

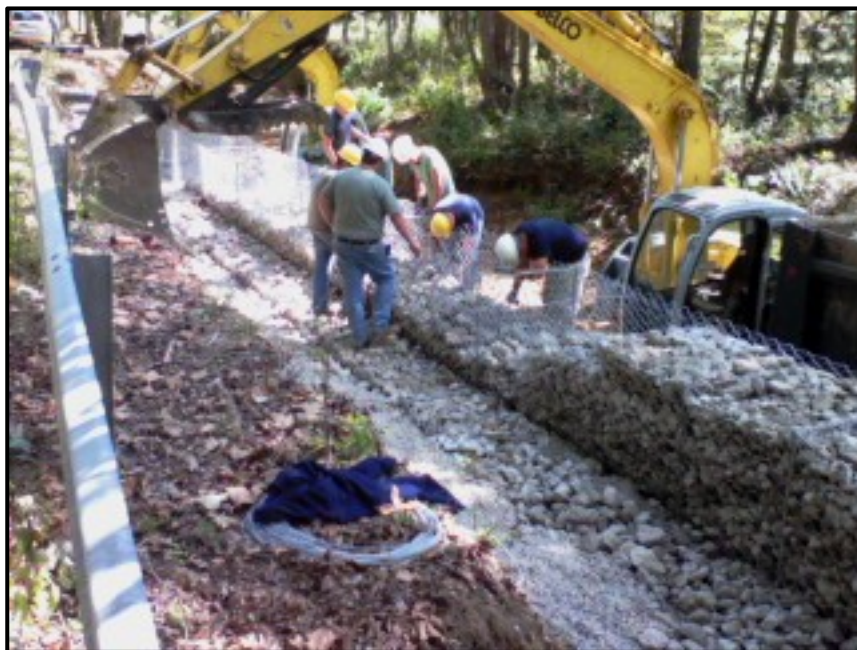


United States Department of Agriculture

EMERGENCY WATERSHED PROTECTION PROGRAM (EWP)

OHIO NRCS

EWP Recovery Plan



June 2020

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Introduction

Ohio NRCS Emergency Recovery Plan (ERP) provides an overview of the Emergency Watershed Protection (EWP) Program, describes Ohio NRCS' process in implementing the program for potential sponsors, and provides guidance for the coordination, cooperation and communication prior to, during, and after natural disasters.

The ERP describes NRCS' role with other Federal, State and local entities involved in emergency recovery work in response to natural disasters. The ERP will be utilized as the primary day-to-day reference for Ohio NRCS employees when a natural disaster occurs, and an emergency is declared.

More detailed information about the EWP Program is contained in the National Emergency Watershed Protection (EWP) Program Manual, Title 390. The EWP Program Manual can be accessed on the [NRCS eDirectives website](#).

Emergency Watershed Protection Program

Definition

The EWP program is used to provide both technical and financial assistance to communities whose watersheds have been impaired by natural disasters. Typical disasters include floods, wildfires, tropical storms, hurricanes, tornadoes, and drought. The EWP program is used to restore the impaired watershed(s) to a stable hydrologic function following a natural disaster. The EWP program cannot be used for general maintenance of stream banks and other structures, or for long-term flood control.

The Natural Resources Conservation Service administers the EWP program through the following authorities:

- Section 216, Public Law 81-516
- Section 403 of Title IV of the Agricultural Credit Act of 1978, Public Law 95-334
- Section 382, Title III, of the 1996 Farm Bill Public Law 104-127

Responsibility for the EWP program is assigned to the USDA's Secretary of Agriculture and is delegated to the Chief of the Natural Resources Conservation Service (NRCS). NRCS State Conservationists (STC) administer the EWP program in their respective state and has the sole authority to declare local watershed emergencies.

All applicable Federal, State, and local laws, rules and regulations must be adhered to in carrying out EWP measures.

Declaration of an Emergency

NRCS may be involved in two different types of emergencies:

- Presidentially Declared Disasters
- Local Disasters

Through Public Law 93-288, the President of the United States can declare an area a "major disaster area." When a Presidentially declared disaster occurs, the Federal Emergency Management Agency (FEMA) is responsible for coordinating all disaster activities. EWP program assistance may be provided if the NRCS STC determines the EWP program is applicable.

In the absence of a Presidentially declared disaster and when local conditions warrant, the NRCS STC may declare a “local” emergency and pending funding, provide assistance to requesting sponsors under the EWP program. FEMA is usually not involved in recovery activities for local disasters, creating a greater coordination role for NRCS.

The EWP program can be used whenever a natural disaster creates a sudden watershed impairment that is a threat to life and/or property. Normal rainfall events and normal maintenance do not meet these criteria.

Funding for the EWP program is not a budgeted line item. Funding for this program is in the form of supplemental appropriations from Congress on an as needed and available basis. Therefore, funding to carry out this program is not guaranteed to be available.

If EWP assistance is anticipated, the EWP Program Manager (PM) will transmit this information to the National EWP Program Manager after the disaster event using the “Electronic Disaster Report” (EDR) through the EWPP Tool at: <https://ewp.sc.egov.usda.gov/>. The National EWP Program Manager will assign a Project Number for the event.

Types of Emergencies

There are two categories of work within the EWP program— exigencies and non-exigencies.

Exigencies are emergency situations that require an immediate response (1 to 10 days) to protect against an imminent threat to life and/or property. An “imminent threat” is present when there is the potential for a subsequent natural occurrence of the same intensity or less to cause significant damage to property and/or threaten human life. The term “property” applies to significant infrastructures such as dwellings, office buildings, utilities, bridges, and roads. Land is not defined as property for the EWP program.

All other situations are termed “non-exigencies” and should be completed within 220 days from the date Ohio NRCS receives EWP funding.

Site Eligibility

For a site to be eligible for EWP assistance, all the following questions must be answered YES:

1. Was damage the result of a natural disaster (e.g., damage to structures residential or commercial, infrastructure, etc.)?
2. Would recovery measures be for runoff retardation or soil erosion prevention (e.g., erosion damage to stream banks, roads, sediment blocking drainage, etc.; potential for increased erosion damages due to lack of groundcover)?
3. Is it a threat to life and/or property?
4. Did the event cause a sudden impairment to the watershed?
5. Has the site not had structural repairs twice within the last ten years?
6. Is the economic, environmental, and social documentation adequate to warrant action?
7. Is the proposed action technically sound?

The program requires the protection of cultural resource sites and those sites discovered during a cultural resources survey or during restoration and protection activities as stipulated by Section 106 of the National Historic Preservation Act, 16 U.S.C. Section 470f and its implementing regulations at 36 CFR Part 800. If a cultural resource site is observed during installation of protection measures, then all work shall cease and desist and the Ohio NRCS Cultural Resources Specialist (CRS) shall be contacted immediately.

Ineligible Activities

EWP program funds cannot be used for the following:

- Repair, rebuild, or maintain public or private transportation facilities or correct damage to transportation facilities eligible for assistance under the Emergency Relief Program administered by Federal Highway Administration of the Department of Transportation.
- Perform work on land owned by and/or managed by other Federal departments and agencies. The only exception is land managed by the USDA, Forest Service (FS). The FS receives their emergency EWP funds for restoration activities separately from NRCS.
- Federal lands (including Federal-aid highways), unless adequate safeguards are followed to avoid augmentation of other Federal agencies as defined in the U.S. Government Accountability Office's Principles of Federal Appropriations Law, chapters 2 and 3, "Transfer and Reprogramming" (see 7 CFR Section 624.6(b)(2)(iv)). Federal-aid highways are designated as colored rural highways from this web site: [ODOT Ohio Roadway Functional Class Maps](#).
- Repair erosion damage to beaches, dunes, and shorelines damaged by erosion, as a result of wave action.
- Work on levee projects on streams with a drainage area greater than 400 square miles, unless there is a prior agreement established with the U.S. Army Corps of Engineers (USACOE).
- Make improvements not essential to the reduction of the threat.
- Increase pre-disaster level of protection.
- Increase pre-disaster capacity of a channel by constructing a new channel, enlarging the old channel, or relocating the stream. Sediment and debris removal are not considered new construction or increasing flow capacity.
- Landscape for aesthetic purposes.
- Remove sediment or debris from reservoirs or debris basins. This is considered operation and maintenance, regardless of the cause.
- Perform operation and maintenance or solve watershed problems that existed before the disaster.
- Rebuilding or protecting when there is not anything left to protect.
- Drilling wells, constructing pipelines, installing irrigation equipment, or purchasing portable equipment to address drought.

Damage Survey Reports (DSRs)

A Damage Survey Report (see Appendix J) is used to document damage caused by a natural disaster, evaluate environment and social effects, recommend repair methods and provide estimated construction costs to repair the damage. The DSR should be as complete and accurate as possible, since it is the document used to determine site eligibility and justify the expenditure of EWP funds. The costs and benefits computed for the DSR are estimates; however, they should be reasonable and based on the sound professional judgment. It is not expected that an excessive amount of time be expended completing the DSR. Generally, a majority of the DSR can be completed on-site based on conditions observed and with minimal surveys and other measurements.

Once the DSR is completed, it is sent to the Ohio NRCS EWP PM and STC for review and determination of eligibility. The STC will request funds for approved DSRs.

Typical EWP Recovery Measures

- In Ohio, floods and tornadoes cause the majority of the watershed impairments. The most common impairments are stream bank instability, channel erosion, and a loss of capacity within the

stream channel. Streambank stabilization and obstruction removal are typical measures used to reduce the threat to life and property. Sediment, construction material, fallen trees and household debris are the usual causes of stream channel obstruction following a major storm event.

- Watershed structures constructed by NRCS under the PL-566 Program which are damaged by flooding are eligible for assistance for repairs if the structure has been properly operated and maintained by the sponsors.
- See Appendix I for additional information on typical emergency measures.

Eligible Sponsors

EWP assistance must be through an eligible project sponsor. Any legal subdivision of a State government or a State agency, including the following:

- Cities
- Counties
- Towns and villages
- Municipal Authorities
- Townships
- Soil and Water Conservation Districts
- When chartered under State laws, entities such as Conservancy Districts.
- Any Native American Tribe or Tribal organization as defined in Section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. Section 450b).

A project sponsor must:

- Have a legal interest in, or responsibility for, the areas threatened by a watershed emergency.
- Be capable of obtaining necessary land rights and required permits.
- Be capable of performing all required operation and maintenance (O&M) responsibilities.
- Be capable of administering contracts when part of a locally led agreement.
- Provide local cost share of construction cost (see below).

Cost Share

Federal funds can provide up to 75 percent of the actual eligible construction costs of emergency measures. Counties/communities in the State that have depressed economies are referred to as “limited resource areas” and may be eligible for 90 percent of the eligible construction costs to complete the project. To be considered a limited resource area, the county must meet all three of the following criteria:

- Average housing values must be less than 75 percent of the state average housing value.
- Per capita income must be 75 percent or less than the median income for the nation.
- Unemployment rate must be twice the U.S. average over the past three years.

The EWP PM will review the documentation submitted for proposed limited resource areas.

Cost share for EWP program measures is divided into two activities for cost share:

- Construction Services (termed financial assistance (FA)).
- Technical Services (termed technical assistance (TA)).

Construction services are those items related to actual physical repair of the damaged site and include such items as mobilization/demobilization, materials, earth work, and vegetation. The Federal share is 75 percent and the sponsor's share is 25 percent, or if the community is determined and approved as a limited resource area, 90 percent Federal and 10 percent sponsor.

Depending on the contracting method used by the sponsors, the sponsors may elect to perform some of the construction services with their own labor, materials, and equipment. In general, this "in-kind" construction work may be used toward their share of the project construction services cost. NRCS and the sponsor must agree on the amount, method, etc., of "in-kind" construction services prior to commencement of the works of improvement. See Appendix H for information on contracting methods.

Technical services are items such as surveys, design, geotechnical services, preparation of construction drawings, contracting, contract administration, construction inspection, and preparation of as-built construction drawings. Under locally led contracts, NRCS will reimburse the Sponsor for "in-kind" technical services costs subject to an agreed-to-amount.

Permitting fees, legal expenses associated with land rights, and legal opinions of locally led contracting activities do not qualify as in-kind technical services.

See Appendix L for the flow chart outlining the step by step process of implementing EWP in Ohio.

NRCS Roles and Responsibilities

The Ohio NRCS staff have important roles ensuring efficient implementation of EWP. The basic roles and responsibilities of Ohio NRCS staff are discussed below.

State Conservationist

The State Conservationist (STC) has the overall responsibility for the EWP. The STC announces EWP to the public and receives applications from sponsors requesting assistance, approves DSRs, and requests funds for EWP.

EWP Program Manager

The EWP Program Manager (PM) will coordinate the day-to-day implementation of EWP from the initial request for assistance to the close out of the project.

As soon as there are indications of a watershed impairment from a natural disaster and a potential EWP project, the State EWP PM will initiate and complete the Electronic Disaster Report (NRCS-PDM-21) within the electronic EWP Tool, alerting the National EWP PM of a potential request for EWP Program funds to address the watershed impairment.

