Winter Weather Workshop

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USACE Assistance

- **<u>Under FEMA</u>**
  - ► National Response Framework- ESF #3
  - ► Clean out debris basins
- **<u>PL 84-99, Flood Control and Coastal Emergencies</u>**
  - ► Assistance under PL 84-99 **does not** require a Presidential Disaster Declaration.

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Overview of Public Law 84-99
Response and Recovery Assistance

	Policies:	Assistance:	Procedures:
Advance Measures →	• ER 500-1-1, Chapter 7 • Imminent threat of unusual flooding exists • Supplements state and local efforts • Tribal/Governor's Request/specific locations • Economically justified/engineering feasible • Temporary in nature • Assistance to protect life and improved property • Tech assistance GAR can request	• Tech Assistance • Supplies/equipment • Emergency contracting • Strengthening flood control works • Temporary levees (removal local responsibility) • Channel clearance/dredging • Dam failure relief/strengthening	• Project info report gets HQ approval • PCA required
Flood Fight →	• ER 500-1-1, Chapter 4 • Save lives/protect improved property • Supplements state and local efforts • Public facilities/services/residential & commercial developments • Temporary in nature – ends when flood recedes to within banks	• Provide emergency assistance to flood control works • Furnish materials (sandbags, sheeting, pumps) • Furnish technical assistance • Assist in rescue operations • Emergency contracting • Direct flood fight operations	• District Commander ISSUES DECLARATION OF EMERGENCY • PCA required for Direct Assistance
Post Flood Response →	• ER 500-1-1, Chapter 4 • Limited to major flood/life threatening situation • Written request from Governor (concurrent with request for Presidential Disaster Declaration) • 10-day limit. (No new work after Declaration)	• Debris clearance (vice removal) • Technical Assistance	• PCA required
Emergency Water →	• ER 500-1-1, Chapter 6 • Substantial threat to public health/welfare property must exist • Tribal/Governor request required • Human consumption • Contaminated Source limited to 30 days of assistance • Drought Assistance – Community/state buys, loads, distributes	• Filtration/transportation/ pipeline/ bottled water • Construction of wells: Drought assistance only – Applicant reimbursement required	• HQ USACE designates drought areas • HQ approval required for Drought Assistance • MSC approval for Contaminated Source
FCW Rehabilitation →	• ER 500-1-1, Chapter 5 • Active Flood control structures damaged/destroyed by natural disasters • Federally authorized/constructed hurricane shore protection project (HSPP) • Favorable Benefit-to-Cost Ration (BCR) • Deficient/deferred maintenance IS sponsor responsibility	• Repair/restoration of flood control structure to pre-disaster level of protection • Different criteria for HSPP	• Rehab of non-federal cost shared 80/20 • REHAB OF FEDERAL FCW'S AT 100% FEDERAL COST • PCA required • SPONSOR PROVIDES LAND, EASEMENTS, BORROW, ROW, ETC.

Advance Measures

Advance Measures

- USACE may perform Advance Measures prior to flooding or flood fighting activities to protect against loss of life and significant damages to urban areas and/or public facilities due to an **imminent threat of unusual flooding**.

- The threat must be established either by the National Weather Service forecasts or by the USACE determination of unusual flooding from adverse conditions.

  - **Definition of Imminent Threat**: A subjective, statistically supported evaluation of how quickly a threat scenario can develop, how likely that threat is to develop in a given geographical location, and how likely the threat will produce catastrophic consequences to life and improved property, which, when combined, result in a high probability of occurrence. Implicit in the threat aspect can be considerations of time (e.g., a storm front's predicted path), season (e.g., snowpack that will melt in the coming spring runoff), or known cyclical activities (e.g., rising water levels in the Great Lakes) that occur inside of normal Corps decision and execution cycle for small project construction.

  - **Definition of Unusual Flooding**: A subjective determination that considers potential ability to approach an area's flood of record, a catastrophic level of flooding, or a greater than 50-year event.

