benefits. This is not about acres, but about the financial benefits that can be attributed to a specific purpose. Additional information on benefits is available in the NRCS Watershed Manual and the NRCS National Water Resources Handbook for Economics. (click)
- The project must be less than 250,000 acres, unless waived by specific legislation. (click)
- The project does not include any single structure that provides more than 12,500 acre-feet of floodwater detention capacity. (click)
- The project provides no more than 25,000 acre-feet of total capacity.
### Watershed Operations Program
#### Financial Assistance

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Engineering Technical Assistance</th>
<th>Installation Construction</th>
<th>Real Property Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flood Prevention</td>
<td>100%</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>Watershed Protection</td>
<td>100%</td>
<td>Variable</td>
<td>0%</td>
</tr>
<tr>
<td>Agricultural Water Management</td>
<td>Up to 100%</td>
<td>Up to 75%</td>
<td>0%</td>
</tr>
<tr>
<td>(Drainage, Irrigation, Ground Water Recharge, Agricultural Water Supply Structure, Water Conservation, Water Quality)</td>
<td></td>
<td></td>
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<tr>
<td>Water Quality Management</td>
<td>Up to 100%</td>
<td>50%</td>
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<tr>
<td>Municipal &amp; Industrial Water Supply</td>
<td>No more than 50%</td>
<td>No more than 50%</td>
<td>0%</td>
</tr>
<tr>
<td>Groundwater Recharge</td>
<td>100%</td>
<td>Up to 75%</td>
<td>0%</td>
</tr>
<tr>
<td>Rehabilitation</td>
<td>100%</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>

This table is an excerpt from National Watershed Manual Figure 500-E2, it should not be used to establish program cost sharing amounts by Purpose.

This table shows the financial assistance available through the PL-566 program. Let's look at one of the listed purposes and explain how the project would flow when NRCS funds are available. (click)

Let’s continue with the example that was used earlier, whose purpose was Agricultural Water Management. For a project that aims to focus on rural water supply, if the PIFR is approved by the State Conservationist and the project is selected for funding by the NRCS Chief, NRCS staff can begin the process of developing a Watershed Plan environmental assessment or environmental impact statement. The cost for this planning, technical assistance, is entirely covered by NRCS. In addition, after the plan is authorized, the effort to design specific measures will also be covered by NRCS. Only at the time of construction will the project sponsor need to provide their matching 25%. If any land rights are required for the project, the sponsor will need to acquire those at their own expense.
For 2021, congress appropriated $175 M in discretionary funds and $50 M in mandatory funds. While we are currently under a continuing resolution, we anticipate these same amounts will be appropriated in fiscal year 2022.
So far for fiscal year 2022, congress has appropriated $500 M in discretionary funds through the Infrastructure Investment and Jobs Act. As we work to move these funds into projects, the current administration has set as priorities working on efforts that will in some way address needs associated with the western water supply, impact historically underserved and tribal communities, or bring new partners and sponsors to the Watershed program.
NRCS Watershed Plan & Integrated Resources Management Plan

1. Cover
2. Abstract
3. Watershed Agreement
4. Table of Contents
5. Summary
6. Purpose and Need for Action (1.0)
7. Scope of EA/EIS
8. Affected Environment (3.0)
9. Description of Alternatives (2.0)
10. Comparison of Alternatives (2.0)
11. Environmental Consequences (4.0)
12. Consultation, Coordination, Public Participation (7.0)
13. The Preferred Alternative
14. References
15. List of Preparers (6.0)
16. Distribution List
17. Index
18. Appendices
So if you’re here today, you can probably think of a resource concern in your state or community that could possibly be addressed through one of the Watershed Program project purposes. Maybe there’s an issue with flooding in a small town or a rural area with limited access to water for agricultural or rural purposes. How do you get started? (click)

In each state the NRCS State Conservationist is the person who is ultimately responsible for making sure that all of the USDA-NRCS programs are carried out properly. The State conservationist has program managers who work on the day-to-day operation and implementation of the programs. At the county level, NRCS District Conservationists are the face of all USDA-NRCS programs and are usually the first points of contact for projects. District Conservationists play a crucial role rallying the community and engaging local stakeholders and partners. They also help coordinate many aspects of a projects planning, design and eventual implementation. So in many situations, the DC might be the first person who is contacted about a potential project. (click)

The DC will elevate requests for potential projects to the State Watershed Program manager. The state program manager then works with the project sponsor to determine if the project meets the program requirements, this is done through the development of a preliminary investigation feasibility report (PIFR). Through the PIFR, new projects are evaluated to determine that there are no insurmountable obstacles or barriers to the
projects completion and that the project is compatible with the PL566 program. PIFRs can be started at any time.