- The EWP PM will review damage survey reports (DSR) and in consultation with the STC determine eligibility.
- If the Assistant State Conservationist (Field Operations) (ASTC-FO) requests additional resources to address the EWP recovery efforts, the EWP PM, with concurrence from the STC, will assign staff to an NRCS DSR Team(s). Staff from the entire State may be recruited to acquire the necessary disciplines.
- The EWP PM is responsible for ensuring additional supplies and equipment are obtained and provided to implement the EWP program.
- The EWP PM will coordinate with the Assistant State Conservationist (Management & Strategy) (ASTC-MS) to initiate a Project Agreement with sponsors who are determined eligible to participate in

the EWP program.

- Prepare and distribute to sponsors any subsequent amendments and/or modifications to project and other agreements.
- The EWP PM will assist as needed to perform the analysis and document the socioeconomic factors as required on the DSR.
- With recommendations from the SCE, identifying the contracting officer's representatives (COR) and inspectors for each project so that they can later be appointed by the Contracting Officer.
- Check and process payment requests from sponsors.

Assistant State Conservationist (Field Operations)

The ASTC-FO will coordinate the EWP activities within his/her administrative area and will keep the EWP PM informed of the progress.

Prior to any disaster, the ASTC-FO will ensure that staff within his/her administrative area is trained in EWP recovery efforts. Staff should be capable of determining if projects are eligible for EWP assistance and have the skills, knowledge and ability to complete DSRs during a disaster. The ASTC-FO shall compile reports from the District Conservationist(s) (DC) and provide information to the EWP PM on the extent of damage and resources affected. The ASTC-FO shall assign a DSR Team from their Area staff to work with the DC in completing DSRs in a timely manner. If additional staff or equipment is needed, the ASTC-FO will coordinate with the EWP PM to obtain additional staff and/or equipment.

Prior to beginning the recovery work, the ASTC-FO will provide EWP training to all NRCS employees on the DSR Team. See Appendix K on typical training needs.

District Conservationist

When a natural disaster occurs, the DC becomes the local facilitator for EWP program activities in his/her assigned counties working with sponsors, landowners and government entities. The DC will immediately notify the ASTC-FO and EWP PM of the disaster and begins the process to identify the magnitude and location of the damages. Contacting the local emergency management agency (EMA) and other local agencies may be necessary at this time. See Appendix B for list of County Emergency Management Coordinators. The DC should provide potential sponsors with a copy of the EWP Program Fact Sheet (see Appendix C).

Once the DC has identified the preliminary damage locations, a site visit will be conducted. The DC will evaluate the extent of the damaged areas and make a preliminary determination on the potential for EWP program work and a preliminary review of environmental compliance issues in accordance with the NRCS National Environmental Compliance Handbook (NECH).

The DC will develop an information file on all potential EWP projects which will include a cultural resource review based upon GIS cultural resource layers, required surface inspection and participant information. Any cultural resources information shall not be disclosed to sponsors or any third party and used only by those NRCS personnel that have completed the NRCS Cultural Resources Training Modules 1-8.

Potential sponsors will be notified by the DC to explore the possibility and interest in partnering to address the emergency prior to conducting a major disaster assessment to determine their interest and ability to be sponsors. Interest in sponsoring projects can change over time because of fluctuating financial capabilities or concerns about activities such as acquiring permits or obtaining easements.

The DC is responsible for keeping the ASTC-FO informed of the potential EWP recovery in his/her county(ies). A summary of the DC's responsibilities includes:

- Within 24 hours of the disaster, prepare a preliminary determination of where damages and stream blockages have occurred. This can be accomplished quickly by making telephone calls to key landowners, visual inspections, weather service reports, internet weather maps, and contacts with county and agency personnel.
- Notify the ASTC-FO and EWP PM of the disaster situation. Prepare an initial report listing the approximate number of sites where people, dwellings, highways, streams, and structures have been affected. This information may change several times as more sites are found and will require regular updates to the ASTC-FO and EWP PM about the number and types of sites found in each county. Continuously communicate this information to all concerned.
- As potential sponsors come forward with requests for assistance, prepare a report of the requests and guide the potential sponsor in the requirements to assistance. Provide the potential sponsor a copy of the EWP Fact Sheet (see Appendix C).
- Inform the potential sponsor of: (a) the purpose of the EWP program and their financial obligations; (b) the need to apply to NRCS for assistance; (c) their responsibility to obtain and certify land rights signatures of landowners affected; and (d) their responsibility to obtain necessary environmental permits. Furnish the potential sponsor with an example of the letter, EWP Request for Assistance to NRCS (see Appendix D).
- Notify the EWP PM of the sponsor's decision to proceed with the EWP program.
- Serve as a member of the DSR Team.
- Maintain a log sheet or requests for assistance that contains the name, address, telephone number, statement of problem, stream name, date, and time of call.
- Coordinate local fact finding and recovery efforts with the county/city, county EMA, FS, FEMA, and others as needed.
- Inform the Public Affairs Specialist (PAS) of human-interest stories and success stories.
- Prepare available information and equipment for use by the DSR Team such as:
 - Threatened and Endangered Species data (FOTG Section II and NRCS State Biologist).
 - National Wetland Inventory maps.
 - Soils information.
 - Stream classifications.
 - Conduct a review of environmental compliance issues in accordance with the NECH. If EWP sites prove to be complex and have environmental compliance issues, the required environmental analysis shall be forwarded to the SRC for completion.
- Location of cultural resources. Any cultural resources information will not be disclosed to sponsors or any third party and will be used only by NRCS personnel that have completed the NRCS Cultural Resources Training Modules 1-8.
- Copies of the land rights permission sheet.
- Directory of essential personnel and agencies.
- Location of approved debris disposal areas.

Damage Survey Report Team

The Damage Survey Report (DSR) Team will be responsible to complete the DSR for each site. See Appendix J for a copy of the DSR and specific requirements for completing it.

The ASTC-FO will identify staff that will serve on the DSR Team and assign a Team Leader. The DSR Team will consist of, as a minimum, the local DC, and engineer. The DC will participate on the team to provide local data and knowledge to the team that is necessary to complete the DSR. Where deemed necessary and appropriate due to site complexities, additional specialists such as an

environmental compliance specialist, biologist, and cultural resource specialist will be added to the DSR team.

The sponsor's representatives should be invited to participate in the site visit and completing applicable portions of the DSR.

Each DSR Team will have at least one NRCS employee who has completed the NRCS Cultural Resources Training Modules 1 through 8 and will complete the *Ohio Cultural Resources Project Request Form*.

The EWP PM should be contacted for guidance on questionable sites.

The completed DSR will be signed by the DC, engineer, and sponsor and forwarded to the EWP PM.

The DSR Team engineer will determine a construction cost estimate for work to relieve the emergency.

State Conservation Engineer

The State Conservation Engineer (SCE) is responsible for:

- Determining construction requirements.
- Taking the lead in developing the NRCS quality assurance plans (QAP) and reviewing locally led QAPs.
- Assuring proper reviews and approvals of plans and specifications before contracting.
- Determining operation and maintenance (O&M) requirements, if needed.
- Making recommendations to the contracting officer for the appointment of COR and inspectors for Federal contracts.
- Providing the necessary technical guidance for inspection, documentation, and acceptance of all work within their scope of responsibility.

State Resource Conservationist

The State Resource Conservationist (SRC) is responsible for:

- Preparing and/or providing vegetation recommendations and specifications.
- Ensuring proper reviews and approvals of vegetation measures take place before construction.
- Determining vegetative O&M requirements if needed.
- Making recommendations to the contracting officer for the appointment of a COR for vegetation-related work.
- Providing necessary technical guidance and reviews for NEPA documentation.

NRCS State Cultural Resources Specialist

All EWP projects are required to have a cultural resource review and subsequent cultural resources investigation, if applicable, by the NRCS State Cultural Resources Specialist (CRS). The DC shall schedule with the Ohio NRCS State CRS for a site visit if their cultural resource review resulted in the presence of a cultural resource site within 500 feet of the project area

Assistant State Conservationist (Management & Strategy)

The Assistant State Conservationist (Management & Strategy) (ASTC-MS) working with the contracting officer (CO) and budget officer (BO) is responsible for:

- Work with the State EWP PM to ensure that projects and their agreements are being developed in a timely manner.
- Confirm that funds are available to the STC prior to the execution of EWP funding agreements or contracts, ensuring Ohio NRCS budget and funding is properly administered.
- Work with the PM and the state Budget Officer to ensure that reimbursements to Sponsors (Local contracts) and billing of Sponsors (Federal contracts) are completed and are being processed in a timely manner after construction completion.

Public Affairs Specialist

The Public Affairs Specialist (PAS) is responsible for coordinating statewide efforts with the State EWP PM to inform the public about EWP program activities before, during, and following a natural disaster.

Communication Plan to be used throughout the EWP program recovery effort. The purpose of the Communication Plan is to inform targeted audiences of the extent of damages, status of the recovery, and provide general information concerning the EWP program.

The Communication Plan will outline responsibilities, timeframes, and methods for keeping the public informed about NRCS EWP activities and events. The EWP PM will be responsible for establishment of internal communication procedures and coordination. The EWP PM will keep the PAS informed of disaster occurrences.

The Communication Plan will:

- Provide uniform, consistent information to sponsors and the general public about EWP activities.
- Provide landowners and sponsors information about how to apply for the program.
- Keep decision makers informed on progress of EWP projects.
- Inform the public on how tax dollars are being spent.

Responsibilities of the PAS include:

- Serving as Statewide contact for all media.
- Keeping State and National NRCS managers advised of media activities.
- Organizing information from the DC for release to the public.
- Arranging media interviews at the State level.
- Preparing news releases, fact sheets, news advisories, and other material for local use.
- Working with the DC to identify human interest stories and success stories.
- Assisting the DC with photography needs.
- Preparing a media list for the affected area.
- Issuing news releases at the following stages of the emergency action:
 - Immediately following a disaster to indicate that assistance is available.
 - Following completion of damage assessments to report proposed actions.
 - At the completion of an exigency situation.
 - During construction phase.
 - When construction is completed.
 - At other occasions when deemed necessary.
- Producing a photographic library of activities.
- As requested by the STC, prepares a summary of EWP program efforts for local sponsors, elected officials, partners, media, and residents.

NRCS Government Representative

Once NRCS and the sponsor agree to enter into a project agreement for EWP recovery work, the EWP PM will designate a representative to work with the sponsor in implementing the works of improvement. The NRCS Government Representative (GR) responsibilities include:

- Providing technical guidance to the sponsor.
- Keep the EWP PM informed of the progress of assigned projects.
- Review engineering plans and specifications for concurrence.
- Perform periodic monitoring of construction to ensure the plans and specifications are followed.
- Review progress to ensure the work is progressing in accordance with the time frame in the

Project Agreement.

- Review all payment requests for completeness and accuracy
- Participate in the final inspection.

Sponsor Responsibilities

Sponsors participating in the EWP program are responsible for:

- Submit an official written request to the STC for assistance with required documentation. The written request must be submitted within 60 days after the event and within 10 days for exigencies. The request must contain the sponsor's commitment of 25 percent of the construction cost for approved sites, the commitment to obtain all land rights, and the name of the sponsor's technical and administrative representative. See Appendix D for sample letter of request or view here in the [National EWP Program Manual](#), on page 515-F.1.

- Submit an Application for Federal Assistance with the following forms, which are available at <http://www.grants.gov/> :

- SF 424 - Application for Federal Assistance
- SF 424B - Assurances for Non-Construction Programs
- SF 424C - Budget Information Construction Programs
- SF 424D - Assurances – Construction Programs
- Publicize the availability of the EWP Program.
- Accept requests for assistance from landowners.
- Participate on a DSR team as needed.
- Conduct outreach to underserved populations.
- Set priorities for site visits.
- Possess legal authority and obtaining the necessary real property rights, including any rights needed for the relocation of fences, bridges, etc. and submitting a signed form NRCS-ADS-78, "Assurances Relating to Real Property Acquisition," and a signed attorney's opinion, as appropriate. See Appendix F for form NRCS-ADS-78 and sample attorney's opinion letter.
- Enter into a written agreement with NRCS outlining responsibilities and obligations. EWP program funds cannot not be used to reimburse sponsors for work carried out prior to the signing of a project agreement by the sponsors and NRCS.
- Obtain all necessary permits (Federal, State, Tribal, and local) to complete the project. NRCS does not reimburse the Sponsor for any permit fees (see Appendix G for information regarding permitting).
- Arrange for any necessary relocation of utilities.
- Perform "locally led contracting" when sponsor has the technical and/or administrative ability to do so, or otherwise share needed services with NRCS.
 - Prepare engineering drawings and specification for construction contract. The drawings must be stamped by an Ohio licensed Professional Engineer (P.E.).
 - Develop a quality assurance plan (QAP) for construction.

