

Missouri

USDA – Natural Resources Conservation Service

Emergency Watershed Protection (EWP) Program

EWP Handbook

November 2001

GENERAL OVERVIEW

OBJECTIVE:

To assist in relieving imminent hazards to life and property from floods and the products of erosion created by a natural disaster that causes a sudden impairment of a watershed.

A watershed impairment exists when the ability of a watershed to carry out its natural functions is reduced to the extent that it creates an imminent threat to life or property.

A sudden watershed impairment results from a single natural occurrence or short-term combinations of occurrences.

SCOPE:

Technical and Financial Assistance:

- * Technical -
Engineering to plan and install measures.
- * Financial -
Natural Resources Conservation Service (NRCS) pays 75% of repair or rehabilitation costs.

ELIGIBILITY:

- * Natural Occurrence-
Floods, fires, windstorms, earthquakes, droughts, etc.
- * Sudden Watershed Impairment-
Watersheds' ability to carry out its natural function is reduced by a single occurrence.
- * Insufficient Funds-
Exhausted or insufficient funds to provide adequate relief.
- * Sponsorship-
Any legal subdivision of state or local government.

A project sponsor must represent private landowners. The sponsor must agree to obtain the necessary landrights and/or other permits required to accomplish the proposed measures and to operate and maintain these measures as required.

ELIGIBLE MEASURES:

Those measures that:

- * Control flooding or prevent soil erosion.
- * Reduce threats to life and property.
- * Are economically and environmentally defensible.
- * Are technically sound.
- * Not to exceed level of protection that existed prior to impairment.
- * Must yield benefits to more than one individual.
- * Comply with all state and federal regulations.

APPLICATION:

- * Who-
Sponsors may apply to the Natural Resources Conservation Service (NRCS).
- * What-
Application requests NRCS assistance identifying nature, location, and scope of problem.
- * When-
Within the time frame established by NRCS for each specific disaster event.

- * Where –
Local NRCS office.
- * How - NRCS field personnel will help sponsors prepare the applications. This can be a simple letter requesting assistance. Suggest it include a statement regarding sponsor's inability to make repairs without federal financial assistance.

RESTORATION PLAN:

- * The district conservationist (DC) and/or the EWP project engineer will prepare a narrative report describing the restoration plan. The narrative should include a complete description of work to be done, a justification statement for the work, and an outline of the benefits expected as a result of the proposed work.

APPROVAL:

- * Determine Eligibility:
The DC and/or the Engineer will normally determine if the assistance applied for is eligible with assistance from the Emergency Response Team. State Office specialists that are part of the State Emergency Management Team are available to investigate questionable situations and provide additional guidance. Documentation of determinations will be made on each Damage Survey Report (DSR).

FUNDING:

- * Emergency Watershed Protection (EWP) funds will be requested from the Chief of NRCS as valid applications are received.

The Chief allots funds to the State Conservationist to carry out EWP assistance within the state.

DESIGN / INSTALLATION:

- * Prepare Environmental Assessment/Evaluation-
The DC will normally prepare the environmental assessment. A team of specialists from the U.S. Fish and Wildlife Service, Missouri Department of Conservation, and NRCS will assist in the assessment preparation when needed. NRCS State Office personnel will assist when needed concerning archaeological, historical or other cultural resource impacts.
- * Designs-
NRCS engineers will prepare designs. Sponsors may prepare designs, especially in situations where they have the capability and will perform contracting and inspection functions.
- * Contracting-
NRCS will contract for work using the Federal Acquisition Regulations. Purchase order or formal contract will be used -- OR NRCS will prepare a project agreement for locally-led contracts when project sponsors have contracting capabilities. (Local sponsors may perform inspection and preparation of design as their in-kind portion)
- * Installation and Inspection-
NRCS will perform construction inspection.

REQUESTING ASSISTANCE

The District Conservationist (DC) will keep a ledger on all requests for assistance with the use of EWP funds. The first page of a Damage Survey Report (DSR) should be completed for all requests for assistance. Form MO-WS-15 may be used to register the requests.

When NRCS determines an initial request is eligible for assistance, the sponsors should make an official request from the NRCS. Form MO-WS-16 or a request letter may be used.

The applicant should note and show status of applications to any other agency regarding emergency assistance. If a request has been made to another agency, the action taken on the application should be specified.