If the PIFR results in a State Conservationist approved project, the State conservationist and Program manager will submit a funding request to the NRCS NHQ for planning considering the performance priorities of the State and the staff and financial resources that are available to accomplish the request.
Let’s look at a project idea from its start and show how it flows through NRCS. The project idea starts at the local or state level – landowners, community activists and stakeholders come together in support of addressing a resource concern in their community (click)

- Initially they might talk to the District Conservationist about the idea. And the District Conservationist tells them about the USDA-NRCS watershed program. Because the project involves several landowners, some of whom are not farmers or producers, the Watershed Program seems like it will be a good fit to address the issue.

- The District conservationist arranges a meeting with the State Program Manager and Project sponsor. (click)

- When the State PM and project sponsor meet, they go over the watershed issue and what things might be done to resolve it. The State PM reviews the program requirements with the Sponsor. (click)

- The State PM will initiate the development of a Preliminary Investigation Feasibility Report (PIFR), using NRCS staff or a contractor. The PIFR is an internal document used by the State Conservationist to make a decision about the potential project. If it’s determined that the project is compatible with the Watershed Operations program and that there are no insurmountable obstacles and the State Conservationist gives the project the green light, the State PM and project sponsor can submit a request for funds to prepare watershed plan environmental assessment or environmental impact statement to the NRCS NHQ. The sponsor will have to request planning assistance in
writing. The sponsor is also responsible for coordinating projects with the governor of the state or the designated agency responsible for coordinating water resources projects in the state. (click)
- NRCS HQ will review and prioritize funding requests to initiate planning efforts. New planning requests are evaluated against how many other plans are being developed by a state and are also balanced against requests for construction and design. (CLICK)
- NRCS no longer requires the preparation of funding proposals.
- There will also not be a specific deadline for funding requests to be submitted. Rather, funding requests can be submitted by the State Conservationist at any time.
- NRCS Senior Leadership will evaluate all funding requests holistically and provide funding based on administrative priorities as previously described.
If you’re not sure how to contact a NRCS office or Watershed program manager, the fastest way is to head to the NRCS website. The link is shown here. To contact a watershed program manager directly use the sequence of clicks shown at the bottom of the slide.
Now for a quick recap of what we discussed today (click)

The first thing we did was provide an Overview of the Watershed Operations Program

We talked about how the Watershed Program started and the 8 purposes (including rehabilitation) that work is done under. The statutory requirements of the program – project areas less than 250,000 acres, 20% agricultural benefits and the requirements for sponsorship were then discussed.

A table showing the different percentages for funding assistance was then reviewed ... in this section you learned that a project that has agricultural water management as it’s purpose can have its engineering technical assistance 100% funded by NRCS and it’s construction funded up to 75%, with a 25% sponsor match

We reviewed recent watershed program funding and discussed the $500 Million provided through the just passed Infrastructure Investment and Jobs Act and the estimated 2022 appropriation of an additional $175 million in discretionary funds and $50 million in mandatory funds.(click)

Lastly, we discussed how sponsors must work with their state conservationist and program managers to develop a Preliminary Investigation Feasibility Report (PIFR) to determine if a project is compatible with the NRCS WS program and has no insurmountable obstacles. Project sponsors can not submit funding requests directly to NRCS NHQ.
Authorization

Public Law 83-566, the Watershed Protection and Flood Prevention Act of 1954, as amended, Section 14.

- Provides technical and financial assistance to rehabilitate NRCS project dams that do not meet current NRCS and State design and safety criteria and performance standards and extend the service life.

- Section 14 (a) (1) “Rehabilitation” means completion of all work necessary to extend service life of dams and meet safety and performance standards.