Advance Measures con't.

- Advance Measures assistance will be **in support of** state and local ongoing or planned efforts. Non-Federal interests must commit available resources (i.e., work force, supplies, equipment, funds, **National Guard forces**, etc.)

- A written request from the Governor is required for USACE assistance.

- Advance Measures assistance solely to prevent erosion damage is not permitted.

- Channel clearance and dredging to restore original project design capacity is permitted if predicted flood flows cannot be passed and flooding is likely to occur.

- Projects undertaken must have a favorable Benefit to Cost Ratio (i.e., > 1.0).

- USACE assistance will be **temporary in nature**, **technically feasible**, designed to deal effectively with the specific threat, and **capable of construction in time to prevent projected damages**.

- Permanent work may be considered when the permanent project costs less or is significantly more cost effective than a temporary solution.

Advance Measures con't.

Types of Advances Measures Assistance

Technical Assistance: May consist of providing technical review, advice, and/or recommendations to state and local agencies before an anticipated flood event. Examples include:

-Providing personnel to inspect existing FCW to identify potential problems and solutions, to evaluate conditions to determine the requirements for additional flood control protection, and to recommend the most expedient construction methods.

-Providing hydraulic, hydrologic, and/or geotechnical analysis.

-Providing information readily available at USACE districts to local entities for use in the preparation of local evacuation and/or contingency flood plans. Providing assistance in the preparation of flood fight plans.

Cost Sharing: 100% Federal

Direct Assistance: Direct Assistance may include supplies, equipment, and/or contracting for the construction of temporary and/or permanent flood control projects. (e.g., construction of a temporary levee)

Cost Sharing: USACE will provide 100% of the investigative costs, engineering, and design.

USACE will provide 100 percent of the costs of projects that us a temporary standard of construction. For projects using a permanent standard of construction, construction will be cost shared at 75 percent Federal and 25 percent local.

Advance Measures con't.

Types of Advances Measures Assistance

Contingency Planning Efforts for Potential Advance Measures Activities:

Occasionally **weather phenomena occur which produce a much higher than normal probability or threat of flooding which may be predicted several months in advance of occurrence or significant impact, but which *may not reach the defined level of "imminent threat" or "unusual flooding***". Impacts on specific locations may be unpredictable, but regional impacts may have a high likelihood of occurrence.

In such situations, the Corps may provide technical and contingency planning assistance to tribal and state agencies, commensurate with the predicted weather phenomenon, based on requests for assistance from such tribal and state agencies. Based on a state-level request (State Emergency Management), assistance may also be provided to local agencies. A Governor's request is not required for contingency planning efforts.

Rainbow Canyon Subdivision

Mt. Charleston, NV

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Flood Fight Assistance

Flood Response Operations

- USACE assistance during flood fighting operations will be of a temporary nature to meet the immediate threat and to **supplement** state and local efforts. It is not intended to provide permanent solutions to flood problems.

Technical Assistance

Cost Sharing: 100% Federal

- Technical assistance consists of providing review and recommendations in support of state and local efforts, and helping determine feasible solutions to uncommon situations. The following are examples of technical assistance:

(1) Providing experienced personnel to give guidance on flood fight techniques and emergency construction methods.

(2) Providing personnel to inspect existing flood protection projects and/or structurally threatened dams to identify problem areas and recommend corrective measures.

(3) Providing hydraulic or hydrologic analysis, geotechnical evaluations, topography and stream data, maps, and historic flood or storm information.

Detailed flood damage surveys or analysis, collection of economic data, hydrologic studies, compilation of comprehensive flood data, sedimentation surveys, collection of data on socio-economic impacts, and detailed frequency analysis cannot be undertaken using this authority.

Direct Assistance

Cost Sharing: 100% Federal

- Direct assistance may include, but is not limited to, the issuance of supplies, the loan of equipment, rescue operations, directing flood fight operations, and contingency contracting.