The application should include:

- Assurance that funds and resources are not available to repair damages from this event.
- Appoint a liaison person to act for the sponsor. (Include the name, address and phone number)
- Certify legal authority.
- Certification of sponsorship for this application.

A Damage Survey Report (DSR) will be initiated when application for EWP is made and will be completed as soon as possible by members of the Emergency Response Team.

RESTORATION PLAN

To document the need and justification for use of EWP funds, a narrative report will be prepared. To minimize the number of reports, all related work should be covered in a single report. For example, all work needed by a levee or drainage district should be in a single report. Another example would be several different sections of a natural channel needing repair work should be included in a single report. A narrative addressing the items listed below is to be prepared for each agreement involving EWP funds. **The damage survey report may be used to provide this information.**

1. The cause and extent of the emergency.
2. The public benefits involved. Measures that are eligible for assistance in this program must have group benefits. This will eliminate any measures that are primarily for individual land restoration as administered by the Farm Service Agency (FSA) through emergency conservation measures.
3. The manner in which this proposed work supplements the effort of others and the coordination we have achieved with those who have programs offering emergency assistance, such as the Corps of Engineers, FSA, Rural Development, and the Federal Emergency Management Agency.
4. The coordination of our intended work with the appropriate representative of the Missouri Department of Conservation if flowing natural channels are involved.
5. A brief assessment of the environmental effects of the restoration. This statement should assess the condition of the stream or area prior to the storm or natural disaster, the present condition, and the expected restored condition when all planned work is completed. Also include an analysis of harmful effects if work is not completed.
6. A county map showing location of work. Total cost and quantity estimates. Include cost breakdown of sponsor's share of total cost.

ENVIRONMENTAL CONSIDERATIONS

When planning restoration measures special emphasis should be placed on selecting measures that will improve the environment. Some of the items to be considered are as follows:

1. Keep equipment out of the flowing stream, where possible.
2. Specify equipment such as backhoes, payloaders, grade-alls, etc., instead of dozers to work from stream banks, and, where necessary, in the stream.
3. Carry material, such as rock, across streams rather than pushing it across.
4. Winch debris from the stream, if practical.
5. Remove only those trees that are down and in the stream, restricting the flow. If the roots are securely attached to the bank, leave the stump in place so new growth can emerge. Other trees will be protected.
6. Grade spoil piles so that runoff flows away from the stream bank.
7. Burning of debris will be done only in open fields with the proper precaution. In wooded areas, debris should be buried so it will not get back into the stream. Use of old tires, asphalt shingles, railroad ties, etc., to fuel the fires is prohibited by law.
8. Perform any channel work so the result is a narrow deep flow section rather than a wide flat streambed. The narrow channel/wide floodway concept will be used. Develop meanders rather than a straight channel. Leave holes of varying depth in the streambed to develop stream riffles. Pre-storm event conditions will be considered and emergency work will match the channel up and downstream of EWP work.
9. Required seeding will be done as soon as possible after any earth-moving operation.
10. Loose soil will not be placed where it can easily erode into the creek during minor floods.
11. Spoil will not be placed on the bank so as to load bank and cause bank to slide into channel.
12. Required mulches will be tied down mechanically. Asphalt mulch tackers may pollute the stream.
13. Oils, lubricants, litter, etc., will be removed from the job site.
14. Select borrow areas that will have minimum impact on the environment.

CULTURAL RESOURCES CONSIDERATIONS

1. NRCS will provide the State Historic Preservation Officer (SHPO) with accurate and timely information describing the location and nature of all undertakings potentially affecting cultural resources.
2. Field and field support offices may communicate directly with SHPO staff. All correspondence will be copied to the NRCS state cultural resources coordinator and designated NRCS cultural resources specialist.
3. All NRCS planning personnel have received cultural resources training in order to identify potential undertakings. Field Office Technical Guides include county-specific maps that identify known culturally and historically significant sites. NRCS area cultural resources coordinators have at least 80 hours of additional training and they will provide assistance to field office staff when potential undertakings are identified. If an EWP action is an undertaking the normal field office procedures encompassed in The national cultural resources training material procedures will be followed.
4. NRCS will strive to avoid all cultural resources that will be impacted by undertakings. NRCS will try to maintain a minimum buffer of 50 feet around cultural resources.
5. In situations where human life is threatened, the NRCS can proceed with undertakings and consult with the SHPO as soon as possible or practical.
6. Examples of general situations to consider cultural resources in EWP program work:
 - a) Ditch and channel cleanout: If work will disturb soil, or potentially significant buildings or other structures (older than approximately 50 years) less than they are already disturbed then the action is not considered an undertaking. If the work will involve more disturbance than already encountered then the action is an undertaking and cultural resources procedures must be followed.
 - b) Burial or burning of materials resulting from clean out: If material will be buried and will disturb the burial location more than it is already disturbed, the action is an undertaking and cultural resources procedures must be followed.
 - c) Borrow areas: If borrow activity will be to a depth or lateral extent that exceeds what has been previously disturbed, cultural resources procedures must be followed, and the area inspected.
 - d) Levee construction: If the levee is reconstructed at the same location using the same borrow area, a cultural resources inspection is not required. If the levee is reconstructed at a different, undisturbed location then cultural resources procedures must be followed and the new location inspected.
 - e) Stacking spoil: This is essentially the same situation as item a). Soil stacked on top of older spoil is not an undertaking. Soil stacked on undisturbed soil is an undertaking.