Public Law 83-566, the Watershed Protection and Flood Prevention Act of 1954, was amended by Section 313 of Public Law 106-472. It is sometimes referenced as the Small Watershed Rehabilitation Amendments of 2000. The amendment added Section 14 to Public Law 83-566. Section 14 authorizes “rehabilitation of structural measures near, at, or past their evaluated life expectancy”. The authorization was narrowly focused on structural measures that impound water, commonly known as dams. The law does not authorize rehabilitation of any other structural measures implemented under the watershed program such as channels and conservation practices.
NRCS has assisted local sponsors to build 11,850 dams in 47 States since 1948. The original authority included works of improvements for flood prevention; the conservation, development, utilization, and disposal of water; or the conservation and proper utilization of land. An authority was needed to address the aging dams implemented with NRCS assistance. Many of the dams are near or exceeding their 50-year service life and many do not meet current dam safety and performance standards. Many dams have deteriorating components. Many dams are classified as high hazard due to development of homes and infrastructure downstream of the dam. The downstream populations are “at risk” should the high hazard dam fail.
Project Eligibility

- Originally constructed through a NRCS Watershed Program
  - PL 83-566
  - PL 78-534
  - Pilot Watershed Program
  - Resource Conservation and Development

- No longer meet current safety and performance standards including dams past their evaluated life

- Operation and maintenance must be current

Rehabilitation is not for O&M.
Sponsor Responsibilities

• Power of eminent domain
• Acquire permits and licenses required
• Authority to levy taxes
• Arrange for and carry out activities that involve the public participation in planning
• Commitment of funding for required cost share and operation and maintenance

Sponsor has several responsibilities.
There are four phases of in NRCS rehabilitation strategic plan: (1) Assessment; (2) Planning; (3) design; (4) Construction. An assessment is not mandatory but encouraged.
We will discuss each phase in detail.
Assessing the condition of dams is a Congressional requirement. Public Law 83-566 Section 14 (i) states “The Secretary, in concert with the responsible State agencies, shall conduct an assessment of the rehabilitation needs of covered water resource projects in all States in which such projects are located.”
Hazard Class

- **High Hazard Potential**— dams where failure may cause loss of life or serious damage to homes, industrial or commercial buildings, important public utilities, main highways, or railroads (2,420 dams).

- **Significant Hazard Potential**— dams in predominantly rural or agricultural areas where failure may damage isolated homes, main highways, or minor railroads, or interrupt service of relatively important public utilities (1,070 dams).

- **Low Hazard Potential**— dams in rural or agricultural areas where failure may damage farm buildings, agricultural land, or township and country roads (8,360 dams).

Hazard class as defined by NRCS, NEM Part 520, Subpart C, Section 520.21. There are currently 8,360 low hazard dams, 1,070 significant hazard dams, and 2,420 high hazard dams. 171 dams have been rehabilitated. Of the 2,420 high hazard dams only 1,023 were designed as high hazard and 1,397 are now high hazard.
What is a Dam Assessment

A preliminary investigation of the condition of the dam that includes:

• on-sight evaluation
• estimate of breach routing
• risk to the public should the dam fail; population at risk
• failure and risk index
• design and safety issues
• rehabilitation alternatives and estimated costs

Discuss the purpose of a dam assessment.
A report is prepared and provided to the sponsor. The dam assessment report provides local sponsors with data regarding the condition of a dam, risks to the public should a dam fail, and preliminary rehabilitation alternatives with estimated costs. An assessment provides the project sponsor with information to determine whether to proceed with rehabilitation of their aging dam.
Discuss the request for a dam assessment.
Planning is the major step to determine the actions needed to have a safe dam and to meet the purpose and need.
Rehabilitation Application

Submit letter of request to NRCS with the following information:

- Name, dam number, project authority
- Location of dam (legal description)
- Year the dam was constructed
- A list of sponsors with O&M responsibilities for the dam
- Sponsor contact information
- Description of existing condition and known rehabilitation needs of the dam, including status of O&M
- Description of the current benefits provided by the dam
- Dam safety agency information

Sponsor submit application to STC for Watershed Rehabilitation assistance. Sponsor also submits application to the State agency (EO 12372 "Intergovernmental Review of Federal Programs")
Sponsor Responsibilities

Sponsor commits to the following:

• Assist in leading locally led planning effort.
• Obtain needed land rights
• Provide local cost-share funds.
• Enter into a new O&M agreement with NRCS
• Provide funds for continuing O&M actions.
• Obtain required permits and approvals at their own cost.
• Provide leadership to assure adequate land treatment on at least 50 percent of the watershed area above the dam.