- Award and administer construction contracts to perform work.
- Inspect the construction in accordance with the approved QAP and accept the completed work.
- Prepare as-built construction drawings acceptable to NRCS; the drawings must be stamped by a P.E.
- The extent that the sponsor and NRCS share these services will be stated in the project agreement before the commencement of work.
 - Provide their construction cost share of actual eligible project costs (cash and/or approved in-kind construction services). Tasks such as acquiring land rights and permits will not be credited as an in-kind expense.
 - Provide for the operation and maintenance of completed structural measures.

Contracting Procedures

The preferred EWP contracting procedure in Ohio is locally led contracting for the completion of construction work. NRCS can perform the work by Federal contract if the sponsor does not have administrative capabilities to administer local contracts.

Periodic payment requests may be submitted by the sponsor on Form SF-270 – Request for Advancement or Reimbursement: [SF Form 270](#).

See Appendix H for a description of various contracting methods.

Construction Inspection

The inspection process ensures that the project is conducted in accordance with the project design, contract specifications, permit requirements, and environmental compliance. If work limits are given in order to remain compliant with NEPA, ESA, and NHPA, NRCS will be on-site to monitor the construction progress and ensure that work limits are being followed.

Project Completion and Acceptance

Upon completion of a project, the project sponsor and the NRCS GR will review the work to ensure all the necessary items are completed according to the requirements specified in the plans and specifications and project agreement. If the project work is deemed complete, the project is accepted and as-built drawings, if applicable, are prepared by the sponsor.

Project Evaluation

After the EWP program work is completed, the EWP PM, ASTC-FO, DC, and other staff will evaluate NRCS's response to the emergency and the effectiveness of the processes used to implement the program. Input may be solicited from partners including sponsors, agencies, citizens' groups, and congressional delegations. Evaluation of the current program and suggested changes to improve the program's effectiveness, delivery, administration, and environmental effects will be reviewed. Necessary changes shall be incorporated to improve the process to address future natural disasters.

Project Follow-up

Periodically, the DC will meet at the project site with the sponsor to evaluate how the project is functioning and to determine if the terms of the operation and maintenance plan are being implemented. NRCS personnel will take photographs of the site(s) to document the environmental effects of the EWP program measure.

Final Report

Within ninety (90) days of the completion of the emergency work, the EWP PM will submit a final report to the NRCS National Headquarters EWP PM. This report will follow the guidelines as stated in the National Emergency Watershed Protection Manual, Part 503. This report may be distributed to other NRCS offices, State Technical Committee, congressional offices and other interested partners.

Floodplain Easements

NRCS may purchase perpetual agricultural floodplain easements. To be eligible, flooding must have damaged the land to the extent that the cost of restoring it and associated structures would be greater than the value of the land after restoration. The easements provide permanent restoration of the natural floodplain hydrology as an alternative to traditional attempts to restore damaged levees, agricultural land, and structures and reduced downstream flood damage while promoting conservation of natural function and values of the floodplain.

Landowners will be compensated the least of the following values: 100 percent of the agricultural or other undeveloped/raw value of the land, the geographic cap where one is established, or landowner offer. EWP program funds may cover up to 100 percent of the cost for land treatment practices and all administrative, survey, title insurance, and other costs associated with establishing the easement. All easements must be economical and environmentally and socially defensible.

All private, public, and Tribal lands are eligible for assistance from the EWP program. All easements must include a permanent vegetative buffer adjacent to the watercourse. Sponsors are not required to establish easements; agreements can be developed directly with individual landowners.

NRCS may also purchase perpetual non-agricultural easements, including land with buildings. The landowner or sponsor will pay 25 percent of the cost to move or demolish the buildings.

NRCS will pay 100 percent of the pre-disaster appraised value of the land and buildings. The intent is to purchase larger corridors with buildings, not single isolated parcels. Agreements can be developed with individual landowners.

Floodplain easements must be defensible, supported by a DSR, and voluntarily offered. They must also meet the same requirements as recovery work, unless specifically stated otherwise in policy.

Purchase of floodplain easements will follow the guidelines and policy as stated in the National Watershed Manual, 390-V, Circular No.4.

Appendix A – Definitions

The following terms are used throughout this Emergency Recovery Plan:

Assistant State Conservationist (Field Operations)	The Assistant State Conservationist for Field Operations (ASTC-FO) is responsible for providing leadership in implementing the EWP Program within his/her administrative area. The ASTC-FO will work directly with the District Conservationist and assemble a DSR team from Area staff to complete damage assessments.
Damage Survey Report	The DSR documents damages; proposed work; economic, social, and environmental defensibility; sketches of the site; standard drawings; maps; photos; GPS data; and other information as needed. A DSR will be completed for each site. The DSR is NRCS' documentation that the site has been evaluated and proposed measures and any activities facilitating the proposed measures, comply with ESA, NHPA and NEPA.
District Conservationist	The District Conservationist (DC) is the local EWP program contact for the affected area within their county(ies) of responsibility. The ASTC-FO may assign other Area staff to fill the role of the DC. The DC must understand the basics of the EWP program and its eligibility criteria and perform the ongoing work of establishing key contacts and potential sponsors for future EWP projects.
Damage Survey Report Team	A DSR Team is an NRCS interdisciplinary team that performs site assessments and completes the DSR. Typically, the team will consist of an engineer and the DC. Additional NRCS staff will be consulted as needed to address economics, environmental, and cultural resource issues. The DSR team may include non-NRCS members such as sponsor representatives and technical personnel from other agencies.
Exigency	An exigency exists when the near-term probability of damage to life and property is high enough to demand immediate Federal action. Requires completion within a 10-day period after the date the funds are committed.
EWP Program Manager	The EWP Program Manager (PM) is responsible for providing leadership and oversight on EWP program projects.
Non-exigency	A non-exigency exists when the near-term probability of damage to life or property is high enough to constitute an emergency, but not sufficiently high to be considered an exigency. Measure must be complete within 220 days from the date NRCS receives the funding.
NRCS Government Representative	The NRCS GR is responsible for day to day contact and coordination with the Sponsor. The NRCS GR will be an engineer and is responsible for reviewing the DSR's solution to correcting the impairment and provides engineering technical assistance to the sponsor.
Sponsor	A sponsor is a qualifying local unit or subdivision of State, city, county, or tribal government.
State Conservationist	The State Conservationist is responsible for all NRCS activities and programs in Ohio.

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[\(Map\)](#)

[email: fpetersen@co.ottawa.oh.us](mailto:fpetersen@co.ottawa.oh.us)

[website: http://www.co.ottawa.oh.us/ottawacoema/index.html](http://www.co.ottawa.oh.us/ottawacoema/index.html)

Paulding Co Emergency Mgmt.

Director: Bohn, Edward

503 Fairground Drive, Ste 2
Paulding, Oh 45879
419 399-3500

[\(Map\)](#)

[email: ema@pauldingcounty-oh.com](mailto:ema@pauldingcounty-oh.com)

[website: http://www.pauldingcountyohioema.com/](http://www.pauldingcountyohioema.com/)

Perry Co Emergency Mgmt.

Director: Spicer, Rita

121 West Brown Street, Suite E
New Lexington, OH 43764
740 342-1141

[\(Map\)](#)

[email: ema@perrycountyohio.net](mailto:ema@perrycountyohio.net)

[website: http://perrycountyohio.net/emergency-management/perry-county-emergency-](http://perrycountyohio.net/emergency-management/perry-county-emergency-)

Pickaway Co Emergency Mgmt.

Director: Darrin Flick

139 West Franklin Street
Circleville, Oh 43113
740 477-1165

[\(Map\)](#)

[email: dflick@pickaway.org](mailto:dflick@pickaway.org)

[website: https://www.facebook.com/pickawaycountyma/](https://www.facebook.com/pickawaycountyma/)

Pike Co Emergency Mgmt.

Director: Dickerson, Tim

2577 Alma Omega Rd.
Waverly, OH 45690
740 947-7346

[\(Map\)](#)

[email: ema@pikecounty.oh.gov](mailto:ema@pikecounty.oh.gov)

[website: http://www.emaohio.org/pike-county/](http://www.emaohio.org/pike-county/)

Ohio County Emergency Management Directory

Portage Co Emergency Mgmt.

Director: Shackelford, Ryan

8240 Infirmary Road
Ravenna, Oh 44266
330 297-3607

[\(Map\)](#)

[email: rshackelford@portageco.com](mailto:rshackelford@portageco.com)

[website: https://www.co.portage.oh.us/homeland-security-emergency-management](https://www.co.portage.oh.us/homeland-security-emergency-management)

Preble Co Office of Homeland Security & Emerg Mgmt

Director: Anderson, David

6818 U.S. 127 North
Eaton, Oh 45320
937 456-5647

[\(Map\)](#)

[email: danderson@prebleema.org](mailto:danderson@prebleema.org)

[website: http://www.emaohio.org/preble-county/](http://www.emaohio.org/preble-county/)

Putnam Co Emergency Mgmt.

Director: Klear, Michael

POB 370, 117 Thatye Drive
Ottawa, Oh 45875-0370
419 538-7315

[\(Map\)](#)

[email: pcops@pcops.org](mailto:pcops@pcops.org)

[website: http://www.pcops.org/index.php?option=com_content&view=section&id=9&Itemid=45](http://www.pcops.org/index.php?option=com_content&view=section&id=9&Itemid=45)

Richland Co Emergency Mgmt.

Director: Rick Evans

597 Park Avenue East
Mansfield, Oh 44905
419 774-5686

[\(Map\)](#)

[email: revans@richlandcountyoh.us](mailto:revans@richlandcountyoh.us)

[website: http://ema.richlandcountyoh.us/](http://ema.richlandcountyoh.us/)

Ross Co Emergency Mgmt.

Director: Minney, Paul

PO Box 87; 475 Western Ave
Chillicothe, Oh 45601-0087
740 773-1700

[\(Map\)](#)

[email: RossEMA@rosscountyohio.gov](mailto:RossEMA@rosscountyohio.gov)

[website: http://www.emaohio.org/ross-county/](http://www.emaohio.org/ross-county/)

Sandusky Co Emergency Mgmt.

Director: Kuelling, Lisa

2323 Countryside Drive, Suite B
Fremont, Oh 43420
419 334-8933

[\(Map\)](#)

[email: lkuelling@co.sandusky.oh.us](mailto:lkuelling@co.sandusky.oh.us)

[website: http://www.sandusky-county.com/index.php?page=emergency-management](http://www.sandusky-county.com/index.php?page=emergency-management)

Scioto Co Emergency Mgmt.

Director: Carver, Kimberly

729 Sixth Street, Lower Suite
Portsmouth, Oh 45662
740 355-8300

[\(Map\)](#)

[email: scema@sciotowireless.net](mailto:scema@sciotowireless.net)

[website: https://www.facebook.com/scioto.ema/](https://www.facebook.com/scioto.ema/)

Seneca Co Emergency Mgmt.

Director: John Spahr

126 Hopewell Avenue
Tiffin, Oh 44883-2636
419-447-0266, ext 10

[\(Map\)](#)

[email: JSpahr@SenecaCountyOhio.gov](mailto:JSpahr@SenecaCountyOhio.gov)

[website: http://www.emaohio.org/seneca-county/](http://www.emaohio.org/seneca-county/)

Shelby Co Emergency Mgmt.

Director: Cheri Drinkwine

800 Fair Road
Sidney, Oh 45365
(937) 492-5635

[\(Map\)](#)

[email: shelbycountyema@gmail.com](mailto:shelbycountyema@gmail.com)

[website: http://co.shelby.oh.us/emergency-management-agency/](http://co.shelby.oh.us/emergency-management-agency/)

Stark Co Emergency Mgmt.

Director: Warstler, Tim

4500 Atlantic Blvd, NE;LL
Canton, Oh 44705-4374
330 451-3900

[\(Map\)](#)

[email: tlwarstler@starkcountyohio.gov](mailto:tlwarstler@starkcountyohio.gov)

[website: http://www.starkcountyohio.gov/ema](http://www.starkcountyohio.gov/ema)

Summit Co Emergency Mgmt.

Director: Smoot, Thomas

175 S Main St Ste 103
Akron, Oh 44308
330 643-2558

[\(Map\)](#)

[email: tsmoot@summitoh.net](mailto:tsmoot@summitoh.net)

[website: https://co.summitoh.net/index.php/departments/law/public-safety/emergency-](https://co.summitoh.net/index.php/departments/law/public-safety/emergency-)

Ohio County Emergency Management Directory

Trumbull Co Emergency Mgmt.

Director: Beil, Linda

640 N. River Road, NW, Suite B
Warren, Oh 44483
330 675-2666

[\(Map\)](#)

[email: embeil@co.trumbull.oh.us](mailto:embeil@co.trumbull.oh.us)

[website: http://www.homelandsecurity.co.trumbull.oh.us/](http://www.homelandsecurity.co.trumbull.oh.us/)

Tuscarawas Co Homeland Security & Emerg Mgmt

Director: McCarthy, Alex

2295 Reiser Ave. SE
New Philadelphia, Oh 44663
330 308-6671

[\(Map\)](#)

[email: mccarthy@co.tuscarawas.oh.us](mailto:mccarthy@co.tuscarawas.oh.us)

[website: http://www.co.tuscarawas.oh.us/ema/index.html](http://www.co.tuscarawas.oh.us/ema/index.html)

Union Co Emergency Mgmt.

