

EMERGENCY WATERSHED PROTECTION PROGRAM

Overview

The U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) administers the Emergency Watershed Protection Program (EWPP) which responds to emergencies created by natural disasters. It is not necessary for a national emergency to be declared for an area to be eligible for assistance.

The EWP Program is a recovery effort aimed at relieving imminent hazards to life and property caused by floods, fires, windstorms, and other natural disasters. All projects must have a project sponsor. NRCS may bear up to 75 percent of the eligible construction cost of emergency measures (90 percent within limited-resource areas as identified by the U.S. Census data). The remaining costs must come from local sources and can be in the form of cash or in-kind services.

Type of Work Authorized

EWP is designed for installation of recovery measures to safeguard life and property as a result of a natural disaster. Threats that the EWP Program addresses are termed watershed impairments. These include, but are not limited to:

- debris-clogged waterways,
- unstable streambanks,
- severe erosion jeopardizing public infrastructure
- wind-borne debris removal, and
- damaged upland sites stripped of protective vegetation by fire or drought.

The program can include purchasing floodplain easements. These easements restore, protect, maintain, and enhance the functions and values of the floodplain, including associated wetlands and riparian areas. They also conserve natural values including fish and wildlife habitat, water quality, flood water retention and ground water recharge, as well as safeguard lives and property from floods, and the results of erosion.

EWP work is not limited to any one set of prescribed measures. NRCS completes a Damage Survey Report which provides a site-by-site investigation of the work and measures necessary to protect life and property from additional flooding and soil erosion. NRCS will only provide funding for work that is necessary to reduce applicable threats. Should sponsors want to increase the level of protection, the sponsor will be responsible for paying 100 percent of the costs of the upgrade and additional work.



Eligibility

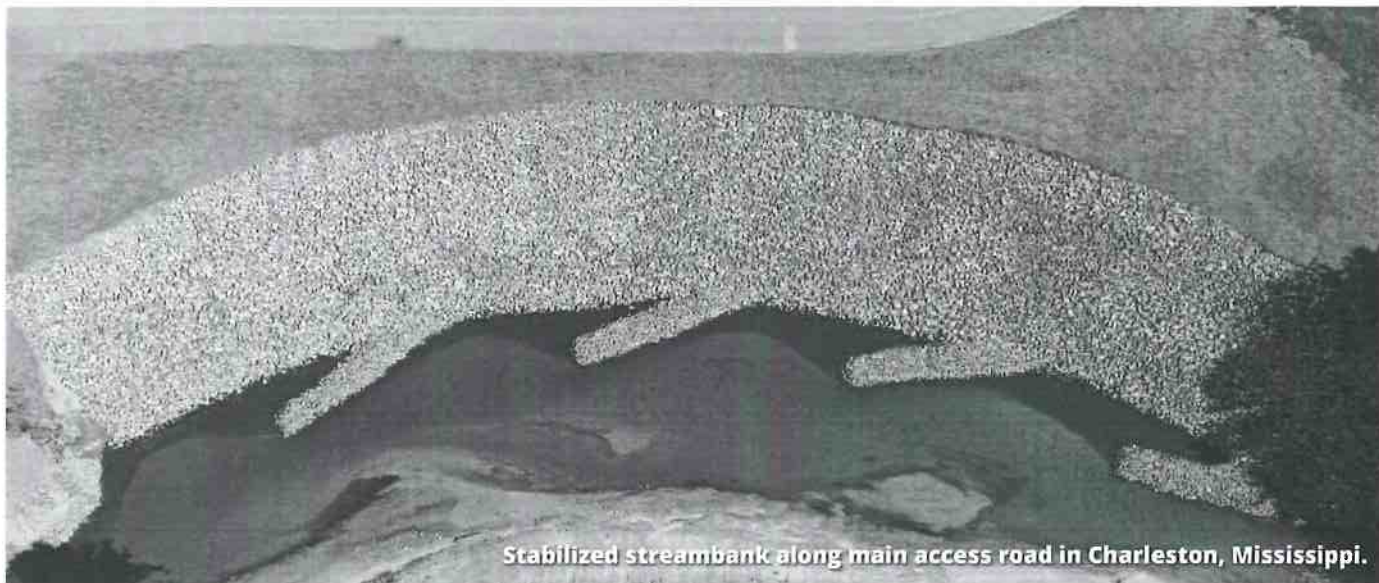
Public and private landowners are eligible for assistance but must be represented by a project sponsor.

Sponsors include legal subdivisions of the State, such as a city, county, general improvement district, conservation district, or any Native American tribe or tribal organization.