Sponsor must agree to required responsibilities.
The watershed plan describes the resource concerns and develops feasible alternatives to address the concerns and in compliance with various laws and executive orders.

– Plan-Environmental Evaluation (EE)
– Plan-Environmental Assessment (EA)
– Plan-Environmental Impact Statement (EIS)

Watershed plan must address the resource concerns, purpose and need, and meet NEPA policy.
Discuss the request for a dam assessment.
Watershed Plan development will follow the NRCS Nine Steps of Planning.
Plan Development

• Preparing the Plan
  o NRCS staff or NRCS contract with A&E firm
    or
  o Sponsor through an agreement with NRCS

• Timeline - 18 months (goal) to complete plan

• Cost - NRCS provides 100% of cost
The final watershed plan will address the impact of the Watershed Plan and meet the requirement of NEPA.
Plan Approval

- Sponsor signs Watershed Agreement
- NRCS State Conservationist signs and submits plan to NRCS Chief for authorization.
- Once authorized by the Chief of NRCS, plan is approved for funding dependent upon availability of funds.

NRCS Chief approves final plan.
After the plan is authorized, sponsor can move forward to the design phase.
Design must meet state and NRCS design criteria. NRCS design criteria is Technical Release 60 Earth Dams and Reservoirs.
Design Development

- Design developed by:
  - NRCS Staff or engineering firm hired by NRCS or
  - Sponsor Agreement with NRCS
- Must meet NRCS design criteria
- Requires review and concurrence by NRCS
- NRCS covers 100% of design cost
After the design is approved/concurring by NRCS, sponsor can proceed to construction phase.
Sponsor Responsibility – Pre-Construction

- Obtain permits
- Agree to New O&M Agreement & Plan
- Certify land rights
- Certify emergency action plan for high hazard dam

There are several items the sponsor will need to complete prior to construction.
Construction

Construction Accomplished by:

• NRCS Federal Contract

or

• Sponsor led through an agreement with NRCS
# Rehabilitation Cost Share

<table>
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<th>Purpose</th>
<th>Installation/Construction</th>
<th>Engineering/Technical Assistance</th>
<th>Real Property Rights</th>
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<tbody>
<tr>
<td>Rehabilitation</td>
<td>No more than 100 percent 1/ 2/</td>
<td>No more than 100 percent 1/</td>
<td>0</td>
</tr>
</tbody>
</table>

1/ Specific rate established in the statute.

2/ Cost-share must be up to 65 percent of total eligible dam rehabilitation project costs or up to 100 percent of construction costs (including required (in-kind or decent/safe/sanitary) relocation costs), whichever is less.
REHAB – SUCCESS STORY

Project Name – Hibernia Dam and Chambers Lake Reservoir
Location – Chester County, PA
Sponsor – Chester County Water Resources Authority

Issue – no longer met current state or Federal design criteria and performance standards
Measure – rock filter toe, regrading of the downstream bench, and installation of a concrete cutoff wall in the auxiliary spillway

Construction Cost – $960,535
Accomplishment – flood protection, recreation, and water supply for the local communities
Dull Knife Dam, Wyoming

**Location:** Johnson County, WY

**Sponsor:** Dull Knife Irrigation District of Johnson County

**Issue:** Erosion of auxiliary rock spillway

**Measures:** Widening the auxiliary spillway; raising the top of the dam; riprap protection; and installation of abutment drains

**NRCS Cost:** $3,937,500.00

**Accomplishments:** Flood protection for 77 people in 21 residences, 3 major roads, and other major infrastructure downstream
Snake River Watershed Protection Project, Warren MN

https://www.youtube.com/watch?v=SWCXTKFZe10
Infrastructure and Investment Jobs Act
Watershed Programs Opportunities
NRCS Training Session - December 15 & 17, 2021