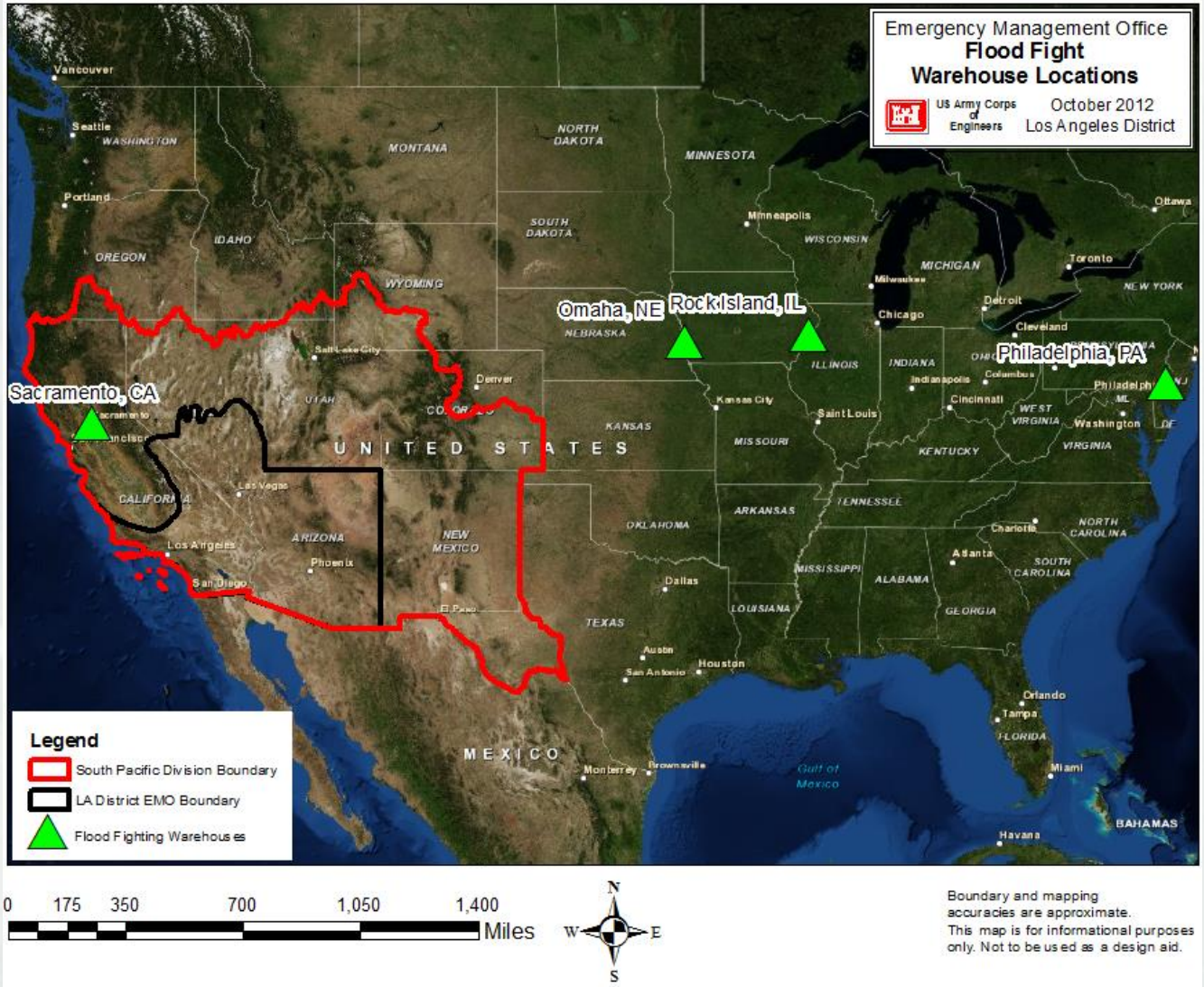
- USACE may direct flood fight operations upon request of an appropriate state or local official. However, legal responsibility remains with the requesting state or local official.