In all of the examples the need for and/or intensity of cultural resource investigations is a direct function of the probability of a significant cultural resource being in the area impacted by EWP work.

EWP CONTRACT - ADMINISTRATIVE REQUIREMENTS

1. **The Sponsor** will be responsible for the following:
 - a. Submission of application for assistance.
 - b. Appointment of person to act as liaison between the Sponsor and NRCS (letter of appointment should be to individual with a copy to NRCS).
 - c. One of the following land rights is needed: A signed permit to work on and/or pass through property, a copy of existing drainage or levee district construction, maintenance easement, or a permit to cover work area and ingress-egress route.
 - d. Furnish an original signed form NRCS-ADS-78, Assurances Relating to Real Property Acquisition, with copies of signed work permits attached. Original permit is to be retained by the sponsor.
 - e. Enter into a project agreement and operation and maintenance agreement (if required) with NRCS.
 - f. Clearance of any utility in work area.
 - g. Twenty-five percent of restoration cost - cash to be placed in an escrow account at the sponsor's bank or in-kind work to be performed by the sponsor is to be identified prior to signing of a project agreement by NRCS.
 1. If sponsor has not completed in-kind work from a previous emergency contract, sponsor must escrow 25 percent of restoration costs even if the sponsor's share for the new contract will be an in-kind contribution. These funds will be held in escrow until the in-kind contribution for the current contract is completed.
 2. An acceptable alternate to cash being placed in an escrow account, is an irrevocable letter of credit from a financial institution.
 - h. Provide certification of in-kind payment.
2. A certified **Contracting Officer Representative (COR)** will be appointed, usually a project engineer or area engineer, by the **Contracting Officer (CO)** if needed. Responsibilities may include:
 - a) Interpret drawings and specifications. Inspect all materials and work for compliance with the drawings and specifications, and see that the contractor complies with all the terms and conditions of the contract.
 - b) Conduct site showing of the work prior to bid opening.
 - c) Conduct pre-work conference with the contractor after award of contract.
 - d) See that the contractor submits a construction schedule acceptable to you and the State Engineering Specialist, check progress with the construction schedule, and when necessary, require a revised schedule.
 - e) Maintain or see that complete daily records of construction activities are maintained to show, among other things, number of work shifts, units of major equipment operated, construction difficulties encountered, progress of the work, weather conditions and document other matters considered of importance in the prosecution of the job.
 - f) Make necessary inspections to assure that work is being carried out in accordance with requirements of the contract.
 - g) See that the contractor complies with all requirements and provisions of the contract regarding performance, inspections, safety, labor laws, etc., and in the event of noncompliance, take prompt and proper corrective action as specified in the contract.
 - h) Spot check weekly payrolls and periodically check on the assignments and classifications of the contractor's employees to ascertain if all wage and labor requirements of the contract are met by the contractor or delegate these duties to appropriate Service personnel.
 - i) Verify the accuracy of invoices submitted for payment. Prepare receiving reports to accompany invoices for payment.