INTRODUCTION
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Rollin Herbert, Regional Conservationist for the Central Region

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EMERGENCY WATERSHED PROTECTION (EWP) PROGRAM
John Debbas, National EWP Program Coordinator

TIMELINES FOR PROJECT PHASE COMPLETION
Kevin Farmer, Branch Chief Watershed Programs

OPEN FORUM - Q & A
Thank you for joining us as we present an introduction to the Emergency Watershed Protection Program.
The damage to a watershed from a natural disaster can be devastating to individuals and communities. Erosion, debris, and flooding issues, if not addressed, can further threaten people and their property.

Through the Emergency Watershed Protection Program, referred to as the EWP Program, the Natural Resources Conservation Service may be able to provide assist with protection from additional flooding or soil erosion.

Natural occurrences which may lead to EWP assistance include floods, fires, windstorms, ice storms, hurricanes, typhoons, tornadoes, earthquakes, volcanic actions, slides, drought, and other similar events.

The purpose of this presentation is to introduce you to the basics EWP Program by going through requirements and overall process of the program.
A natural disaster causes a watershed impairment

Sponsor formally requests assistance

NRCS documents eligible damages and estimates costs

Sponsor and NRCS enter formal agreement to carry out emergency work
EWP Examples
EWP Example

Sheridan Landslide

Would not have been completed without EWP Program

Sponsor = Sheridan School District
  • Slide directly across from school

NRCS assisted with erosion prevention
  • Stream widened

City paid for path and aesthetic with grants

Delivered through a design build process
As the program name implies, a watershed emergency is required to initiate assistance. The EWP Program may provide technical and financial assistance when:

- a Federal emergency is declared by the President or
- when a local watershed emergency is declared by a NRCS State Conservationist.

When areas become safe to access after a natural event, NRCS staff may work with emergency management agencies and other local partners to identify EWP opportunities. Specifically, NRCS would be looking for opportunities to address flooding and erosion concerns.

The EWP Program provides funds for measures that remove public health and safety threats, and for the restoration of the natural environment after disasters. The conservation practices NRCS regularly uses to address flooding and erosion can be used to provide EWP assistance.
Columbia, MS
Owen Street Project
Let’s look deeper at what is considered a watershed emergency in context of the Program. A ‘watershed emergency’ means that: a natural occurrence has caused a watershed impairment; there are adverse impacts; and there is an imminent threat to life or property. Again, example natural occurrences include floods, fires, storms, and similar events.

Within a watershed emergency, NRCS must identify a watershed impairment. A ‘watershed impairment’ means that the ability of a watershed to carry out its natural functions is reduced.

Next, an ‘imminent threat’ means that significant damage to property or threats to human life may occur in the near future. Another way to think of ‘imminent threat’ is by saying... if something isn’t done, it’s going to get worse soon.

Finally, property, as in the property being threatened, is defined as structures permanently affixed to the land such as, houses, buildings, roads, utilities, and other infrastructure. Standing timber, orchards, and agronomic crops are not considered property eligible for protection in the EWP Program. If the threat is only to cropland, then it is not eligible for EWP Program assistance. However, USDA has other programs to provide emergency assistance for agricultural lands such as Environmental Quality Incentive Program and the Emergency Conservation Program.
When the NRCS State Conservationist has enough information to declare that a watershed impairment exists, NRCS may be able to provide a sponsor technical and financial assistance. Additionally, if a floodplain easement is selected by NRCS as the preferred alternative, financial assistance may be provided directly to a landowner.

Sponsors must be a State or political subdivision, a qualified Indian tribe or tribal organization, or a unit of local government. All sponsors must have a legal interest in or responsibility for the areas threatened by a watershed emergency.