- A Cooperation Agreement is required for all direct assistance and contingency contracting performed.

A Note About Supplies and Equipment: Issuance of supplies and equipment to non-Federal interests is permitted only in declared flood emergencies. Government supplies and equipment should be made available if the arrival or non-availability of local supplies and equipment will cause a delay in the response effort. Loaned supplies and equipment should be returned in the same condition as it was when lent, replaced in kind, or reimbursement made to USACE. District Commanders may waive loan replacement requirements for expendable supplies when a presidential disaster declaration under the authority of the Stafford Act has been made. **Reimbursement is required for all other situations.**

Gila River, Greenlee County, AZ

Expedient Flood Fight Products



Post Flood Response

Post-Flood Response

Cost Sharing: 100% Federal

- Following floods, hurricanes, or coastal storms, but **prior** to a Presidential declaration pursuant to the Stafford Act, USACE may provide Post Flood Response assistance. Assistance is limited to **major** floods, hurricanes and coastal storms.

- A written request for Post Flood Response from the Governor to the District Commander will be provided **concurrently with or immediately after the Governor's request to FEMA for a disaster declaration** under the Stafford Act.

- **The Ten Day Rule**. USACE assistance may be provided for a maximum of ten (10) days from the date of receipt of the Governor's request for assistance. Subsequent requests for assistance resulting from the same disaster will not extend the 10-day period or trigger a new 10-day period. No work, including contract work, shall be performed after the 10-day period expires. No work shall be initiated subsequent to a Presidential disaster declaration. No work shall be initiated after denial of such a request for a declaration.

- Post Flood Response may be technical and/or direct assistance.

Post-Flood Response con't.

Debris Clearance- Transportation Routes: Clearance of debris from transportation routes is permitted when it required to prevent loss of life or significant damage to public property. Clearance of debris may be undertaken to reopen critical transportation routes, e.g., for emergency vehicles and access to medical facilities. Debris removal (i.e., movement of debris to a disposal area or dump) will not be undertaken under Post Flood Response.

Debris Clearance- Blockage: Clearance of debris blocking critical water intakes, sewer outfalls, etc., may be undertaken.

Debris Clearance- Water Courses: Clearance of drainage channels, bridge openings, or structures blocked by flood-deposited debris may be undertaken if critical for restoration of public services and access, public safety, or to prevent further significant damages.

Restoration of Transpiration: Restoration of critical transportation routes, public facilities, and public services may be undertaken.

Rehabilitation Assistance

Flow
10 Feet
20 Feet

Rehabilitation Program (RP)

- The RP is the USACE program that provides for inspections of FCW's, the rehabilitation of damaged FCW's, and the rehabilitation of Federally authorized and constructed hurricane or shore protection projects (HSPP).

- **Sponsors must enroll non-Federal projects in the program.**

- **Sponsors may request assistance directly from USACE when a project is disaster damaged.**

RIP Eligibility

(1) Federally authorized and constructed Hurricane Shore Protection Projects.

(2) Federally constructed, locally maintained levees and floodwalls.

(3) Non-Federally constructed, locally maintained levees and floodwalls that provide a

- minimum of a 10-year level of protection with 2 feet of freeboard to an urban area, or a
- minimum of a 5-year level of protection with 1 foot of freeboard to an agricultural area.

(4) Federally constructed, locally maintained flood control channels.

(5) Non-Federally constructed, locally maintained flood control channels that provide a minimum of a 10-year level of protection. [NOTE: Interior drainage channels within the protected area of a levee system are not flood control channels.]

(6) Pump stations integral to FCW.

(7) Federally constructed, locally maintained flood control dams.

(8) Non-Federally constructed, locally maintained flood control dams.