EWP CONTRACT - ADMINISTRATIVE REQUIREMENTS

(continued)

- j) Maintain the master file of “as built” plans.
 - k) With assistance from the State Construction Engineer, recommend to the Contracting Officer all changes required for proper completion of the work. Recommendations should be accompanied with a draft of the contract modification and justification statement showing the nature and reason for the change. You shall insure that changes are written and documented prior to starting any work which is affected by the change.
 - l) Keep the Contracting Officer currently informed on the progress of the work. Report immediately to the Contracting Officer all complaints, protests, unusual conditions such as latent conditions or damages to work, refusal of contractor or subcontractor to perform, rights-of-way problems, strikes, disasters, etc.
 - m) Maintain good relations insofar as possible with the contractor or his representative, but insure that Service representatives do not perform work required of the Contractor, and that they do not “supervise” his operations.
 - n) At the request of the Contracting Officer, conduct special investigations and prepare appropriate reports.
 - o) Issue written instructions to contractor to document major decisions and understandings reached, warnings, exceptions to work and infractions of contract terms and conditions.
 - p) Coordinate scheduled activities such as dates of site showing, bid opening, commence work, semi-final inspection, and final inspection with state office and field office staff.
3. A Project Agreement and Operation and Maintenance Agreement will be electronically sent from the CO to the DC to obtain signatures. Each contract requires a separate project agreement. The DC will send the required work, signed by the Sponsors, to the CO for signature.
4. The District Conservationist is responsible for assuring certification of in-kind payment by sponsors.

APPLICATION

**Emergency Watershed Protection Assistance
U.S. Department of Agriculture -- Natural Resources Conservation Service**

(Field Office should send copy to Contracting Officer)

1. Sponsor: _____
2. Street/P.O. Box: _____
3. City: _____
4. County: _____
5. State: _____
6. Zip Code: _____
7. Phone No. _____
8. Tax I.D. No. _____

8. Assistance Requested:
(Provide brief description of nature, location, and scope of the problems and the assistance needed)

9. Application made to other Federal agencies for similar assistance:
 Yes No
(If yes, explain type of request, agency name, & status of application)

10. Sponsor has sufficient funds or services to repair these damages.
 Yes No

11. Signature: _____ Title: _____
_____ Date: _____
(Typed or Printed Name)

12. The designated liaison for this project is: Name: _____
Address: _____ Phone: _____

13. We certify that the _____ has legal authority to apply for federal assistance.

14. Application for assistance was approved at the _____ meeting on _____.
(Sponsor) (Date)

Signature (Sponsor Representative)

(Title)

(Date)

SAMPLE LETTER REQUESTING ASSISTANCE

(Send to Contracting Officer)

State Conservationist
Natural Resources Conservation Service
(Street)
(City, State, Zip Code)

Dear _____:

We request NRCS assistance to restore _____ on/of _____ caused by storms of _____.

(Describe location of disaster occurrence and scope of damage.)

This work is needed to safeguard lives and property from an imminent hazard of floodwater and erosion.

We understand, as sponsors of an emergency watershed protection project, our responsibilities will include acquiring landrights and permits needed to construct, and if required, to operate and maintain the proposed measures. We are prepared to furnish the 25 percent local cost-share of the construction work.

We do not have sufficient funds or services available to repair this damage.

This application was approved by the _____ **on** _____.
(Sponsor) (Date)

Tax I.D. Number: _____

We certify that we possess the legal authority to apply for federal assistance.

The name and address of the liaison person in our organization is as follows:

Please contact _____ for any additional information needed.