Director: Gilbert, Brad

233 West 6th Street
Marysville, OH 43040
937 645-3174

[\(Map\)](#)

[email: bgilbert@co.union.oh.us](mailto:bgilbert@co.union.oh.us)

[website: https://www.co.union.oh.us/EMA-Emergency-Management-Agency/](https://www.co.union.oh.us/EMA-Emergency-Management-Agency/)

Van Wert Co Emergency Mgmt.

Director: McCoy, Rick

1220 Lincoln Hwy, PO Box 602
Van Wert, OH 45891
419 238-1300

[\(Map\)](#)

[email: emamccoy@vanwertema.com](mailto:emamccoy@vanwertema.com)

[website: http://www.vanwertema.com](http://www.vanwertema.com)

Vinton Co Emergency Mgmt.

Director: Faught, William (Bill)

106 South Market Street
McArthur, Oh 45651
740 596-3524

[\(Map\)](#)

[email: ema@vintonco.com](mailto:ema@vintonco.com)

[website: https://www.vintoncountyma.com/](https://www.vintoncountyma.com/)

Warren Co Emergency Services Agency

Director: Bour, Melissa

500 Justice Drive
Lebanon, Oh 45036
513 695-1772

[\(Map\)](#)

[email: melissa.bour@wcoh.net](mailto:melissa.bour@wcoh.net)

[website: http://www.co.warren.oh.us/emergencyservices/](http://www.co.warren.oh.us/emergencyservices/)

Washington Co Emergency Mgmt.

Director: Rich Hays

204 Davis Ave, Suite C
Marietta, OH 45750
(740) 373-5613

[\(Map\)](#)

[email: ema@wcgov.org](mailto:ema@wcgov.org)

[website: http://www.washingtongov.org/index.aspx?NID=126](http://www.washingtongov.org/index.aspx?NID=126)

Wayne Co Emergency Mgmt.

Director: Villegas, Joseph

201 W. North St, Justice Ctr
Wooster, Oh 44691
330 262-9817

[\(Map\)](#)

[email: jvillegas@wcemaoh.org](mailto:jvillegas@wcemaoh.org)

[website: https://www.facebook.com/wcemaoh/](https://www.facebook.com/wcemaoh/)

Williams Co Emergency Mgmt.

Director: Baldwin, Dawn

1425 E. High Street, Suite A
Bryan, OH 43506
419-633-5001

[\(Map\)](#)

[email: dbaldwin@wmsco.org](mailto:dbaldwin@wmsco.org)

[website: http://www.emaohio.org/williams-county/](http://www.emaohio.org/williams-county/)

Wood Co Emergency Mgmt.

Director: Jeff Klein

#1 Courthouse Square
Bowling Green, Oh 43402
419 354-9269

[\(Map\)](#)

[email: jklein@co.wood.oh.us](mailto:jklein@co.wood.oh.us)

[website: http://woodcountyma.org/](http://woodcountyma.org/)

Wyandot Co Emergency Mgmt.

Director: Risley, Dale

401 N. Warpole Street
Upper Sandusky, OH 43351
419 294-6406

[\(Map\)](#)

[email: wyandotems@co.wyandot.oh.us](mailto:wyandotems@co.wyandot.oh.us)

[website: https://www.facebook.com/wyandotcountyma/](https://www.facebook.com/wyandotcountyma/)

Emergency Watershed Protection Program (EWP)



Description

The Emergency Watershed Protection (EWP) program was created by Congress to respond to emergencies caused by natural disasters. EWP is designed to help people reduce imminent hazards to life and property threatened by excessive erosion and flooding caused by heavy rains, drought, earthquakes, windstorms and other natural disasters.

The purpose of EWP is to help communities with a common problem. All projects undertaken must be sponsored by a political subdivision of the State such as a city, county, or a flood control district.

Assistance Available

There are two types of assistance available:

Urgent and Compelling – An imminent threat to life and property exists and requires immediate federal action. Work must generally be completed within 10 days of assessing the site in order to protect life and property.

Emergency – A situation where the threat to life and property is high enough to constitute an emergency, but the situation is not considered urgent and compelling. Work in this category does not require immediate action, but should be completed as soon as possible (within 220 days from funding availability).

NRCS can pay up to 75 percent of emergency measures. The remaining 25 percent comes from local sources and can be in the form of cash, in-kind services, or a combination of both.

Criteria for Assistance

All EWP work must reduce threats to life and property. Work must be economically, socially, and environmentally defensible and sound from an engineering standpoint. EWP work must yield benefits to more than one person. All work must represent the least expensive environmentally sound alternative. All projects must be related to a sudden watershed impairment and erosion control issue.

Eligibility

The project sponsor must be a public agency of a state, county, city government, or a conservation district. Sponsors are responsible for providing land rights to do repair work and for securing all necessary permits. Sponsors are also responsible for furnishing the local cost share and for implementation of work. The work can be



done either through local contracts administered by the sponsor, or the sponsor can use their own equipment and personnel. If sponsors do not have capability to do the work by either of these options, work can also be done by Federal contract.

Types of Assistance

EWP responds to emergencies by providing funding to repair the project area at the pre-disaster level of protection. While operation and maintenance work or repair of private and/or public transportation facilities and utilities are excluded, efforts focusing on immediate land use protection are targeted.

EWP seeks to mitigate the reduction of identified hazards without adversely affecting downstream water rights. Lastly, EWP provides repairs to sudden watershed impairments and erosion control issues, but projects must be exclusive of any measures previously installed by another Federal agency.

Applying for Assistance

If your area has suffered severe damage and may qualify under the EWP program, you are encouraged to contact your local USDA-NRCS Service Center to request assistance. City and county governments and flood control districts are the most common sponsors of EWP projects.

The sponsor's application should be in the form of a letter signed by a qualified representative of the sponsoring organization. The letter should include information on the nature, location, and scope of the problem for which assistance is requested.

Information is available from NRCS offices which explain the eligibility requirements for the EWP program. Send applications for assistance to the



local NRCS field office or to the NRCS State headquarters in Columbus. All applications should be submitted as soon as possible after the event. The application must include a Presidential (FEMA) or State and Local (NRCS State Conservationist) Declaration citing the Major Disaster area.

More Information

For more information on assistance under the EWP program, contact the local USDA NRCS office serving your county or visit: <https://www.nrcs.usda.gov/wps/portal/nrcs/oh/programs/financial/ewp/>.

OHIO

Natural
Resources
Conservation
Service

oh.nrcs.usda.gov/



USDA is an equal opportunity provider, employer, and lender. OH • JUNE 2020

APPENDIX D – Sample Letter of Request

[Sponsor's Letterhead]

[Date]

[State Conservationist Name]

Natural Resources Conservation Service
200 North High Street, Room 522
Columbus, OH 43215

Dear [State Conservationist Name]:

We request Federal assistance under the provisions of section 216 of the Flood Control Act of 1950, Public Law 81-516 or section 403 of the Agricultural Credit Act of 1978, Public Law 95-334, to restore damages sustained in [County name] County by [Enter name and/or type of disaster that occurred] on [Enter date disaster occurred]. This work is needed to safeguard lives and property from an imminent hazard of [scope of the problems]. [Explain the assistance needed].

We are a [State, political subdivision of a State, qualified Indian tribe or tribal organization, or unit of local government] with a legal interest in or responsibility for the values threatened by the watershed emergency. We understand, as sponsors of emergency watershed protection measures, that our responsibilities will include:

- Contributing a share of the project costs, as determined by NRCS, by providing funds or eligible services necessary to undertake the activity.
- Obtaining any necessary real property rights, water rights, and regulatory permits.
- Agreeing to provide for any required operation and maintenance of the completed emergency measures.

We have exhausted or have insufficient funding or other resources available to provide adequate relief from applicable hazards. We acknowledge that NRCS will not provide funding for activities undertaken by a sponsor prior to the signing of an agreement between NRCS and the sponsor.

The names, addresses, and telephone numbers of the administrative and technical contact persons in our organization are as follows:

[Enter name, title, address, email, and telephone of sponsor's representatives]

Please contact them for any additional information that you might need in assessing our request.

Sincerely,

Appendix E – Agencies' Roles and Responsibilities

Multi-level coordination with Federal, State, and local agencies is necessary for the EWP program recovery to be completed within the time frame required by the program guidelines. Federal, State, and local agencies have guidelines, and in many cases, permits that must be obtained. The Sponsor is responsible for obtaining permits; however, the DC will work closely with the Sponsor in coordinating the EWP program with Federal, State, and local agencies. The DC will request assistance from the DSR Team as needed.

Federal Agencies:

Federal Emergency Management Agency, Region V

536 South Clark Street, 6th Floor

Chicago, IL 60605

(312) 408-5500

<http://www.fema.gov/region-v-il-mi-mn-oh-wi>

The Federal Emergency Management Agency (FEMA) is an independent agency of the Federal government, reporting to the President. FEMA's mission is to reduce the loss of life and property and protect our nation's critical infrastructure from all types of hazards through a comprehensive, risk-based, emergency management program of mitigation, preparedness, response, and recovery. For "Presidentially declared" disasters, FEMA coordinates the Federal government activities and is the lead Federal agency. The NRCS EWP PM will coordinate NRCS recovery efforts with the appropriate FEMA official. However, FEMA will not coordinate NRCS work unless conflicts arise from adjacent sites. If FEMA transfers this responsibility to Federal Regional Council or other authorized agency response efforts, NRCS will be responsive to that council or organization.

FEMA offers three financial assistance programs.

1. The Individual Assistance Program provides money to people and businesses to help them get back on their feet. Examples are low interest loans, cash grants, housing assistance, and crisis counseling.
2. The Public Assistance Program has grants available to assist State and local government agencies and certain private nonprofit organizations.
3. The Hazard Mitigation Program assists with activities that reduce or eliminate losses from natural disasters. Example of mitigation include keeping homes away from floodplains, engineering bridges to withstand earthquakes, and creating and enforcing effective building codes. This program is available to local and State government agencies, certain private nonprofit organizations, and tribes.

<u>U.S. Army Corps of Engineers:</u>		
Buffalo District U.S. Army Corps of Engineers 1776 Niagara Street Buffalo, NY 14207 716-879-4330 LRB.Regulatory@usace.army.mil http://www.lrb.usace.army.mil/Missions/Regulatory.aspx	Huntington District U.S. Army Corps of Engineers 502 Eighth Street Huntington, WV 25701-2070 304-399-5210 http://www.lrh.usace.army.mil/Missions/Regulatory.aspx	Pittsburgh District U. S. Army Corps of Engineers 1000 Liberty Avenue Regulatory Branch, Suite 2200 Pittsburgh, PA 15222 412-395-7155 Regulatory.Permits@usace.army.mil http://www.lrp.usace.army.mil/Missions/Regulatory.aspx

The Regulatory Division within the U.S. Army Corps of Engineers (USACE) administers Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Federal law prohibits the discharge of dredged or fill material into waters of the United States which includes wetlands, without a Section 404 permit. Under Section 10 of the Rivers and Harbors Act, no work may commence in traditional navigable waters of the U.S. without a permit from the USACE.

When EWP program recovery efforts require working in “waters of the U.S.,” NRCS will contact the appropriate Corps of Engineers District Regulatory office to determine if a permit is needed for the proposed EWP work. If a permit is needed, NRCS will plan and design the work to meet permit requirements and mitigation measures, if necessary. The project Sponsor will obtain all necessary permits prior to commencement of EWP actions.

The USACE Section 404 Nationwide Permit 37 specifically addresses the NRCS Emergency Watershed Protection Program activities. The use of Nationwide Permit 37 requires the submission of a pre-construction notification (PCN) to the USACE district engineer prior to commencing the activity. In general, the prospective permittee should wait until the district engineer issues a Nationwide Permit (NWP) verification or 45 calendar days have passed before proceeding with the watershed protection and rehabilitation activity. However, in cases where there is an unacceptable hazard to life, a significant loss of property, or economic hardship will occur the emergency watershed protection and rehabilitation activity may proceed immediately, and the district engineer will consider the information in the pre-construction notification and any comments received as a result of agency coordination to decide whether the NWP 37 authorization should be modified, suspended, or revoked. Other Nationwide Permits may also apply to EWP work.

USDA - Forest Service (FS)

Wayne National Forest
 13700 U.S. Highway 33
 Nelsonville, Ohio 45764
 (740) 753-0101
<http://www.fs.usda.gov/wayne>

The United States FS is eligible to receive EWP program assistance and funding to remove watershed impairments that occur on land that is owned by the Federal government and managed by the FS. The FS will sponsor all recovery work that meets eligibility requirements and is supported by a DSR. The NRCS EWP PM will coordinate site evaluations, review/approve DSRs, and request funding for approved sites. The funding will be executed at the National Office level.

U.S. Fish and Wildlife Service

Ohio Ecological Services Field Office
4625 Morse Road, Suite 104
Columbus, Ohio 43230-8355
614 416-8993
ohio@fws.gov
<http://www.fws.gov/midwest/ohio/>

The U.S. Fish and Wildlife Service's (USFWS) mission is to work with others to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. The USFWS is also responsible for managing endangered and threatened species. They provide information on the location of various endangered species and ways to reduce the impact when working within or adjacent to their habitat.