Rehabilitation

- Structures built for channel alignment, navigation, recreation, fish and wildlife, land reclamation, drainage diversion, or to protect against land or shoreline erosion or salt water intrusion <u>are not FCWs</u>, and are not permitted Rehabilitation Assistance.
- Bank protection works, river control structures, or other projects constructed by USACE (to include Section 14 projects and specifically authorized bank protection projects) <u>are not eligible to receive Rehabilitation Assistance</u>. Exceptions may be granted by HQUSACE.

Rehabilitation

- Restoration of **channel improvement projects** to pre-flood hydraulic capacity is permitted under PL 84-99 when floodwaters have deposited debris and silt such that the channel capacity has been decreased to 75 percent or less of the pre-flood capacity. Removal of annual siltation will not be funded using FCCE funds, as this is a normal sponsor O&M responsibility.
- **Debris detention basins**, if a designed and integral component of a flood control project, may be rehabilitated for damages caused by a flood event. However, removal of accumulated debris is the public sponsor's O&M responsibility, and is **not eligible** for Rehabilitation Assistance.

Rehabilitation

- Rehabilitation Assistance is limited to Federal and non-Federal FCWs that are in an **Active status** in the Rehabilitation and Inspection Program.
- Rehabilitation Assistance is limited to repair or restoration of a FCW to its pre-disaster condition and level of protection.
- Improvements to design and equipment that are a result of state of the art technology, and are commonly incorporated into current designs in accordance with sound engineering principles, are permissible, and are not considered betterments.

RP9524.3

FEMA
RECOVERY POLICY

I. TITLE: **Rehabilitation Assistance for Levees and other Flood Control Works**

II. DATE:

III. PURPOSE:

This policy delineates FEMA's authority to fund emergency protective measures and repairs on levees and other flood control works.

IV. SCOPE AND AUDIENCE:

The policy is applicable to all major disasters and emergencies declared on or after the date of publication of this policy. It is intended for personnel involved in the administration of the Public Assistance Program.

V. AUTHORITY:

Sections 403 and 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5170b and 5172, and 44 CFR §206.226(a).

VI. BACKGROUND:

The United States Army Corps of Engineers (USACE) and the Natural Resources Conservation Service (NRCS) have primary authority for the repair of flood control works. USACE's authority is contained in the Flood Control and Coastal Emergency Act, Public Law (PL) 84-99 (33 U.S.C. 701n) and Title 33: Navigation and Navigable Waters, and NRCS' authority is contained in Section 216 of the Flood Control Act of 1950, PL 81-516, and Sections 403-405 of the Agriculture Credit Act of 1978, PL 95-334, as amended by Section 382 of the Federal Agriculture Improvement and Reform Act of 1996, PL 104-127.

In 1986, USACE and NRCS signed a Memorandum of Agreement to provide general policy guidance and coordination between the two agencies for the repair of levees and other flood control works. The agencies agreed that, depending on program eligibility, NRCS would generally be responsible for repairing flood control works in watersheds with contributing drainage areas less than 400 square miles and USACE would be responsible for repairs to eligible non-federal flood control works in urban areas regardless of watershed size. The agreement remains in effect.

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"FEMA will not provide assistance for emergency protective measures under the Stafford Act where NRCS or USACE authority is applicable, as these authorities are more specific than FEMA's. When other Federal Agencies have specific authority to repair facilities that are also eligible under the Stafford Act, FEMA defers to the other Federal Agencies."

Ineligible:

"Flood control works that are eligible for USACE's RIP program, either Active or Inactive, are ineligible for assistance from FEMA for emergency repairs and permanent repairs."

System Wide Improvement Framework (SWIF)

System Wide Improvement Framework

- USACE now offers non-Federal sponsors a process through the system-wide improvement framework (SWIF) to remain temporarily eligible for P.L. 84-99 rehabilitation assistance while they correct unacceptable operation and maintenance deficiencies as part of **a broader, system-wide improvement** to their levee systems.