Sponsor's Obligations

Sponsors are responsible for:

- providing land rights to implement repair work,
- securing all necessary permits,
- furnishing the local cost share,
- accomplishing required works of improvement to remove the imminent threat to life and property,
- performing any necessary operation and maintenance.



Stabilized streambank along main access road in Charleston, Mississippi.

Due to extreme rainfall on December 28, 2019, Tillatoba Creek in the Town of Charleston, Tallahatchie County, Mississippi, had extensive flood flows which caused bank sloughing that endangered the main access road to the local hospital and other associated infrastructure. After EWP repairs, the road shoulder was restored and the streambank stabilized to prevent further sloughing and danger to the traveling public on the hospital road.

Criteria for Assistance

All EWP works of improvement must reduce threat to life and property; be economically, environmentally, and socially defensible; and be technically sound.

How Do I Obtain Assistance?

If your land has suffered severe damage that may qualify for the EWP Program, you should contact your local NRCS office and request assistance. City, county, state governments, flood and water control districts, and soil and water conservation districts are the most common sponsors of EWP projects. More information is available from NRCS offices throughout the United States and the Caribbean and Pacific Islands areas.

Emergency Watershed Protection Cost Share

The NRCS contribution toward the implementation of emergency measures may not exceed 75 percent of the construction cost, including work done to offset or mitigate adverse impacts as a result of the emergency measures.

However, if NRCS determines that an area qualifies as a limited resource area, the Federal contribution toward the implementation of emergency measures may not exceed 90 percent of the construction cost of such emergency measures.

NRCS may provide technical assistance as services and/or funds to plan, design, and contract the emergency measures, subject to an agreement between NRCS and the Sponsor.

Purpose	Installation / Construction	Engineering / Technical Assistance	Real Property Rights
Emergency Watershed Protection	Not to exceed 75 percent, or 90 percent for limited resource areas	Not to exceed 100 percent	\$0

More Information

This fact sheet is for informational purposes only; other restrictions may apply. For more information about or find your local USDA Service Center, visit **farmers.gov**.

WATERSHED PROTECTION AND FLOOD PREVENTION OPERATIONS PROGRAM

Overview

The Watershed Protection and Flood Prevention Operations (WFPO) Program includes the Flood Prevention Operations Program (Watershed Operations) authorized by the Flood Control Act of 1944 (P.L. 78-534) and the provisions of the Watershed Protection and Flood Prevention Act of 1954 (P.L. 83-566). It provides for cooperation between the Federal government and the States and their political subdivisions to address resource concerns due to erosion, floodwater, and sediment and provide for improved utilization of the land and water resources.

The WFPO Program provides technical and financial assistance to States, local governments and Tribes to plan and implement authorized watershed project plans for the purpose of:

- Flood Prevention
- Watershed Protection
- Public Recreation
- Public Fish and Wildlife
- Agricultural Water Management
- Municipal and Industrial Water Supply
- Water Quality Management
- Watershed Structure Rehabilitation (There is a separate program that manages rehabilitation projects)

What is a Watershed

Watersheds are the area of land drained by a particular surface stream system that outlets at a common point. NRCS P.L. 83-566 Watershed projects are developed for watersheds usually 250,000 acres or smaller. Some have flood control dams built on tributaries to larger streams or rivers. Other projects may only have land and water conservation practices.

Local Leadership

Watershed projects are planned and carried out jointly by local, state, and federal agencies with support of community landowners and citizens in the watersheds. Communities identify resource problems to be addressed, practices to be installed, and carry out major portions of a watershed plan, such as obtaining easements, rights of ways, permits and local cost-share funding.

NRCS provides technical and financial assistance to local project sponsors. Federal assistance is available for engineering and construction costs of flood control measures, conservation practices for water quality and erosion and sediment control, and for agricultural or municipal/industrial water supplies and recreation facilities. Entities of state and local government or a tribe may apply for USDA assistance. Application details are available from NRCS offices or go to the NRCS web site and click on programs: nrcs.usda.gov.



Conservation Measures

A project can consist of a combination of structures such as flood control dams or levees and conservation practices like terraces, grassed waterways, grade stabilization structures, animal waste facilities or aquatic species crossings. Measures can also involve the conversion of open channel irrigation canals to pressurized pipelines.

Water Management

Management of both agriculture and non-agricultural water supplies can be a significant component of watershed projects.

Measures to increase or conserve present and future water supplies in rural areas, improve water quality impacted by pollutants, and recharge ground water can be part of a watershed plan.

Management for nonagricultural uses such as municipal and industrial uses, recreational uses and improved fish and wildlife habitat are other opportunities in watershed projects.