NRCS policy promotes the conservation of threatened and endangered species and, consistent with legal requirements, the avoidance and prevention of activities detrimental to such species. Per the requirements of Section 7 of the Endangered Species Act, NRCS will consult with the USFWS and with their assistance, will ensure that any action authorized, funded, or carried out does not jeopardize threatened and endangered species or result in the destruction or adverse modification of the habitat of such species. Depending on the nature of the work and the expected effects on listed species, this may require informal or formal consultation with the Ohio Field Office.

In an emergency, NRCS will inform the USFWS that emergency procedures are being invoked and that measures to minimize impacts will be employed (50 CFR 402.05). The USFWS may provide advice to reduce the potential for adverse effects on listed species.

The DC will contact the NRCS State Biologist to coordinate all work with the USFWS to comply with the Endangered Species Act and other pertinent laws and Executive Orders such as the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

Farm Service Agency

United States Department of Agriculture
Ohio Farm Service Agency
200 North High St. Room 540
Columbus, Ohio 43215
(614)255-2441
<http://www.fsa.usda.gov/FSA/stateoffapp?mystate=oh&area=home&subject=landing&topic=landing>

The Farm Service Agency (FSA) administers the USDA Crop Commodity Programs, the Conservation Reserve Program, the Emergency Conservation Program (ECP), and other farm programs. The EWP PM will coordinate NRCS recovery efforts with FSA. NRCS coordination will ensure that the EWP program recovery efforts, particularly on upland sites and in cropland, do not compete with or diminish the ECP program or any other programs administered by FSA.

State Agencies:

The NRCS EWP PM or appointee will be responsible for coordinating work with all State agencies that have emergency services, natural resources, historic, environmental management, and conservation responsibilities.

Ohio Emergency Management Agency

2855 West Dublin-Granville Road

Columbus, Ohio 43235-2206

24-hour contact: (614) 889-7150

<http://ema.ohio.gov/index.aspx>

Established under Chapter 5502 of the Ohio Revised Code (ORC), the Ohio Emergency Management Agency (Ohio EMA) is the central point of coordination within the State for response and recovery to disasters. The primary focus of the agency, when not in a response or recovery mode, is to ensure that the State and the 11 million citizens residing in it are prepared to respond to an emergency or disaster and to lead mitigation efforts against the effects of future disasters.

Effective emergency management systems are a tiered effort. When an emergency exceeds the capacity of local government, they request the assistance of the State through the Ohio EMA. If an emergency exceeds the capacity of the State, aid is requested from the President through FEMA. To ensure preparedness and the capability to respond at all levels, it is critical that Ohio EMA's 101 person staff interface regularly with their local and Federal counterparts.

During an emergency response or recovery effort, all sections and branches are focused on the event. The Ohio EMA, as the governor's emergency management organization, may activate the Ohio Emergency Operations Center to better coordinate the State's response. Chapter 5502 of the ORC designates the Executive Director of the Ohio EMA as the State coordinator during emergency response and stipulates that the Executive Director:

"Shall coordinate all activities of all agencies for emergency management within the State, shall maintain liaison with similar agencies of other States and of the Federal government, shall cooperate with those agencies subject to the approval of the governor, and shall develop a statewide emergency operations plan that shall meet any applicable Federal requirements for such plans."

Ohio EMA's current staffing roster includes nine field liaison positions, each responsible for liaison with and assistance to approximately nine county emergency management agencies. The State is separated geographically into the following sections: northwest, west north central, west central, southwest, central, northeast, north central, east central, southeast and south central. Each field liaison representative is responsible for one section.

The agency has trainers who specialize in all-hazards training, exercise design, survivable crisis management, and radiological training. These individuals support all 88 county emergency management programs.

Ohio Historic Preservation Office

800 E. 17th Avenue

Columbus, Ohio 43211

(614) 297-2300

<http://www.ohiohistory.org/ohio-historic-preservation-office>

As the lead agency, NRCS must address all potential cultural resource issues. Working with the Ohio Historic Preservation Office (SHPO), Federally recognized tribes, other Federal agencies, and local sponsors all damaged areas must be reviewed to ensure that restoration activities will not damage or destroy cultural resources (36 CFR 800). A cultural resource review must be conducted by a member of NRCS personnel who has completed Modules 1-8 of NRCS Cultural Resources Training. The *Ohio*

Cultural Resources Project Review Request Form must be completed and submitted. GIS cultural resource layers and other cultural resources data should be reviewed and sent to the NRCS State Cultural Resource Coordinator (CRC) and CRS if any cultural resources are present within 500 feet of the project area, or if they are suspected or are otherwise known to exist within the project area.

If started promptly, there will be sufficient time to complete the Section 106 consultation process outlined in the National Cultural Resources Handbook and State Level Agreement.

If an EWP project is determined an exigency situation, then the NRCS State CRS shall immediately notify the SHPO per request of STC.

Ohio Department of Transportation

1980 West Broad Street

Columbus, Ohio 43223

Phone: (614) 466-2336

<http://www.dot.state.oh.us/pages/home.aspx>

The Ohio Department of Transportation (ODOT) is responsible for the construction and maintenance of the roads, bridges and tunnels in the State. Many times, after a major disaster, the Federal DOT is a response agency protecting bridges and re-establishing roads and access. ODOT owns and maintains road rights-of-way and generally limits works within their rights-of-way.

The Federal Highway Administration administers the Emergency Relief Program, which provides Federal aid for repairing damage to public highways. The Emergency Relief Program helps State and local highway agencies pay the unusually heavy expenses of repairing serious damage resulting from a natural disaster or catastrophic failure. The NRCS EWP program may not be used on roads that are eligible to receive this funding. NRCS coordinates with ODOT on sites upstream of roads and bridges that are off the ODOT right-of-way and on disposal locations.

Ohio Environmental Protection Agency

Division of Surface Water

P.O. Box 1049

Columbus, Ohio 43216-1049

614-644-2001

<http://epa.ohio.gov/dsw/SurfaceWater.aspx>

The Ohio Environmental Protection Agency (OEPA), Division of Surface Water, ensures compliance with the Federal Clean Water Act and works to increase the number of water bodies that can safely be used for swimming and fishing. The 401 Water Quality Certification and Isolated Wetland Permitting Section reviews applications for projects that propose the placement of fill or dredged material into waters of the State, including streams, lakes and wetlands. The section also reviews required mitigation of issued permits. Typically, most EWP work will be addressed by working with the USACE through the Clean Water Act permit application; however, some work may require a separate application with OEPA.

Ohio Department of Natural Resources

Division of Wildlife

2045 Morse Rd., Bldg. G

Columbus, Ohio 43229-6693

1-800-WILDLIFE (1-800-945-3543)

wildinfo@dnr.state.oh.us

The Ohio Division of Wildlife (DOW) is the division within the Department of Natural Resources responsible for the management of fish and wildlife resources in Ohio. The DOW manages these resources to provide wildlife recreational opportunities including hunting, fishing and wildlife viewing. In addition to regulating the harvest of game species, DOW provides expertise in the management of populations and habitat of non-game species including State-listed endangered species. DOW biologists may be utilized to help plan and evaluate EWP actions in a way to protect and manage fish and wildlife habitat.

Ohio Department of Natural Resources

Division of Soil and Water Resources

Dam Safety Engineering

2045 Morse Road, B3

Columbus, Ohio 43229-6693

614) 265-6731

dswc@dnr.state.oh.us

The purpose of the Dam Safety program is to provide for safe design, construction, operation, and maintenance of dams to protect public safety. The ODNR, Dam Safety Engineering Program should be contacted to discuss any dam safety problem with Class I, II, III, or IV dams as defined in Ohio. No person or entity shall construct, begin to construct, alter, or begin to alter a dam until the Dam Safety Engineering Program has approved repair plans and specifications. The NRCS State Conservation Engineer will coordinate with the ODNR, Dam Safety Program when repairs are needed on PL-566 watershed structures.

Soil and Water Conservation Districts

Soil and Water Conservation Districts (SWCD) were established in the 1930s to provide local input on development of comprehensive programs and plans for the conservation of soil resources, control and prevention of soil erosion, flood prevention, and conservation, development, utilization and disposal of water. Districts serve as local resources for citizens in most Ohio localities. With their volunteer boards and full and part-time technical and administrative employees, Districts bring a valuable delivery system for Ohio's statewide NPS management program and various USDA programs. SWCD personnel may serve on DSR Teams to provide local knowledge and facilitate contacts.

Ohio Cooperative Extension Service

The Ohio Cooperative Extension Service (ES) works with local citizens to design, implement, and evaluate programs that lead to societal, economic, and environmental benefits to their community. During EWP, the ES could serve as local contacts to DSR teams. They may also refer landowners to NRCS for assistance.

USDA Forest Service Property

The EWP PM will appoint a minimum of two NRCS employees to assist the FS in damage assessment and DSR completion. The employees will usually be a resource conservationist and an engineer. The FS will provide the remaining members of the interdisciplinary team to evaluate and determine eligibility of sites on FS land. The EWP program eligibility criterion remains the same, and DSR completion and approval by the EWP PM are necessary prior to any transfer of money. FS is solely responsible for all practices, design, implementation, permits, and land rights necessary to complete work on FS lands.

Local Coordination

Local counties, cities, etc. may also require additional permits. The Sponsor is responsible to ensure all permits have been obtained prior to construction.

It should be noted that failure of the Sponsor to obtain necessary permits that results in contractor delay or termination of a contract will generally result in the excess costs being the responsibility of the Sponsor as the permits are equivalent to property-rights.

Appendix F – Sponsor Land Rights Acquisition Responsibilities

The project Sponsor has the responsibility of obtaining the following:

- Real property rights from affected landowners for the repair or restoration work to be performed on their property, including the use of eminent domain or other court action, if necessary.
- Any related environmental and construction permits.
- Location, removal, or relocation of utilities.

NRCS will not assist the sponsor in the works of improvement in areas where the sponsor does not have landrights. If adequate land rights in real property cannot be obtained, the emergency recovery works of improvement for the area where land rights cannot be obtained cannot be cost shared by NRCS. An exception may be made for some remedial channel work, provided real property rights can be obtained for selected sites and the area without landrights does not affect the planned benefits.

NRCS employees are prohibited from obtaining lands rights or acting as a representative of the Sponsor. Project sponsors must obtain approval and signatures of all property owners where emergency work will take place indicating their approval for the emergency work or obtain separate statements granting approval from the property owner (s). In cases where a property owner may agree to allow construction of the work on their property, but refuses to sign a written agreement, oral permission to the project sponsors can be accepted provided such permission is documented in a statement signed by the person who receives the verbal permission and is witnessed by another party. An NRCS employee cannot be the witness for the statement. A representative of the local organization requesting the assistance may be the witness of the statement.

If adequate land rights cannot be obtained, EWP assistance will not be provided on that portion of the project. NRCS will not continue with the project if the area cannot be bypassed, unless a reduced project will still provide adequate protection/recovery measures meeting all other EWP eligibility requirements.

Completion of real property rights assurances must precede the start of construction. The following are the two methods that may be used for Real Property acquisition:

- Federal Contracting– Project Sponsors will complete and submit NRCS Form NRCS-ADS-78, “Assurances Relating to Real Property Acquisition” (see page F-2) accompanied by an attorney’s opinion (see page F-4).
- Locally-led Contracting/Force Account– Project Sponsors will complete and submit a completed NRCS Form NRCS-ADS-78. This form will be kept on file for one year. All requirements stated under Federal contracting apply.

If an operation and maintenance (O&M) agreement is required, the easement duration will be in accordance with the O&M Plan and/or life span of the measure.

ASSURANCES RELATING TO REAL PROPERTY ACQUISITION

-
- A. **PURPOSE** — This form is to be used by sponsor(s) to provide the assurances to the Natural Resources Conservation Service of the U.S. Department of Agriculture which is required in connection with the installation of project measures which involve Federal financial assistance furnished by the Natural Resources Conservation Service.

-
- B. **PROJECT MEASURES COVERED** —

Name of project _____

Identity of improvement or development _____

Location _____

-
- C. **REAL PROPERTY ACQUISITION ASSURANCE** —

This assurance is applicable if real property interests were acquired for the installation of project measures, and/or if persons, businesses, or farm operations were displaced as a result of such installation; *and* this assurance was not previously provided for in the watershed, project measure, or other type of plan.

If this assurance was not previously provided, the undersigned sponsor(s) hereby assures they have complied, to the extent practicable under State law, with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601-4655), as implemented in 7 C.F.R. Part 21. Any exceptions taken from the real property acquisition requirements under the authority of 42 U.S.C. 4655 because of State law have been or is hereby furnished to the Natural Resources Conservation Service along with the opinion of the Chief Legal Officer of the State containing a full discussion of the facts and law furnished.