The EWP Program requires that sponsors have the following responsibilities, and these responsibilities will be documented in a formal agreement between NRCS and the sponsor: Sponsors must contribute their share of the project costs as determined by NRCS in the form of cash or in-kind services, Sponsors must obtain real property rights, water rights, and regulatory permits; and Sponsors must agree to provide for any required operation and maintenance of the completed emergency measures. Also, sponsors must document they have insufficient resources to provide adequate relief from applicable hazards.
Sponsors must submit a formal request for assistance to the NRCS State Conservationist within 60 days of the disaster occurrence, or 60 days from when access to the sites became available. A template letter has been developed for sponsors to use when formally requesting assistance. Using the template will ensure all the program requirements are addressed in the request. Your NRCS points of contact will be able to assist with a formal request when the sponsor is ready.
Debris Removal

Before

After
Let’s assume there was a disaster that caused a watershed impairment, and a sponsor has formally requested EWP assistance. Later, we will look at what the EWP Program can do to provide assistance when we describe the EWP Program workflow. But first, let’s discuss what the EWP Program can’t do. The EWP Program regulations place limits on EWP assistance, and we will go through those limitations now.

• The first limitation is that The same structural practices are limited to two installations within a ten-year period. So, if a structure fails twice, the only EWP solution remaining is the purchase of a floodplain easement.

• The next limitation is that EWP assistance will not be used to perform operation or maintenance, such as the periodic work that is necessary to maintain a structure as originally designed. A sponsor may be asked to provide existing O&M plans to ensure that the EWP work is not in fact routine maintenance.

• The next limitation is that EWP assistance will not be used to repair, rebuild, or maintain private or public transportation facilities, utilities, or similar facilities. A common question is if EWP can repair a damaged road. The answer is that EWP can not repair a road but... EWP may be able to provide protection of remaining and repaired roads.

• The next limitation is that NRCS funded EWP assistance will not be provided for work on any Federal lands if such assistance is found to augment the appropriations of another Federal agency. For Federal lands, the Federal land management agency is responsible for securing funding to undertake emergency repair activities within lands under its control.
The next limitation is that EWP assistance is not available for repair or rehabilitation of nonstructural management practices, such as conservation tillage and other similar practices. This is a clarifying limit to focus EWP on threats to property or human life.

The next limitation is that EWP assistance is not provided to repair coastal erosion to beaches, dunes, and shorelines, including those along the Great Lakes. Remember, the W in EWP stands for watershed.

And finally, EWP assistance is not available if the recovery measures are eligible for assistance under the Emergency Conservation Program administered by the Farm Service Agency. EWP differs from ECP because a sponsor is required for EWP recovery work, where ECP can directly work with producers.
Eligible EWP Practices

‘every time, all the time’
EWP Conditions

- Provide protection from flooding or soil erosion
- Reduce threats to life or property
- Restore the hydraulic capacity to the natural environment to the maximum extent practical
- Be economically/environmentally defensible & technically sound

The Fine Print
NRCS may determine that a measure is not eligible for assistance for any reason.
NRCS will not provide funding for activities undertaken by a sponsor prior to the signing of an agreement.

Now that we’ve gone through the limits of the EWP Program, let’s discuss that NRCS will only provide assistance for EWP measures that meet the following four conditions. These are ‘every time all the time’ conditions.

1. All measures must provide protection from additional flooding or soil erosion.
2. All measures must reduce threats to life or property from a watershed impairment.
3. All measures must restore the hydraulic capacity to the natural environment to the maximum extent practical.
4. All measures must be economically and environmentally defensible and technically sound.

Also, there are a couple of very important program regulations that effect how the EWP program operates.

First, remember that the EWP statute said that work must be done “in cooperation.” This means that both NRCS and the sponsor must agree on all emergency work. A sponsor may determine that specific EWP work is not appropriate, or NRCS may determine that specific EWP work is not appropriate. The EWP Program regulations say that that NRCS may determine that a measure is not eligible for any reason. This emphasizes that both NRCS and the sponsor have to green light all proposed EWP work prior to construction.

And second, NRCS will not provide funding for activities undertaken by a sponsor prior to the signing of an agreement between NRCS and the sponsor.
EWP Examples

EWP Erosion Protection
Now let’s get back to the EWP Program workflow. Let’s assume there was a disaster that caused a watershed impairment, and a sponsor has formally requested EWP assistance. What are the next steps to making funds available to address the emergency situation.