Watershed Operations Program Cost Share

Watershed Operations Program Federal Cost-Sharing by Purpose	Engineering / Technical Assistance	Installation / Construction	Real Property Rights
Flood Prevention (Flood Damage Reduction)	100%	100%	0
• Works of Improvement			
Watershed Protection	100%	Variable	0
• Flood Control			
• Erosion and Sedimentation Reduction			
• Water Quality			
• Water Conservation			
• Wildlife Habitat			
• Woodland			
• Energy			
• Recreation Resources			
Public Recreation	100%	Not to exceed 50%	Not to exceed 50%
• Works of Improvement			
• Recreation Minimum Basic Facilities			
Public Fish and Wildlife	100%	Not to exceed 50%	Not to exceed 50%
• Works of Improvement			
Agricultural Water Management	Up to 100%	Up to 75%	0
• Drainage			
• Irrigation			
• Ground Water Recharge			
• Agricultural Water Supply Structure			
• Water Conservation			
• Water Quality			
• Rural Water Supply			
Municipal and Industrial Water Supply	0	Not to exceed 50%	0
• Reservoir Structure			
Water Quality Management	Up to 100%	To be determined	0
• Reservoir Structure			

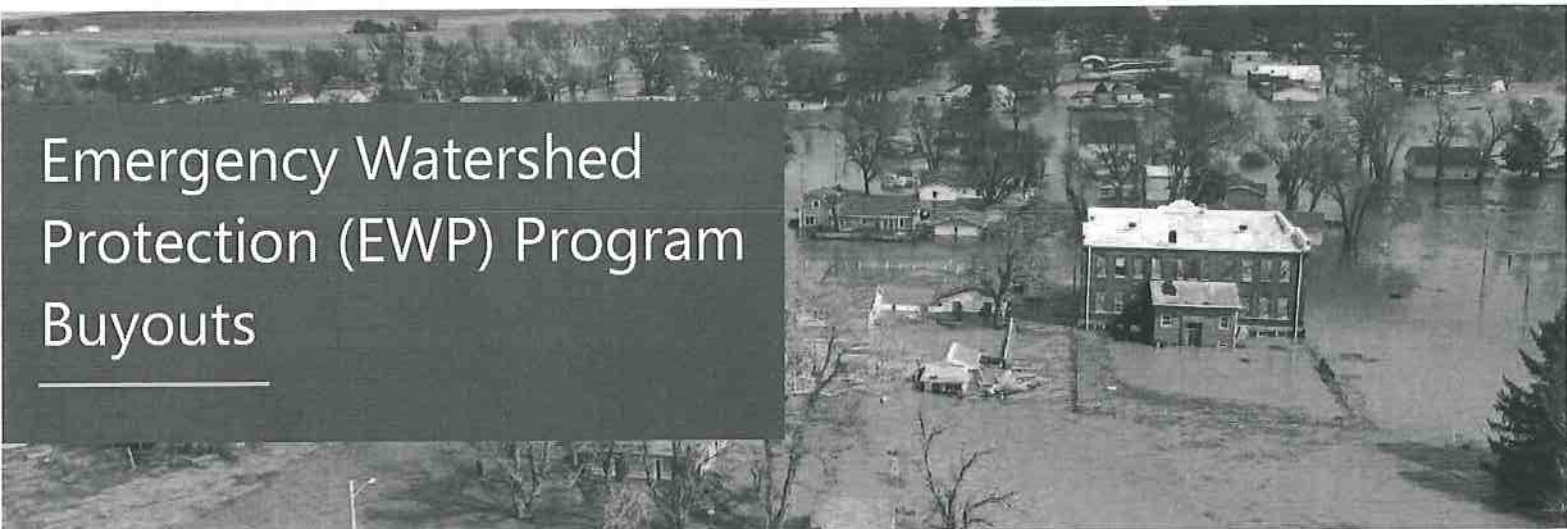
Source: National Watershed Program Manual, 500.3 – Eligible Purposes and Figure 500-E2

Federal Cost-Sharing Percentage Provisions for Conservation Easements and Mitigation of Fish and Wildlife Habitat Losses	Engineering	Engineering / Technical Assistance
Conservation Easements Wetland or Floodplain	Not to exceed 50%	Not to exceed 50%
Mitigation of Fish and Wildlife Habitat Losses	Not to exceed 50%	Not to exceed 50%

Source: National Watershed Program Manual, Figure 500-E1
The above provisions apply to acquisition of real property rights by purchase or easements

More Information

This fact sheet is for informational purposes only; other restrictions may apply. For more information about the watershed operations program or to find your local USDA Service Center, visit farmers.gov.



Emergency Watershed Protection (EWP) Program Buyouts

NRCS administers the Emergency Watershed Protection EWP Program, which is designed for emergency recovery work, including the purchase of floodplain property buyouts.