-
- D. **ASSURANCE OF ADEQUACY OF REAL PROPERTY RIGHTS** —

The undersigned sponsor(s) hereby assures that adequate real property rights and interests, water rights if applicable, permits and licenses required by Federal, State, and local law, ordinance or regulation, and related actions have been taken to obtain the legal right to install, operate, maintain, and inspect the above-described project measures, except for structures or improvements that are to be removed, relocated, modified, or salvaged before and/or during the installation process.

This assurance is given with the knowledge that sponsor(s) are responsible for any excess costs or other consequences in the event the real property rights are found to be inadequate during the installation process.

Furthermore, this assurance is supported by an attorney's opinion attached hereto that certifies an examination of the real property instruments and files was made and they were found to provide adequate title, right, permission and authority for the purpose(s) for which the property was acquired.

This form was electronically produced by National Production Services Staff

Clear Form

If any of the real property rights or interests were obtained by condemnation (eminent domain) proceedings, sponsor(s) further assure and agree to prosecute the proceedings to a final conclusion and pay such damages as awarded by the court.

_____	This action authorized
(Name of Sponsor)	at an official meeting _____
By: _____	_____ on _____
Title: _____	day of _____, 19____, ,
Date: _____	at _____
	State of _____
	Attest: _____
	(Name)

	(Title)
_____	This action authorized
(Name of Sponsor)	at an official meeting _____
By: _____	_____ on _____
Title: _____	day of _____, 19____, ,
Date: _____	at _____
	State of _____
	Attest: _____
	(Name)

	(Title)

Sample Attorney's Opinion Letter

<SPONSOR'S LETTERHEAD>

<Date>

Mr. _____
State Conservationist
USDA – Natural Resources Conservation Service
200 North High St, Room 522
Columbus, OH 43215

Re: Assurances Relating to Real Property Acquisition

Dear Mr. _____:

As <City/County> Attorney, I advise you that I have reviewed the document titled “Assurances Relating to Real Property Acquisition,” and that there are adequate land rights to carry out the work, which is to <describe works of improvement> due to damage from the <Enter Disaster Event>.

Feel free to contact the
undersigned. Sincerely,

<Signature of Attorney>

<Attorney Name>

<Title Block>

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Appendix G – Environmental & Socio-Economic Coordination

Threatened and Endangered Species

A Threatened and Endangered (T&E) species review will be conducted for each site and documented in the Special Environmental Concerns section of the DSR. Species distributions will be checked by consulting information in Section II of the FOTG and the NRCS State Biologist. Onsite investigation for potential Threatened and Endangered Species will be conducted by an NRCS Biologist, with support from partnering agencies (USFWS, FFWCC) when necessary. NRCS will informally consult with the USFWS and Ohio Division of Wildlife when appropriate, to determine the potential effects of planned activities, including O&M, on the population or habitat of a threatened or endangered species. T&E species formal consultations with the USFWS, when necessary, will take place prior to any work being performed at the EWP site.

Wetlands

The EWP DSR team will identify and delineate any wetlands that will be altered, drained or filled as a result of the selected alternative for EWP work. An NRCS wetland specialist will be consulted as needed. Wetlands in or near the EWP site will be shown on the DSR. During the alternatives analysis and selection of the proposed action, the DSR team will utilize the sequence of avoidance, minimization, and mitigation of wetland impacts in accordance with NRCS policy (190 GM, Part 410.26). The USACE, OEPA, and local governing entities shall be consulted prior to conducting any activities that may affect wetlands and any proposed mitigation actions to ensure compliance with all applicable laws and ordinances and facilitate effective mitigation as necessary.

Cultural Resources

At least one member of each DSR team will have completed the NRCS Cultural Resources Training Modules 1-8. GIS cultural resource layers (archaeological sites, historic cemeteries, and historic resources – all found on the SHPO database website) for the project area will be consulted before the field visit by the DC. A surface inspection shall be conducted on each project area and recorded on the EE form (p.4 of DSR). If any evidence of cultural resources is noted during the surface inspection, or if any cultural resources appear within 500 feet of the project area on the current GIS cultural resources layers, the NRCS State CRS must be contacted immediately. The NRCS State CRS will schedule with the DC to conduct a cultural resources investigation and then begin communicating with the SHPO and Tribes to initiate the consultation process. NRCS will adhere to the State Level Agreement between the NRCS and Ohio State Historic Preservation Office. The State Level Agreement sets forth a procedure to expedite cultural resources review in emergency situations. NRCS will follow national policy and the provisions of the State Level Agreement to comply with Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. Section 470f), and its implementing regulations at 36 CFR part 800. Compliance with Section 106 cannot be waived, and cannot be delegated to another agency, to the project Sponsor, or to any other participant in the project.

Socio-Economics

In order to maintain a consistent methodology and support, the EWP Manual, 512.0 NRCS Responsibilities During the USDA Response, recommends that NRCS establish an interdisciplinary team with economics expertise. The Ohio NRCS State Economist shall provide assistance as needed to conduct the necessary analysis on the socio-economic factors as required on the DSR, which include 2F Economic Section, 2G Social Consideration Section and 2H Group Representation Information. The NRCS State Economist will maintain and file the background information supporting the decisions provided relating those socio-economic factors.

Bioengineering and Fluvial Geomorphology

Bioengineering will be promoted and utilized where appropriate. Bioengineering will not take the place of hard armor on stream banks where structural measures are necessary to provide protection. Principles of fluvial geomorphology will be applied in EWP planning, design and construction. Meanders of the streams will be maintained when possible. Low flow channels will be established and sized to match existing stable cross-sections upstream and downstream. Practices used will include root wads, rock vortex weirs, toe armor with vegetative slide slopes, stream barbs, and other techniques listed in Chapter 18 of the National Engineering Field Handbook.

Permits

NRCS shall not contract for the performance of any work in sovereign submerged lands in Ohio until the Sponsor obtains necessary environmental permits. Stream work may involve obtaining permits from the USACE and FDEP. NRCS will assist the Sponsor in obtaining these permits. Other local permits, such as a burning permit, grading permit, or sediment control permit, may apply in some locations. If any of these permits are required, the Sponsor must obtain them prior to the start of construction. The Sponsor is responsible for any fees associated with the issuance of these permits.

Appendix H – Contracting Methods

There are five (5) methods of contracting used by NRCS. They are as follows:

- Federal contract
- Contracting Local Organization (CLO) contract
- Locally led contract
- Force account
- Performance of work

The primary method of contracting on EWP projects in Ohio is by locally led contracting. However, other contracting methods may be used and are explained below, if approved by the STC.

Federal Contract

A Federal Contract is used when the Federal Government is responsible for accomplishing the installation of the works of improvement, as well as the design (including specifications), inspection, and quality control duties. Depending on the dollar size of the contract, NRCS may use simplified acquisition procedures, a formal invitation for bids, request for quotes, or a purchase order to contract for the works of improvement.

Levels of Federal Contracts

For projects estimated at less than \$2,000 – NRCS may use oral price quotations.

For projects under \$2,000 and \$99,999 – The Simplified Acquisition Procedures is used. Projects between \$25,000 and \$100,000 require a written Request for Quotation (RFQ). The RFQ and synopsis are electronically uploaded to the SAM.gov website, <https://beta.sam.gov/>, and advertised for approximately 45 days. This time period can be reduced to less than 45 days if the EWP project is classified as “urgent and compelling”. The Contracting Officer receives and analyzes written quotations. A purchase order is issued to the contractor offering the best price. Contracts awarded over \$2,000 require compliance with Davis Bacon Act Wage Rates.

Project Costs Over \$100,000 – Invitation for Bids is prepared, and the contracting method used is sealed bidding. The synopsis and solicitation are uploaded to FBO and advertised for approximately 45 days. Bids are opened and evaluated, a pre-award survey of apparent low bidders is conducted, and the contract award is made to the responsible bidder. It may take another 15-25 days before the contractor can start work.

To the extent practicable, NRCS is required to make use of available procurement preference programs. These include set-aside of contracts for 8(a) businesses and HUB Zone contractors (businesses in high unemployment areas), which are programs supported by the Small Business Act. The Small Business Administration certifies businesses in these categories, and they are notified of all awards. NRCS must also ensure that minority, disadvantaged, woman, veteran and disabled veteran-owned businesses are provided an opportunity to bid on the work to be performed.

Locally led Contract

This is the preferred method to install the emergency watershed protection measures. A locally led contract (agreement) is used when a sponsor assumes responsibility to contract for the installation of the works of improvement, the design (including specifications), and inspection and quality control duties. The Sponsor(s) will be reimbursed for the value of the design, contract award and administration, and inspection and quality control duties performed (duties usually performed by NRCS) up to an agreed to amount as specified in the project agreement.

NRCS will review the engineering drawings and specifications to ensure they meet the technical requirements of the project. The individual(s) responsible for this will be set forth in the project agreement.

The Sponsor will contract for the work by using the appropriate State and local laws, rules, and regulations. This will include but not be limited to preparing solicitation for bids, advertising, conducting site showings, bid opening, awarding contracts, and contract administration. NRCS will be available for consultation but will not prepare contract documents or perform the contracting. Contracting will be the responsibility of the Sponsor in accordance with State and local contracting requirements.

The Sponsor responsible for the works of improvement will advertise for construction using policy, procedures, and regulations set forth by the Sponsor, or by the State of Ohio if the Sponsor has no policy in place. The Sponsor's contracting procedures must include the following:

- A financial management system.
- A records management system.
- A system for complying with all State and local laws and regulations.
- Qualified design, inspection and quality control personnel.
- A contract administration system.
- A written code of standards and conduct.
- Include special provisions (EO) provided by NRCS.

The Sponsors will provide the services of an inspector and quality control. The inspection process ensures the project is being conducted consistent with the construction drawings and to the contract specifications. NRCS and Sponsors will jointly perform the final inspection.

A Contracting Local Organization (CLO) Contract (Agreement) is a variation on the locally led contract method. The Sponsors contract for the accomplishment of the works of improvement and must comply with the same requirements set forth for locally led contracting. NRCS performs design and provides an inspector and quality control.

Locally Led Contract with Landowners

NRCS enters into a cooperative agreement with the Sponsor whereby provisions are made for the Sponsor to enter into a contract with the landowner to accomplish the work. The landowner may perform his or her own work or have the work performed by a contractor.

The flat rate method will be used to make payments to the landowners through the Sponsor. Flat rates will be developed by the state NRCS.

Force Account Contract

Using the Force Account method, the Sponsor installs work using its own equipment and personnel. The Sponsor may supplement its own equipment through rental of equipment. The drawings and specifications may be developed by the Sponsor or NRCS. The Sponsor must prepare a plan of operations that must be approved by NRCS. NRCS may advise but cannot perform the work. State and local procurement procedures will be used to rent equipment and purchase material for installing emergency watershed protection measures. The Sponsor is required to keep detailed records of salaries and equipment expense, and NRCS audits the books to ensure proper payment.

Performance of Work Contract

This method is used when the Sponsor may not have the funds for its share of the installation work, or the accounting system in place to keep detailed records required by force account contracting but does have some forces and/or donated forces, to carry out the work. This process requires an approved plan of operations, but there is an agreed-to price determined prior to the start of the work. No record keeping is required since everything is agreed to in the original contract.

In-Kind Contributions

All methods of contracting may offer certain opportunities for Sponsor in-kind contribution. In general, in-kind contributions can include installation costs including labor, materials, and equipment for any work that would normally be contracted for and for technical and administrative services that NRCS would be required to do in administration of the contracting process. In-kind labor is covered in 7 CFR 3016 and 3015. EWP measures are broken into two activities.

1. Installation Costs – The Federal government pays 75 percent of the total actual eligible construction cost and the Sponsor pays the remaining 25 percent and includes items such as mobilization and demobilization, materials, earth work, riprap, vegetative measures, etc.
2. Service Costs – The Federal government may reimburse the Sponsor for activities such as surveys, design, inspection, contracting/contract administration, etc. The amount of reimbursement is up to a predetermined amount and specified in the project agreement.

Depending on the contracting method, the Sponsors may elect to carry out “installation” and/or “service” work that can be used toward their share of the project cost. Under some circumstances, if their share exceeds the required cost share, they may be reimbursed by NRCS for the excess.

Legal information associated with land rights, legal opinions and other legal administrative fees associated with locally led contracting activities do not qualify as in-kind contributions.

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Appendix I – Typical Measures

Design

In most channel repair situations, the NRCS engineer will provide to the Sponsor's engineer, standard drawings of typical measures to prepare the design. As needed, the Sponsor's engineer will make changes to customize these drawings for the conditions found on the site. For example, the height of the riprap toe may be three feet high on one site and six feet high on the next one. Construction specifications applicable to the site will also be attached.

For sites where the typical measures cannot be used, the Sponsor's engineer and NRCS engineer will concur upon the design a solution in accordance with NRCS Standards and Specifications and sound engineering principles. Custom designs will be required for dam repairs, urban sites, and sites where there are unusual safety concerns.

Standard price lists will be developed for use in preparing the engineer's cost estimate. This list may vary from area to area within the State due to differences in the difficulty of performing the work, availability of materials, and availability of contractors.