Informal discussions and site visits between NRCS and a potential sponsor can occur at any time, however once a formal request is received, NRCS will investigate the situation. NRCS will determine if EWP assistance is applicable.

Next, the NRCS State Conservationist will complete a damage survey report (known as a DSR), which lists the proposed EWP practices and estimates the amount of funds needed. The DSR will be completed no later than 60 days from receipt of the sponsor’s formal request. We will review the DSR contents later in this presentation.

Then, if national EWP funds are available and the DSR meets the program’s requirements, a notice will be provided to the NRCS State Conservationist that says funds are available and may be used for the proposed EWP practices. This means that NRCS can now provide financial assistance toward the implementation of the emergency work.

Finally, if EWP funds are insufficient or otherwise not available, the DSR will be placed on a waitlist. Wait listed DSRs will be funded according to funding priorities as funds become available.
The EWP Program regulations require that NRCS must minimize environmental impacts associated with the construction of emergency measures, giving special attention to protecting cultural resources and wildlife habitat.

When planning emergency recovery practices, NRCS will emphasize measures that are the most economical and can be accomplished by using the least damaging practical alternative by retaining as much of the existing characteristics of the landscape and habitat as possible. Environmental considerations may include altering the timing of the construction to avoid wildlife impacts, use of bioengineering techniques, and revegetating disturbed areas.
Post Forest Fire Treatment

Before

After
Streambank Stabilization

• Before

• After
Kwethluk, Alaska

- Spring “break up” season
- Relocate homes threatened by rapid riverbank erosion
- Work completed by local workforce
Now let’s get back to the EWP workflow and discuss EWP funding assistance. Recall that a damage survey report included a construction cost estimate for the EWP work. Funds within NRCS are then allocated for the EWP project, and now NRCS can use those funds for EWP implementation. Two types of funds are allocated to an EWP project:

Financial assistance funds are used for the NRCS contribution toward construction costs. This can include work performed to mitigate adverse impacts caused by the EWP practice. Technical Assistance funds are used for planning, design, contract administration, and construction inspection of emergencies measures.

With the funds allocated and available, NRCS can now enter into a formal agreement with the sponsor that details everyone’s responsibilities and cost share. The Formal Agreement between the sponsor and NRCS will spell out who is responsible for what activities, and it will document if and how funding will be provided to a sponsor.

The Formal Agreement lists who is responsible for construction, and this is be mutually decided between NRCS and the Sponsor. If the agreement calls for the sponsor to be responsible for construction, then FA funds are provided to the sponsor according to the terms of the agreement... or, NRCS may use the FA funds for a Federal contract if NRCS is responsible for construction. TA funds may be used for NRCS expenses administering EWP...
measures (such as staff time or contracted support), or TA funds may be provided to pay for the technical services the sponsor has formally agreed to complete.
The Formal Agreement lists who is responsible for construction, and this is mutually decided between NRCS and the Sponsor. If the agreement calls for the sponsor to be responsible for construction, then FA funds are provided to the sponsor according to the terms of the agreement... or, NRCS may use the FA funds for a Federal contract if NRCS is responsible for construction. TA funds may be used for NRCS expenses administering EWP measures (such as staff time or contracted support), or TA funds may be provided to pay for the technical services the sponsor has formally agreed to complete.
After a DSR is completed and funds are allocated for an EWP measure, construction must be completed within 220 days. Remember that the E in EWP stands for emergency, so prompt action is required.

In Exigency situations (which are the top priority for funding), construction must be completed within 10 days after the funds are made available.
By program regulation, the NRCS contribution for EWP construction may not exceed 75 percent. This means that if NRCS provides 75% of construction costs, then the sponsor would be responsible for 25 percent of the construction costs.

The exception for the normal cost share rate is if an area qualifies as a limited resource area. In this case, the NRCS contribution may not exceed 90 percent of the construction cost, and the sponsor would be responsible for 10 percent of construction costs.

Limited resource area have specific criteria in the EWP regulations. You can find a map of LRA counties on the national EWP Program webpage.
Sponsor Contributions

Sponsors must contribute their share of the construction costs by providing funds or services necessary to undertake the activity. The sponsor's cost share rate is determined by NRCS and ultimately documented in the formal agreement. Contributions that may be applied towards the sponsor’s cost share of construction costs include:

- Cash;
- In-kind services such as labor, equipment, design, surveys, contract administration, construction inspection, and other services. The type, quantity, and value of in-kind services must be approved by the NRCS State Conservationist; or
- A combination of cash and in-kind services may be approved.