EWP BUYOUT OPTION

The U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) administers the Emergency Watershed Protection Program (EWP) to assist project sponsors in protecting lives and property from flooding or soil erosion after a natural disaster. In communities impacted by constant flooding or severe erosion due to a natural disaster, a property buyout might be the best solution.

What is an EWP Buyout?

EWP buyouts are used where structural projects to reduce threats from flooding and erosion are not cost-effective and/or beneficial. Once NRCS determines that buying a flood-prone property (for example) would provide the pivotal solution and sustainable course of action for a community, EWP has the authority to provide local sponsors with financial assistance to purchase and restore the property.

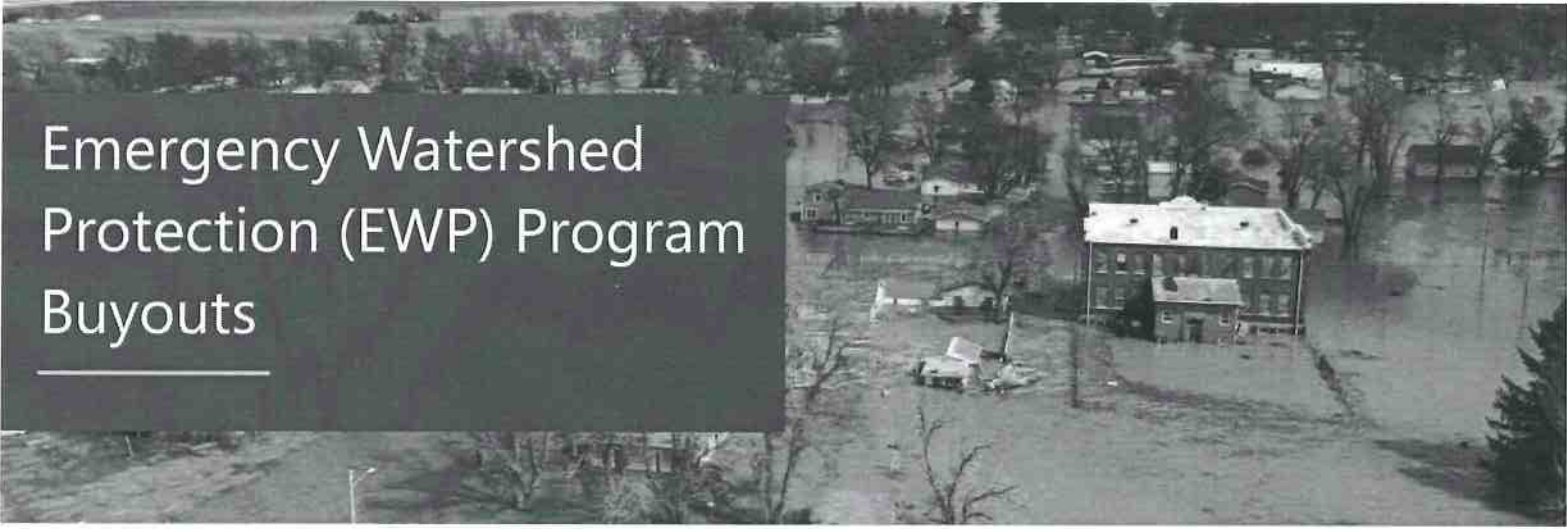
NRCS may provide project sponsors up to 75 percent of:

- The fair market value based on an appraisal for the property,
- Relocation costs, and
- The site restoration costs.

What lands are eligible?

Any land use is potentially eligible for an EWP Buyout. Agricultural land, land with/without structures, and communities with residential properties are eligible if the buyout:

- Provides protection from additional flooding or soil erosion,
- Reduce threats to life or property,
- Restore the hydraulic capacity to the natural environment to the maximum extent practical, and
- Is economically and environmentally defensible and technically sound.



Emergency Watershed Protection (EWP) Program Buyouts

What is the process?

EWP assistance does not require a disaster declaration by FEMA. The EWP process begins with a request for assistance from an eligible local Sponsor within 60 days of the disaster (or 60 days from when the site is accessible). Once the request is received, NRCS will work with the project sponsors determine eligibility, select the best solution (structural, buyout, or easement), and develop a cost estimate. The NRCS State Conservationist and project Sponsor enter into an agreement where NRCS would provide cost-share funds for the recovery measures, which may include structural, buyout, or easement solutions. When a buyout is the best alternative, NRCS will provide financial assistance for the property purchase, removal of structures, and site restoration.

What are the benefits?

Buyouts are effective in preventing future damage, make residents safer, and protect communities. Once purchased, the land is returned to a natural open space where it provides the added benefit of absorbing storm runoff, reducing future flooding, and providing wildlife habitat.