Sincerely,

NAME
Title
Sponsoring Organization

INSTRUCTIONS FOR COMPLETING DAMAGE SURVEYS REPORTS (DSR's)
MO-PDM-4

1. Complete all items at header. Include the congressional district number and Project Office (usually the source of engineering assistance).
 2. Identify the staff person initiating the DSR.
 3. Applicant/Sponsor: Can be landowner or producer but must have a sponsor to perform EWP work/contract. DSR should be updated when a sponsor is identified. Enter the contact address when the DSR is initiated.
 4. Project Name: Useful for project reference. Examples: Bender/Kunkel project, Fairfax Levee District, etc.
 5. Location: Include latitude, longitude, township, range, section and quarter section; and some general information such as 2 miles south of a town on a specific road. For linear projects such as levees or ditch clean out, use the latitude and longitude at one end of the project and describe location used.
 6. Describe Damage: Briefly include as initially described by applicant.
 7. Evaluation Factors: Complete as initial information is provided and update as site review and analyses are made.
 8. Cost of Emergency Work: This is a very rough estimate. If the project is eligible or potentially eligible a more precise estimate will be entered on page 4, "Engineer's Cost Estimate."
 9. Total Value of Benefits: This should be calculated based on existing or projected loss of crop productivity and the cost to protect non-agricultural private and public property. It is an early estimate subject to revision. Consider values of affected properties with and without repair.
 10. EWP Treatment: Check the alternatives discussed and circle the treatment selected in order to restore to the same conditions before the emergency event. Quantify by writing linear feet for levees, drainage ditches, and streambanks; and cu. yds. or linear feet of channel for logjams or stream sedimentation problems on the 'description lines..
 11. Sponsor Representative: Initially this does not need to be signed by an official representative of the sponsors. It can be signed by the person who initiated the DSR and provided initial information. Sponsors are required for all EWP projects and they must submit a formal application for assistance.
 12. NRCS Representative: This should be signed by the person who initially received the request (District Conservationist) and initiated the DSR. It should also include the signature of the person making the eligibility determination and/or investigation. If a different person makes this determination they should sign their remarks. At least one signature is required.
- * If it can be determined from the initial information that the project is not eligible then page one is all that needs to be completed. Be sure that the "Remarks" section describes why this is ineligible. Describe "lack of maintenance" or calculate to show that the cost is "less than the amount set for each storm (usually \$2,500)." If only one landowner benefits from the project, be sure that the NRCS person making that determination signs the "remarks" section.
- * If the project is eligible or potentially eligible then pages 2 through 7 should be completed using details acquired during field inspection(s) by appropriate personnel.
- * Be sure the heading is completed on all pages.

Instructions for Completing Damage Survey Reports (DSRs) -- MO-PDM-4

13. Page 2: All appropriate drawings and descriptions of damages and potential repair should be included. Drawings may be included on additional pages, attached to the DSR and attachment noted on page 2.
14. Page 3: The Damage Factor percentage can be used to prioritize projects if needed. The NRCS state office will determine these factors.
15. Page 3: Complete all applicable sections. Near Term Damage is the same as “benefits.” Determine the value of agricultural land for both with and without EWP repairs and calculate the benefits by multiplying the difference in values by the acreage affected. Complete all appropriate blanks for non-agricultural land. It is possible that roads, bridges, utilities, etc. will benefit from the project but no restoration cost is associated. (example: A levee may protect cropland and roads. Calculate the cropland near term damage reduction and indicate the miles of road, number of utilities, etc. but do not indicate restoration cost unless there are costs directly related to the roads or utilities.)
16. Page 4: Calculate the cost estimate to inform the applicants, determine project eligibility and develop the EWP contract. This may be more accurate or the same as the cost estimate on the front page of the DSR. It is not necessary to change the front-page estimate.
17. Page 5: Complete the Social Evaluation with assistance from the local applicant. The limited resource community documentation can be completed by field office or state office staff. The NRCS state economist can provide the demographic information needed to make determinations. (All appropriate blanks should be completed as soon in the inventory process as possible.)

A Limited Resource Area must meet all 3 of the following criteria: 1) Housing values are less than 75% of the state housing average value; AND 2) Per capita income is 75% or less than the median income of the nation; AND 3) Unemployment is twice the U.S. average over the past 3 years (based on most recent census). Mercer, New Madrid and Pulaski Counties are the only entire limited resource area counties in Missouri. Limited resource communities may exist within counties that do not qualify. The STC may make an exception for areas affected that have six or more homes and share institutions such as churches, post office, or store(s).

“Beneficiaries of the Measure,” includes all residents (spouses, children, etc.) that benefit from the EWP project
18. Page 6: All of the "Environmental Factors" denoted with an asterisk must be completed. Complete other factors if appropriate. This is an evaluation, not an assessment. If any questions are raised during the evaluation then an appropriate specialist should check the situation, indicate their findings in the comments column or on separate attachments (i.e. biological assessment report, CONS-6 notes, etc.), and identify themselves with a signature. This additional work along with the environmental evaluation will be an environmental assessment.

The DC (or project engineer, when applicable) is responsible for ensuring that the Environmental and Cultural Resources Evaluations are completed by a properly trained individual. MDC/NRCS Area Biologists and Wetland Emphasis Team Biologists can provide technical support for the environmental evaluation. NRCS cultural resources coordinators (at least 3 are available in every NRCS area) can provide technical support for cultural resources inventories and evaluations.
19. Enter the total value of benefits (total near term damage reduction) from page 3 and EWP cost estimate from page 6. Depending on the magnitude of the EWP event, the EWP program manager will designate who can sign as the “Team Leader.” The designated team leader should sign one block only, either a, b or c.