Sponsors are responsible for the following costs without NRCS assistance, and these costs do not contribute to the sponsor’s construction cost share. These costs include:

- Costs associated with obtaining any necessary property rights, water rights, and regulatory permits.
- Costs necessary to provide operation and maintenance of the completed emergency measures
- And, all services not considered in-kind as determined by the NRCS State Conservationist.

Please know that Sponsors cannot use funds received from a Federal grant as their matching share for EWP recovery measures.
There are a few ways to contact NRCS about the EWP Program, but it is best to start local with the District Conservationist. You can find contact information for your nearest NRCS Service Center and District Conservationist on the NRCS Service Center Locator.

Each NRCS state office has an EWP Program Manager. EWP Program Managers oversee and coordinate program efforts in each state. Contact information for your state’s EWP Program Manager can be found on the national EWP Program web page.

Also, NRCS State Conservationists have the implementation responsibilities for the EWP Program. You can find contact information for your State Conservationist in the NRCS State Offices Directory.
Historically Underserved Groups

I. Beginning Farmers or Ranchers
II. Limited Resource Farmers or Ranchers
III. Socially Disadvantaged Farmers or Ranchers
   - African Americans
   - American Indians
   - Alaskan Natives
   - Asians
   - Hispanics
   - Pacific Islanders
IV. Veteran Farmers or Ranchers
<table>
<thead>
<tr>
<th>Phase</th>
<th>Duration</th>
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<tbody>
<tr>
<td>Assessment</td>
<td>Up to 12 months</td>
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<tr>
<td>PIFR</td>
<td>Up to 6 months</td>
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<tr>
<td>Plan EA/EIS</td>
<td>Up to 18 months</td>
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<tr>
<td>Design</td>
<td>Up to 24 months</td>
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<tr>
<td>Construction (WFPO/Rehab)</td>
<td>2-3 years</td>
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<tr>
<td>Construction (EWPP-Recovery)</td>
<td>220 days after funding</td>
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BID Implementation Timeline

<table>
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<tr>
<th>Event</th>
<th>Date</th>
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<tbody>
<tr>
<td>The President signed into law: H.R. 3684, the “Infrastructure Investment and Jobs Act,”</td>
<td>November 15, 2021</td>
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<tr>
<td>NRCS conducts Agency Coordination workshop</td>
<td>November 22, 2021</td>
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<tr>
<td>NRCS conducts Agency watershed program funding training 1</td>
<td>November 30, 2021</td>
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<tr>
<td>NRCS conducts Agency watershed program funding training 2</td>
<td>December 2, 2021</td>
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<tr>
<td>NRCS conducts Public watershed program funding training 1 (Teams Live Event)</td>
<td>December 6, 2021</td>
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<tr>
<td>NRCS conducts Public watershed program funding training 2 (Teams Live Event)</td>
<td>December 7, 2021</td>
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<tr>
<td>NRCS conducts LRA/Tribal/HU watershed program funding training 1 (Teams Live Event)</td>
<td>December 15, 2021</td>
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<tr>
<td>NRCS conducts LRA/Tribal/HU watershed program funding training 2 (Teams Live Event)</td>
<td>December 17, 2021</td>
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<td>NRCS releases the updated National Watershed Program Manual</td>
<td>December 30, 2021</td>
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<td>Draft detailed spend plan</td>
<td>January 19, 2022</td>
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<td>NRCS makes decision on initial project funding selections.</td>
<td>January 29, 2022</td>
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<tr>
<td>Submit detailed spend plan to the House and Senate Committees on Appropriations.</td>
<td>February 13, 2022</td>
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<tr>
<td>Release of funds</td>
<td>February 18, 2022</td>
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Infrastructure and Investment Jobs Act
Watershed Programs Opportunities
NRCS Training Session - December 15 & 17, 2021

Thank you for attending. A recording will be available on our website
nrcs.usda.gov