Criteria for Assistance

All EWP work must provide protection from future flooding or soil erosion, reduce threats to life and property, restore the natural watershed functions, and be economically and environmentally sound.

How do I obtain assistance?

If property has been damaged by flooding or threatened by severe erosion and meets the eligibility requirements, it may qualify for EWP assistance. To request assistance, work with a local project sponsor and contact your local USDA-NRCS office to learn more about EWP buyouts.

Sponsorship

A Project Sponsor must be a State or political subdivision thereof, qualified Indian tribe or tribal organization, or unit of local government. Cities, Counties, and state conservation districts are the most common sponsors of EWP projects.

EMERGENCY WATERSHED PROTECTION PROGRAM (EWP)

FLOODPLAIN EASEMENT OPTION

The U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) administers the Emergency Watershed Protection Program (EWP) that assists sponsors and landowners to protect lives and property from flooding or soil erosion after a natural disaster. The EWP Program is designed for emergency recovery work, including the purchase of floodplain easements. In communities impacted by constant flooding, an easement might be the best solution. Limited Resource Areas (LRAs) are a priority for available funding.

What is a floodplain easement?

A floodplain easement is a reserved interest in the land defined in a deed where the landowner conveys specific rights but retains ownership, title, and interest in the property.

NRCS may purchase floodplain easements as an emergency measure, and NRCS will only purchase easements from landowners on a voluntary basis. A floodplain easement conveys property rights to NRCS so that:

- the threat of damage to property is reduced or eliminated, and
- the floodplain may be restored and protected.

NRCS will pay landowners full fair market value based on an appraisal for the floodplain easement. Also, NRCS may provide up to 100 percent of the restoration and enhancement costs of the easement.

What lands are eligible?

Any land use is potentially eligible for a floodplain easement. Agricultural land, land with/without structures and communities with residential properties, are eligible if:

- The floodplain lands were damaged by flooding at least once within the previous year or have been subject to flood damage at least twice within the previous 10 years; or
- other lands within the floodplain would contribute to the restoration of the flood storage and flow, erosion control, or that would improve the practical management of the easement; or
- lands would be inundated or adversely impacted as a result of a dam breach.



What is a Limited Resource Area (LRA)

- A limited resource area is defined where housing values and income are less than a state's average and unemployment is at least twice the U.S. average. [Learn more](#)

Criteria for Assistance

All EWP work must provide protection from future flooding or soil erosion; reduce threats to life and property; restore the natural function to the watershed; and be economically and environmentally sound.

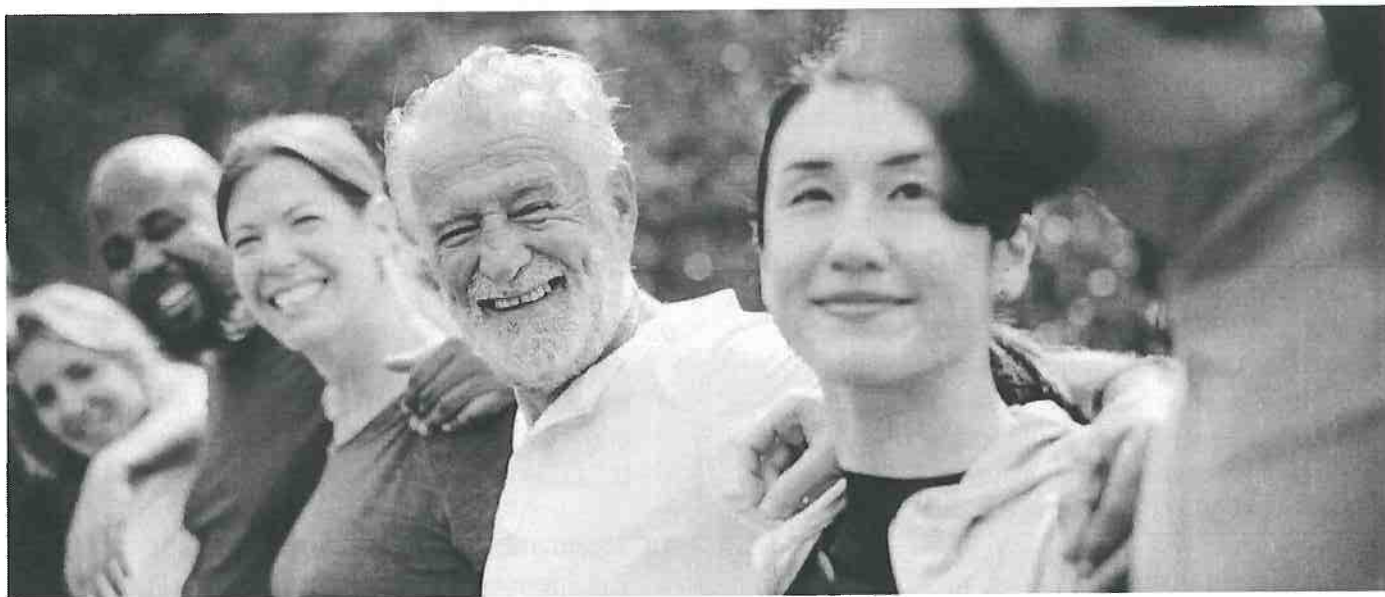
How Do I Obtain Assistance?