NRCS uses several practices to stabilize watersheds after a natural disaster. These measures focus on eliminating those watershed impairments that present a threat to life and property. The typical measures detailed here have been utilized in past Ohio EWP recovery work.

EWP measures are considered ground-disturbing activities affecting cultural resources therefore all sites shall be reviewed, and surface inspected and possibly consulted on for NHPA compliance.

Floodplain Management

Sediment and woody debris cleaned out of the stream channel and other areas in the floodplain will be removed from the floodplain to an approved disposal area. Scour areas created by the flooding event may be filled with the cobbles and sediment to match the existing contours of the natural floodplain prior to the event. Sediment deposition in agricultural fields may be removed to the natural floodplain elevation. EWP will not be used to prevent flooding by constructing berms or building up the floodplain. NRCS may offer interested landowners in targeted and priority areas the option of a permanent EWP floodplain easement.

Streambank Stabilization

These practices are used to stabilize or protect banks of streams or excavated channels for one or more of the following purposes: 1) to prevent the loss of land or damage to utilities, homes, buildings, roads or other facilities adjacent to the banks; 2) to maintain the capacity of a channel; or 3) to reduce sediment loads causing downstream damages and pollution. Normally, the banks are sloped back and stabilized with soil bioengineering techniques, gabions, concrete revetment, and/or rock riprap, depending on the site characteristics, stream velocities, stream configuration, and importance of the structure(s) to be protected. The top of the bank is seeded to grass. The species of grasses chosen will depend on optimum planting dates and site-specific conditions.

Soil Bioengineering: This is a system of living plant materials used as structural components. Adapted types of woody vegetation (shrubs and trees) are initially installed in specified configurations that offer immediate soil protection and reinforcement. Toe armor is commonly used with the vegetation for bank stability. Environmental benefits derived from the presence of woody vegetation include diverse and productive riparian habitats, shade, organic additions to the stream, cover for fish, and improvements in aesthetic value and water quality. For stream banks, living systems include brush mattresses, live stakes, joint plantings, vegetated geogrids, branch packing, and live fascines. Due to the narrow window for

establishment dates, the amount of plant materials required, and the cost, this has not been a preferred option. However, NRCS is aware of the need and the environmental benefits and this option will be considered as an alternative for more sites.

Stream Barbs: Stream barbs are usually low rock sills or logs projecting out from the stream bank and across the stream's thalweg to redirect stream flow away from an eroding bank. Flow passing over the barb is redirected so that the flow leaving the barb is perpendicular to the barb centerline. Stream barbs are always oriented so that they point upstream.

Gabions: Gabions are rectangular wire baskets that are filled with rock 4-6 inches in diameter. The baskets are stacked on top of one another and can be placed adjacent to vertical slopes. Gabions are used where space is limited.

Rock Riprap: Rock riprap is quarry stone with sharp angles which lock into position with other pieces of stone to create a stable stream bank covering. Rock riprap is used on eroding banks where space is available and proven protection is needed. This is usually near a structure or where a curve in the stream should not be allowed to migrate, such as immediately upstream of a bridge. It may be used as toe armor for soil bioengineering stream bank stabilization projects. Riprap may also be grouted when placed on steeper slopes and when additional erosion resistance is necessary.

Root Wads: Root wads are portions of trees that have about 20 feet of the bole still attached to the roots. During flood events, trees are often uprooted and subsequently there is usually a ready supply of root wads at or near EWP sites. These trees are placed into the stream bank, so the roots are protecting the bank. Root wads are effective in protecting the stream banks in non-critical locations such as pastures and cropland fields.

Debris Removal

Accumulations of woody debris that divert water flow or plug a channel can cause flooding or safety hazards. Similar problems are associated with sediment depositions that have filled in a stream channel or hydrologic flood plain. With a reduced channel capacity, the flow of water can spread out over the floodplain where it floods adjacent homes and buildings. Debris removal may also include removing woody debris and other debris in upland areas away from the channel that pose a threat to human health, lives, or property.

Seeding and Vegetation

All areas disturbed as a result of NRCS EWP contracts will be seeded as part of the contract. Seeding recommendations and specifications will follow the Ohio NRCS Conservation Practice Standard (CPS), Critical Area Planting, Code 342. Ohio CPS, Streambank and Shoreline Protection (Code 580), gives additional guidance for selection of vegetation. The recommended mixture will depend on the time of year, soils, erodibility, land use, accessibility, position on the landscape, and other factors.

If the EWP work is completed in the seasonal window when shrubs may be established (winter-early spring), NRCS will consider planting shrubs to stabilize the streambanks where appropriate. The Ohio CPS, Streambank and Shoreline Protection, Code 580, should be used to determine the species, rates, dates, and mixtures of recommended vegetation. Shrubs will not be planted in areas where cattle and livestock have access to the area to be stabilized.

Shrub and Tree Planting

Tree and shrub species may be planted for erosion control, protection of a watershed, and for wildlife habitat. Species selected will be adapted to the soil and site conditions and resistant to insect and disease. Due to the narrow planting window and slow establishment time, this is generally not recommended for EWP sites.

Channel Treatments

Low Flow Channel Establishment and Repair: In all EWP work where channels are redefined, modified, established or repaired, a geomorphic low flow channel will result. The channel will follow existing or natural meander patterns. Floodwaters will have access to the floodplain. Habitat enhancements may be incorporated into the design. Items such as randomly placed boulders and large woody debris anchored into point bars are examples.

Grade Stabilization: These treatments are used to reduce channel head cutting by establishing grade control, decreasing water velocity and maintaining correct width/depth ratio.

Bank and Channel Armoring: This treatment is used to reduce the potential impacts from increased peak flows on unstable stream reaches. Armoring is the placement of rock along unstable stream banks and along the toe of slopes to provide stability against the increased peak flows anticipated as a result of subsequent storms.

Channel Clearing and Snagging: This treatment is used to reduce the potential damages to bridges and drainage outlets which may occur when floatable, down, and leaning vegetation in and around streams dam water and cause out of bank flows or increased flooding in minor storm events.

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Appendix J – Damage Survey Report

A Damage Survey Report (DSR) will be completed for all project sites prior to starting work with priority given to exigency sites. The DSR Team will make a site visit to determine project eligibility, consider the economic, social, and environmental defensibility and determine technically sound design alternatives to remove the threat. The DSR Team will complete a DSR on each site evaluated, even if it is determined to be ineligible.

For exigency sites the initial DSR may cover just the work necessary to relieve the exigency situation. This work must be completed within 10 days of discovery of the site. A second DSR and contract may be necessary to alleviate any remaining hazards causing an emergency situation.

On ineligible sites, the DSR Team will document the reason for ineligibility in the remarks section on page 6 of the DSR. An example of this would be “no stream flow impairment” or “does not meet economic defensibility.”

See Figure 2 for the DSR flow chart. A copy of a DSR with instructions follows Figure 2.

Listed below are some items and tips for completing DSRs:

1. DSR Number – The DSR number should be a short abbreviation of the sponsor name, year, and Site No. (EXAMPLE: Friendly County, 2012 Site No. 1 would be written, FRNDCO-12-001). Do not reuse the numbers that were assigned to previous events because this could cause confusion in record keeping.
2. Complete a DSR for each major site that can be isolated. In some instances; however, it is appropriate to group several locations into one DSR. For example, an area with 3 sites in proximity could be grouped into one DSR. On the site plan map, individual locations could be shown as Site A, Site B, etc., and costs calculated for each location. The summary of the costs for the individual sites would then be shown on the DSR.
3. Location Map – Attach an aerial map of the site locations to the DSR. The map should show the upstream and downstream areas (structures, homes, streams, etc.) that are and will be affected if the site is not repaired. The site location should be shown or described in sufficient detail that a person not familiar with the site could locate it on the ground (provide coordinates of the site in NAR-North American 83 or NAS-C NA27 Conus/Clk66 format or Lat-Long (degree, minute, seconds)). Each site will be located on a suitable map that clearly shows the site location and the upstream and downstream conditions.
4. Site Plan – Attach a sketch showing the pre-storm and post-storm conditions, the proposed works of improvement, work limits, haul roads, dump sites, and areas damaged and its proximity to threatened structures to the DSR. The site plan should also include a description or sketch of the proposed repair, including any applicable standard drawings. The site plan should agree with and compliment the Engineer’s cost estimate. A cost estimate will be prepared for each alternative.
5. Photographs – Attach digital photographs of the site to the DSR; photographs that clearly show the damage.

The EWP PM should be contacted for guidance on questionable sites.

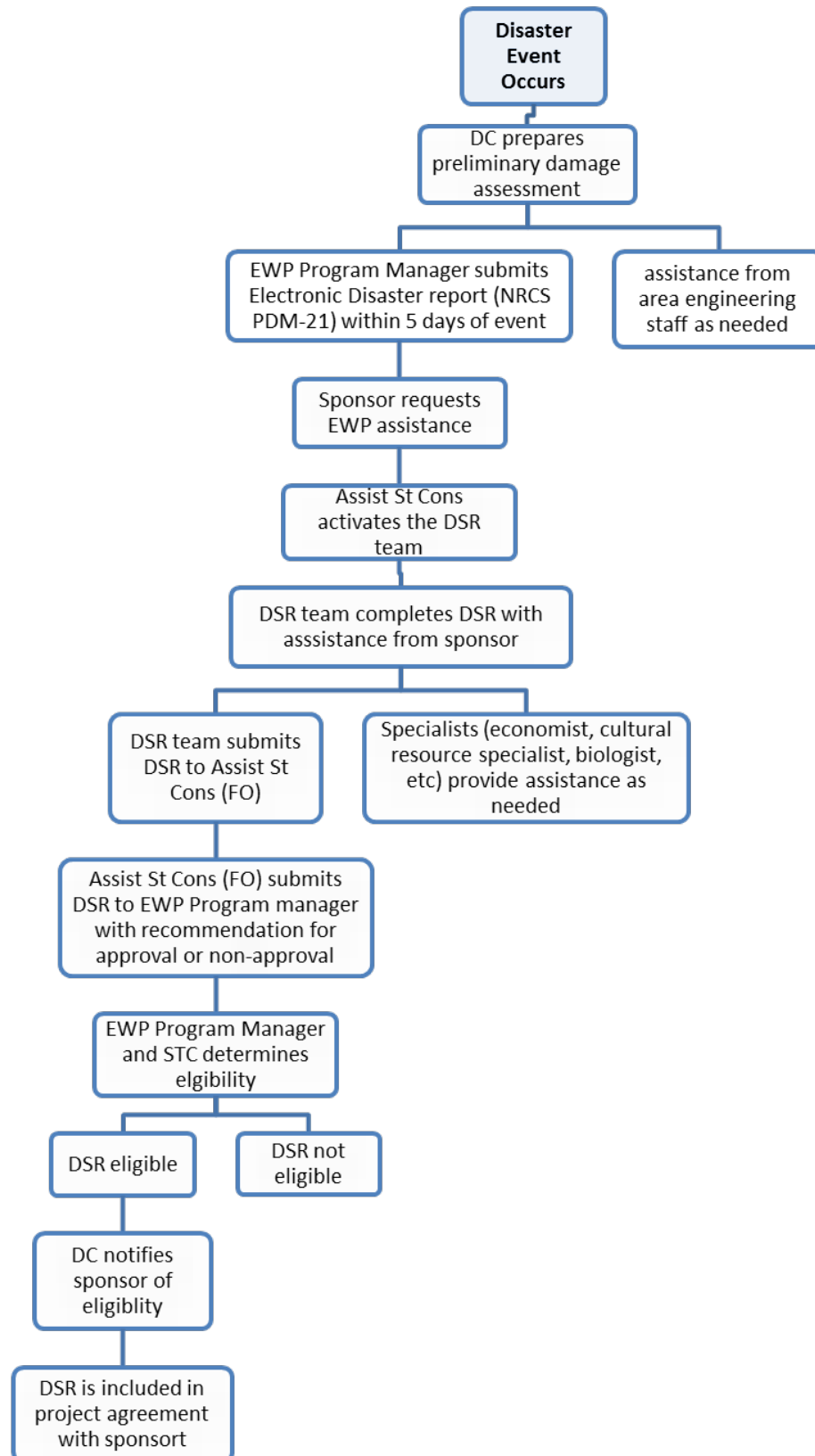
The completed DSR will be signed by the DC, engineer, and sponsor and forwarded to the EWP PM. The STC will determine final eligibility and exigency or non-exigency status.

The EWP PM will inform the ASTC-FO and DC of the site eligibility. The DC will inform the sponsors of the findings.

The sponsors will use the site eligibility to set priorities for the work to be accomplished.

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Figure 2 - DSR Flow Chart



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Natural Resources Conservation Service
DAMAGE SURVEY REPORT (DSR)
Emergency Watershed Protection Program – Recovery

Section 1A

Date of report

DSR number

Project number

NRCS Entry Only	
Eligible:	Yes ☐ No ☐
Approved:	Yes ☐ No ☐
Funding priority number (from sect. 4)	
Limited Resource Area:	Yes ☐ No ☐
☐ 1	Major disaster declaration
☐ 2	Emergency declaration
☐ 3	Fire management assistance declaration
☐ 4	Local declaration

Section 1B - Sponsor Information

Sponsor Name:

Address:

City/State/Zip:

Telephone Number Fax:

Section 1C - Site Location Information

County: State Congressional District

Latitude Longitude UTM Coordinates

Drainage name Site name

Reach

Damage description

Section 1D - Site Evaluation

All answers in this section must be YES to be eligible for EWP assistance.