- The program is **currently limited to levees**.

- A SWIF is appropriate when a longer-term, holistic approach may be necessary to address multiple engineering deficiencies AND operation and maintenance deficiencies; when broader improvements involve multiple levee segments/systems; or when additional time and coordination are needed to consider complex, endangered species habitat or Native American concerns while meeting requirements for levee safety.

Emergency Water Assistance

Contamination

Drought

Emergency Water Assistance: Contamination

- USACE may provide water to any locality confronted with a source of contaminated water **causing** or **likely to cause** a substantial threat to the public health and welfare of the inhabitants of the locality.

- USACE assistance may only supplement state and/or local efforts to provide water for human consumption for the benefit of public health and welfare.

- Assistance may be provided to localities whose publicly or privately owned water and/or distribution system services a community.

Emergency Water Assistance: Contamination

- USACE assistance is limited to 30 days, or until FEMA undertakes provision of water.
  - A written request from is required from the Governor or his/her authorized representative.
  - Contamination, whether it is deliberate, accidental, or natural, will be established by one or more of the following:
    - The maximum contaminant level or treatment technique of any contaminant, as established by the EPA pursuant to the Safe Drinking Water Act, is exceeded.
    - The water supply has been identified as a source of illness by a state or Federal public health official. The specific contaminant or pathogen does not have to be identified.
    - An emergency has occurred that has resulted in either one or more contaminants entering the source on a sufficient scale to endanger health, or has made inoperable the equipment necessary to remove known contaminants. Examples of this type of emergency are flooding and chemical spills.
    - The presence of a contaminant is indicated on the basis of other information available.

- Assistance under this authority may include, but is not limited to:
  - Purchase of water
  - Transport of water to local water points
  - Delivery of bulk or bottled water to community-level distribution points
  - Temporary connection of a new water supply to the existing distribution system, installation of temporary filtration, or use of military units with water purification/storage/distribution capability

Emergency Water Assistance: Drought

- USACE may provide **temporary** emergency water assistance for human consumption to a drought distressed area to meet minimum public health and welfare requirements.

- USACE assistance is supplemental to state and local efforts.

- Long term solutions to water supply problems are the responsibility of state and local interests.
  - A written request is required from the Governor or his/her authorized representative.
  - A drought distressed area is one of that the Director of Civil Works or the Assistant Secretary of the Army for Civil Works determines to have inadequate water supply that is causing, or is likely to cause, a substantial threat to the health and welfare of inhabitants of the area.
  - A credible plan for providing a long-term solution must be developed by the local and state governments and executed expeditiously.

Emergency Water Assistance: Drought

- USACE assistance under this authority may include, but is not limited to:
  - Transport of water to local water points
  - Distribution of bottled water
  - Temporary connection of a new supply to the existing distribution system
  - Installation of temporary filtration, or use of military units with water purification/storage distribution capability.

- USACE assistance will be at 100 percent Federal cost.

- Non-USACE Expenses: The purchase of or acquisition of water and the storage facility at the terminal point are non-USACE expenses.

- Wells constructed by USACE will be paid for by the applicant.

USACE Emergency Power Facility Assessment Tool

Emergency Power Facility Assessment Tool (EPFAT)

- The EPFAT is a web-based tool accessed via the internet that can be used by critical public facility owners/operators or government emergency response agencies to input, store, update and/or view temporary emergency power assessment data.

- EPFAT was developed for the USACE role of assisting FEMA with disaster response. The Corps has Emergency Power Planning and Response Teams throughout the country with the capability to deploy and provide support ranging from technical expertise to “turn key” installation of emergency generators at critical public facilities, such as hospitals and shelters.

- ***Having access to the power needs of critical facilities prior to a disaster greatly speeds up generator installation following a disaster.***

EPFAT Website: **http://epfat.swf.usace.army.mil/**

Questions?

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