If your land has been damaged by flooding and meets the eligibility requirements, it may qualify for EWP assistance. To request assistance, contact your [USDA-NRCS EWP Program Manager](#).

Sponsorship

Project sponsor must be a State or political subdivision thereof, qualified Indian tribe or tribal organization, or unit of local government. Cities, Counties, and state conservation districts are the most common sponsors of EWP projects.

WATERSHED PROGRAMS - SPONSOR GUIDE



SPONSORSHIP BEGINS AT THE LOCAL LEVEL

Locally-led government agencies, organizations, and conservation districts understand the needs of their communities. Participation from the grassroots level on up are vital to help communities establish a resilient watershed plan that ensures a future for their towns, surrounding rural areas and other important landscapes.

Eligibility

Watershed projects must include one or more eligible sponsor. An eligible sponsor must be able to perform at least one of the following functions mandated by the individual state's NRCS State Conservationist (STC):

1. Power of Eminent Domain

At least one Sponsor (SLO) must have the power of eminent domain. Eminent Domain is the process of acquiring real property, water, mineral, and other land rights needed for a specific project as outlined in 16 U.S.C. Section 1004 (4). Where the primary purpose of a project involves land treatment long-term contracts, the power to execute an eminent domain is not required.

2. Permitting and Licensing

The Sponsor must acquire needed permits and licenses in accordance with local, state, and federal laws.

3. Authority to Levy Taxes

This authority requirement establishes one Sponsor as the fiscal agent of the project. Meaning, they are responsible for the 'cost share' and financing the operation and maintenance expenses for the life of the project. Possessing the authority to levy taxes, i.e. local government agency, enables the Sponsor to finance the project as necessary with localized funding thru taxation. This authority provides financial support for the project throughout its lifetime.

4. Provide Land Treatment above Reservoirs

Once a reservoir is built – the land surrounding the project is considered, and must be, part of the conservation plan. A Sponsor must be willing and able to obtain agreements from all landowners, impacted as part of a Watershed Program funded project (16 U.S.C. Section 1004 (5)), requiring implementation of soil conservation practices. All soil conservation practices must meet current NRCS Field Office Technical Guide (FOTG) criteria on at least 50 percent of the lands within the drainage area above each retention reservoir.

Watershed Projects that include land treatment practices must, at a minimum, have a Sponsor with formal soil and water conservation responsibilities inscribed in its bylaws (Articles of Organization) as required by State Law (Secretary of State).

5. Locally-Led Participation

A Sponsor must be able to create and produce effective engagement campaigns, and supporting outreach materials that encourage public participation in the watershed planning process.

6. Fiscal Responsibility

A Sponsor must have the ability to act as the watershed project's fiscal agent; meaning, they will need to provide commitments for funding, demonstrate a history of project management that underscores best management practice and oversight of contracts, construction, installation, operation and maintenance of a similar project.

7. Watershed Management

A Sponsor must provide watershed management oversight such as permitting, zoning, land use regulations, easements, or upstream watershed protection.

8. Municipal and Industrial (M&I) Water

A Sponsor must provide evidence that any proposed water supply (municipal or industrial (M&I)) will meet the anticipated water supply needs in quantity or quality; provide all technical services to implement M&I water supply; provide adequate assurances prior to construction that USDA will be reimbursed for at least 50% of the cost of M&I storage for the current water supply demand and 100% of all of the M&I water supply storage for any future demands.

9. Operation and Maintenance (O&M)

A sponsor must have the power and authority to ensure the installation, operation, and maintenance of the watershed project performs as planned (16 U.S.C. Section 1004 (3)).

10. Storm and Sanitary Sewers

The Sponsor is solely responsible for all new storm and sanitary sewers or changes to or relocation of existing sewers or facilities. This requirement applies only to urban or built-up areas within the approved watershed project plan.

For more information, contact your local USDA NRCS Watershed Program Manager.