Site Eligibility	YES	NO	Remarks
Damage was a result of a natural disaster? ¹	_____	_____	
Recovery measures would be for runoff retardation or soil erosion prevention? ¹	_____	_____	
Threat to life and/or property? ¹	_____	_____	
Event caused a sudden impairment in the watershed? ¹	_____	_____	
Imminent threat was created by this event? ²	_____	_____	
For structural repairs, not repaired twice within 10 years? ²	_____	_____	
Site Defensibility			
Economic, environmental, and social documentation adequate to warrant action? (See completed NRCS-CPA-52 and sections 3 and 4 of DSR. ³)	_____	_____	
Proposed action technically viable? (See section 6. ³)	_____	_____	

¹ Statutory

² Regulation

³ The completed DSR and Form NRCS-CPA-52, "Environmental Evaluation Worksheet," are required to support the decisions recorded on this summary page. If additional space is needed on this or any other page in this form, add appropriate pages.

Have all the appropriate steps been taken to ensure that all segments of the affected population have been informed of the EWP program and its possible effects? YES ☐ NO ☐

Comments:

Section 1E - Proposed Action

Describe the preferred alternative (same as NRCS CPA-52, boxes M and G)

Total installation cost identified in this DSR from section 6: _____

NRCS 75% cost-share: _____

Sponsor 25% cost-share: _____

Section 1F - NRCS State Office Review and Approval

Reviewed by: _____ Date reviewed _____
State EWP Program Manager

Approved by: _____ Date approved _____
State Conservationist

DSR NO: _____

Section 2 - Environmental Evaluation and Special Environmental Concerns

See attached NRCS-CPA-52, Environmental Evaluation Worksheet

Section 3 - Economic ConsiderationsThis section must be completed for each alternative considered (attach additional sheets as necessary).

	Future Damages (\$)	Damage Factor (%)	Near Term Damage Reduction
Properties protected (private)			
Properties protected (public)			
Business losses			
Other			
Total near term damage reduction \$			
Net benefit (total near term damage reduction minus Cost from section 6)			

Completed by: _____ Date: _____

DSR NO: _____

Section 4 - Social Consideration**This section must be completed for each alternative considered (attach additional sheets as necessary).**

	YES	NO	Remarks
Has there been a loss of life as a result of the watershed impairment?	☐	☐	
Is there the potential for loss of life due to damages from the watershed impairment?	☐	☐	
Has access to a hospital or medical facility been impaired by watershed impairment?	☐	☐	
Has the community as a whole been adversely impacted by the watershed impairment (life and property ceases to operate in a normal capacity)	☐	☐	
Is there a lack or has there been a reduction of public safety due to watershed impairment?	☐	☐	

Completed by: _____ Date: _____

DSR NO: _____

Section 5 - Group Representation Information**This section is completed only for the preferred alternative selected.**

Group Representation	Number
American Indian/Alaska Native Female Hispanic	
American Indian/Alaska Native Female Non-Hispanic	
American Indian/Alaska Native Male Hispanic	
American Indian/Alaska Native Male Non-Hispanic	
Asian Female Hispanic	
Asian Female Non-Hispanic	
Asian Male Hispanic	
Asian Male Non-Hispanic	
Black or African American Female Hispanic	
Black or African American Female Non-Hispanic	
Black or African American Male Hispanic	
Black or African American Male Non-Hispanic	
Hawaiian Native/Pacific Islander Female Hispanic	
Hawaiian Native/Pacific Islander Female Non-Hispanic	
Hawaiian Native/Pacific Islander Male Hispanic	
Hawaiian Native/Pacific Islander Male Non-Hispanic	
White Female Hispanic	
White Female Non-Hispanic	
White Male Hispanic	
White Male Non-Hispanic	
Total Group	

Census tract(s) _____

Completed by: _____ Date: _____

DSR NO: _____

Section 6 - Engineering Cost Estimate

This section must be completed for each alternative considered (attach additional sheets as necessary).

Proposed recovery measure (including mitigation)	Quantity	Units	Unit cost (\$)	Amount (\$)
Total installation cost (enter in sections 1E and 3) \$				

Unit Abbreviations

AC	acre
CY	cubic yard
EA	each
HR	hour
LF	linear feet
LS	lump sum
SF	square feet
SY	square yard
TN	ton
Other (specify)	

Completed by: _____ Date: _____

DSR NO: _____

Section 7 - NRCS EWP Funding Priority

Complete the following section to compute the funding priority for the recovery measures in this application (see instructions on page 9).

Priority Ranking Criteria	Yes	No		Ranking Number Plus Modifier
1. Is this an exigency situation?	☐	☐		
2. Is this a site where there is serious, but not immediate threat to human life?	☐	☐		
3. Is this a site where buildings, utilities, or other important infrastructure components are threatened?	☐	☐		
4. Is this site a funding priority established by the NRCS Chief?	☐	☐		
The following are modifiers for the above criteria			Modifier	
a. Will the proposed action or alternatives protect or conserve federally-listed threatened and endangered species or critical habitat?				
b. Will the proposed action or alternatives protect or conserve cultural sites listed on the National Register of Historic Places?				
c. Will the proposed action or alternatives protect or conserve prime or important farmland?				
d. Will the proposed action or alternatives protect or conserve existing wetlands?				
e. Will the proposed action or alternatives maintain or improve current water quality conditions?				
f. Will the proposed action or alternatives protect or conserve unique habitat, including but not limited to, areas inhabited by State-listed species, fish and wildlife management area, or State identified sensitive habitats?				

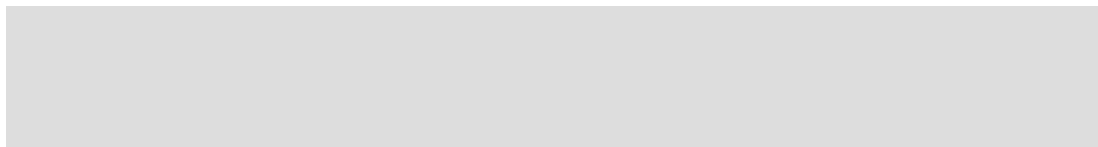
Enter priority computation in section 1A, "NRCS Entry Only" box, in "Funding priority number."

Remarks:

DSR NO: _____

Section 8 - Findings

Enter NEPA compliance finding from section Q of the NRCS-CPA-52.

The DSR was reviewed with the sponsors. Yes ☐ No ☐

NRCS representative of the DSR team: _____

Title: _____ Date: _____

Section 9 - Attachments:

- A. Location map
- B. Site plan or sketches
- C. NRCS-CPA-52, Environmental Evaluation Worksheet
- D. Other (explain)

Instructions for Completing the NRCS-PDM-20, DSR

-	Explanation of Requested Item	Who Completes
Section 1	Enter Site Sponsor, Location, Evaluation, Selected Alternative, and Reviewed and Approval Signatures.	NRCS completes with voluntary assistance from Sponsor except for NRCS-only portion of section 1A.
1A	Enter the Date, DSR Number, and Project Number. For NRCS only enter Eligible Yes/No, Approved Yes/No, Funding Priority Number, and Limited Resource Area Yes/No.	
1B	Enter Sponsor Name, Address, Telephone, Fax	
1C	Enter site location County, State, Congressional District, Latitude, Longitude, Section, Township, Range, UTM Coordinates, Drainage name, Reach within drainage, and Damage description.	
1D	Enter Yes/No and any Remarks for the Site Evaluation information. Any No response means the site is not eligible for EWP assistance and no further information is necessary to complete the DSR. (See NEWPPM 390-502.03 and 390-502-04) Enter Yes/No regarding whether the affected public has been informed of the EWP program.	
1E	Enter the proposed treatment and the cost of installation.	NRCS only.
1F	NRCS Review and Approval.	
Section 2	Attach NRCS-CPA 52 that addresses environmental evaluation and special environmental concerns	NRCS only.
Section 3	Identify Property protected both private and public, business losses and other economic impacts considered for each alternative. Enter the dollar value of the potential future damages if no action is taken in the Future Damage (5) column. This would be the estimate of the value lost if the EWP recovery measure is not installed. Use the repair cost or damage dollar method to determine the estimate of future damages. The repair cost method uses the costs to return the impaired property, good, or services based on their original prevent condition or value. The damage dollar method uses an estimate of the future damage to value (e.g., if the structure is condemned, then enter the value of the structure). Enter the estimated amount based upon existing information or information furnished by the sponsor, contractors, or others with specific knowledge for recovery from natural disasters for each alternative considered. Often market values for properties or services can be obtained from personnel at the local county/parish tax assessment office. The DSR team needs to determine the Damage Factor (%) which is a coefficient that indicates the degree of damage reduction to a property that is attributed to the effect of the proposed EWP recovery measures. Use an appropriate estimate of how much of the damage the EWP recovery measure will avoid for the alternative being considered. If the recovery measures from a single site will prevent 100 percent of the damage use 100 percent. The Near Term Damage Reduction is the Future Damage (\$) times the Damage Factor (%). Sum the Near Term Damage Reduction values to calculate the Total Near Term Damage Reduction. Enter the Net Benefit which is computed by subtracting the Cost from Section 6 from the total near term damage reduction. The	NRCS completes with voluntary assistance from Sponsor.

-	Explanation of Requested Item	Who Completes
	economic section must be completed for each alternative considered. Attach additional sheets as necessary.	
Section 4	Enter information to describe the potential social impacts and considerations for each alternative. Answer Yes or No and any remarks necessary to adequately address each question. The information may be obtained through interviews with community leaders, government officials or sponsors. Factors such as road closures, loss of water, electricity, access to emergency services are used when answering whether the community as a whole has been impaired. This information is part of the environmental evaluation (NRCS-CPA-52) but may be pertinent in section 7 regarding funding priorities. The Social Considerations section must be completed for each alternative considered. Attach additional sheets as necessary.	NRCS completes with voluntary assistance from Sponsor.
Section 5	Enter the Group Representation for the preferred alternative. Use the most recent census tract information based upon where the EWP recovery measures are located.	NRCS completes using most recent U.S. Census data.
Section 6	Enter Proposed Recovery Measure(s) including Quantity, Units, Unit Cost, and Total Amount Cost. Enter sum of all Proposed Recovery Measure Costs to calculate Total Costs. Enter Total Installation Costs in Section 1E. The Engineering Cost Estimate must be completed for each alternative considered. Attach additional sheets as necessary.	NRCS completes with voluntary assistance from Sponsor.
Section 7	This section is used to determine the Funding Priority for the preferred alternative and sequence for initiating recovery measures. Enter Yes/No for questions 1 through 4 and enter the number (exigency 1, serious threat to human life 2, etc.) in the right column, Ranking Number Plus Modifier. Complete the Modifier portion by placing the alphabetic indicator a through f in the Modifier column. Complete the Ranking Number Plus Modifier column by entering the alphabetic indicator(s) that exists within the site. The number of the site designates the priority (e.g., a site with a designation of 2 is a higher priority than a site with a designation of 3). The modifiers increase the priority for the same numeric site (e.g., a site with a designation of 1a, would be a higher priority than a site with a designation of 1, a site with a designation of 2bc would be a higher priority than a site designated as 2b). Enter the Funding Priority in Section 1A.	NRCS completes with voluntary assistance from Sponsor.
Section 8	Insert the number of the Finding that was checked in section Q of the NRCS-CPA-52. If action is required to meet NEPA requirements, state whether an EA or EIS will be prepared or adopted."	NRCS only.
Section 9	Include attachments for location map, site sketch or plan, a completed NRCS-CPA-52, Environmental Evaluation Worksheet, and other information as needed.	NRCS completes with voluntary assistance from Sponsor.

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Appendix K – Training

All NRCS employees involved in the EWP program shall receive training applicable to their roles and responsibilities. For NRCS field personnel, the ASTC-FO will coordinate training annually and as needed at area meetings or other appropriate times. Agencies other than NRCS may be invited to participate in this training, if space is available.

NRCS Area staff will take the lead in training employees within their administrative area. Training will, as a minimum, include the following:

- Overview of the EWP program coordination both within and outside NRCS.
- Roles and responsibilities of the local DC and Area staff.
- Determining sponsor eligibility.
- Determining site eligibility.
- Completing the DSR.
- Preparing construction cost estimates.
- Potential permitting issues.
- Landrights requirement.
- GPS configuration.
- NEPA, ESA, NHPA, for compliance.
- Associated documentation to ensure consistency among DSR Teams.

When an emergency is declared, all NRCS employees working with damage assessments, shall meet in person or by teleconference for EWP scheduling and coordination of assistance, program updates, and a briefing by the local ASTC-FO.

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Appendix L – NRCS EWP Program Flow Chart

Procedures can be followed in combination to make the most effective use of time.