There are hundreds of examples across the country, that illustrate how sponsors have partnered with USDA-NRCS Watershed Programs to implement and maintain watershed projects. A good example is Wise County, Texas. Wise County Soil and Water Conservation District partnered with Wise County Commissioners Court, the Wise County Water Control and Improvement District, the Texas State Soil and Water Conservation Board, and users of the Tarrant Regional Water District to construct, operate, and maintain flood control structures in the county. Ongoing efforts with all partners, have assisted landowners in applying climate resilient conservation practices to enhance quality and quantity of water for the surrounding communities.

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**United States
Department of
Agriculture**

National Sponsor Guide

Emergency Watershed Protection Program

United States Department of Agriculture
Natural Resources Conservation Service
www.nrcs.usda.gov

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Non-discrimination Statement and Complaint Policy

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Non-discrimination Policy

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Persons with Disabilities

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible agency or USDA's Technology & Accessible Resources Give Employment Today (TARGET) Center, which can also be reached by phone at (202) 720-2600 (voice and TTY). Or, contact USDA through the Federal Relay Service at (800) 877-8339.

Program information may be made available in languages other than English.

To File a Complaint

To file a program discrimination or Equal Employment Opportunity (EEO) complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at www.usda.gov/oascr and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992.

Submit your completed complaint form or letter to USDA by (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-940; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. Individuals who are deaf, hard of hearing, or have speech disabilities may also file a complaint through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

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1 Introduction

Information in this guide can help project sponsors working through the Emergency Watershed Protection (EWP) Program. It covers basic information about the Program and provides links to websites with more details.

1.1 The EWP Program

The EWP Program was established in 1978. Through the EWP Program, areas damaged by a natural disaster may get federal assistance to recover watershed function. EWP Program assistance is offered in the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

1.2 Laws, Regulations, and NRCS Policies

The United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) manages the EWP Program by following the federal laws and policies listed here:

Statutory Authorities

Section 216 of Public Law 81-516 (33 U.S.C. Section 701b-1)

Section 403 of Title IV of Public Law 95-334, the Agricultural Credit Act of 1978, as amended

Program Regulation and Policy

EWP Program requirements are detailed in the—

- [Code of Federal Regulations \(CFR\): 7 CFR Part 624 and 7 CFR Part 654](#)
- [NRCS EWP Program policy manual](#)

1.3 NRCS Contacts

District Conservationist

Your main point of contact for the EWP Program is your District Conservationist. You can find contact information for your nearest NRCS Service Center and District Conservationist on the [NRCS Service Center Locator Map](#).

State EWP Program Manager

EWP Program Managers coordinate program efforts in each state. Contact information for your state's EWP Program Manager, and more information about the Program, can be found on the [NRCS EWP Program web page](#).

State Conservationist

State Conservationists make sure that program recovery efforts meet the laws, regulations, and policies of the EWP Program. You can find contact information for your State Conservationist in the [NRCS State Offices Directory](#).

2 Program Overview

The EWP Program helps communities recover after natural disasters like floods, fires, windstorms, ice storms, hurricanes, typhoons, tornadoes, earthquakes, volcanic actions, slides, and drought.

When natural disasters strike, damage caused by wind and water can interfere with a watershed's ability to drain properly and safely. Sudden impairments such as debris-clogged drainage channels or unstable streambanks can lead to additional flooding and erosion, which can threaten lives and property. Federal assistance through the EWP Program can help state, local, and tribal governments implement emergency recovery measures to relieve imminent hazards in a watershed.

2.1 Program Administration

EWP Program assistance may be made available to project sponsors when the President declares a major disaster or when an NRCS State Conservationist declares that a natural event impaired a watershed's function. In either case, NRCS undertakes the emergency measures necessary and manages the program efforts. When necessary, NRCS coordinates EWP assistance with other agencies such as the Federal Emergency Management Agency (FEMA) and the U.S. Forest Service.

FEMA Coordination

The EWP Program and FEMA's Public Assistance Program sometimes work in response to the same major disaster events. In the 2018 Memorandum of Understanding between NRCS and FEMA, both agencies committed to establishing an Interagency Coordination and Operation (ICO) plan for improving coordination. The ICO Plan was approved in 2020 and establishes disaster response incident operations.

In the ICO Plan, the determination for applicable funding authority was highlighted. For NRCS to have authority for an emergency measure, NRCS must determine YES for all these questions to have EWP Program authority:

1. Are the measures for runoff retardation and soil-erosion prevention?
2. Has NRCS deemed the measures necessary to safeguard lives and property from floods, drought, and the products of erosion?
3. Has fire, flood, or any other natural occurrence caused a sudden impairment of that watershed?

Therefore, the determination of NRCS authority resides with NRCS, and NRCS does not have a way to make determinations on what emergency work could have been eligible for EWP Program assistance.

2.2 Program Assistance

In most situations, NRCS delivers assistance—technical and financial—to a project sponsor that meets program requirements (see Section 3.2). NRCS can only provide assistance directly to a landowner when NRCS determines that the best way to restore watershed function is by purchasing a floodplain easement. It is important to note that NRCS will not provide funding for activities undertaken by a sponsor prior to the signing of the agreement between NRCS and the sponsor (see Section 5.4).

Technical Assistance

NRCS offers its expertise to help sponsors decide how to deal with damage and to guide them through the EWP Program process. When natural disasters impair watershed function, NRCS checks to see if damaged sites are eligible for assistance and identifies actions to take that can help prevent additional flooding and soil erosion.

Once financial assistance is approved (see below) and allocated for an EWP project, NRCS also provides technical assistance to complete the planning, design, and construction oversight of the recovery measures.

Financial Assistance

Through the EWP Program, NRCS may pay up to 75 percent of the cost of construction of eligible recovery measures. For communities designated as limited resource areas, NRCS may pay up to 90 percent of construction costs. Limited resource areas are determined by using the most recent national census information. To find out if your community qualifies as a limited resource area, please find a map on the National EWP Program webpage (<https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/landscape/ewpp/>) and discuss with your EWP POC. The agreement between NRCS and the sponsor will include who is responsible for contracting the construction of the emergency measures.

3 Sponsor Requirements

NRCS must work with a project sponsor to provide EWP Program assistance. The one exception is when NRCS decides the best option is to purchase a floodplain easement. When this happens, NRCS can provide assistance directly to a landowner. Otherwise, private landowners seeking EWP Program assistance must work through a qualified sponsor.

3.1 Sponsor Eligibility

A project sponsor must be a state, a state agency, a legal subdivision of a state government, a local unit of government, or a Native American Tribe or Tribal organization with a legal interest in or responsibility for the areas threatened by a watershed emergency.

3.2 Sponsor Requirements

Project sponsors must be able to—

- Obtain all necessary property rights, water rights, and permits.
- Provide their share of the construction costs.
- Cover any unreimbursed expenses.
- Operate and maintain any completed recovery measures.

3.3 Sponsor Contribution

Sponsors must share in the cost of construction.

NRCS can typically cover up to 75 percent of construction costs while a project sponsor pays at least 25 percent of the cost. For limited resource areas, the cost share is 90/10.

The sponsor's part of the cost-share can be met using—

- cash
- goods or services (e.g., equipment, materials, construction management)
- a combination of cash, goods, and services

The NRCS State Conservationist determines if and what goods and services can be used to meet the sponsor's portion. Equipment, materials, and construction quality control are some examples of goods and services, also called "in-kind services," that may qualify.

Sponsors cannot use funds received from a Federal grant as their matching share for EWP recovery measures.

4 Program Requirements

EWP Program assistance may be made available when a watershed emergency exists. A watershed emergency means that a natural event such as a flood, tornado, or wildfire caused a sudden watershed impairment and life and/or property is at risk.

4.1 Program Eligibility

While NRCS will check to see if damaged sites qualify for program assistance, the following definitions can help sponsors get a sense of the program criteria NRCS uses to determine eligibility.

- **Watershed impairment**
A significant natural event suddenly lowered the ability of a watershed to function properly or safely. The damage must be from recent disaster event(s) and not have happened over time, like when typical rainstorms gradually erode a streambank. Also, because an impairment must be sudden and due to a significant event, the impairment cannot be due to a lack of maintenance.
- **Imminent threat**
Another strong natural event in the near future could cause major property damage or threaten human life. The threats may be at the damaged site: upstream or upslope, downstream or downslope. They also might be exigent—an emergency that demands immediate action.
- **Property**
Property is defined as any man-made structure permanently affixed to the land, like houses, buildings, roads, utilities, structures, and dams. Orchards, crops growing, and standing timber are not viewed as property by the EWP Program as they might be eligible for other USDA emergency programs.

As part of the eligibility determination, NRCS must consider some of the limitations of the EWP Program. Those limitations are listed below:

- The same structural practices are limited to two installations within a ten-year period. So, if a structural solution fails twice, the only EWP solution remaining is the purchase of a floodplain easement.
- EWP assistance will not be used to perform maintenance. A sponsor may be asked to provide a structures O&M plan to ensure that EWP work is not in fact maintenance.
- EWP assistance will not be used to repair, rebuild, or maintain private or public transportation facilities, public utilities, or similar facilities.
- NRCS EWP funds will not be provided on any Federal lands if such assistance is found to augment the appropriations of other Federal agencies. For Federal lands, it is the Federal land management department or agency that is responsible for securing funding to undertake emergency repair activities within lands under its control.
- EWP assistance is not available for repair or rehabilitation of nonstructural management practices, such as conservation tillage. This is a clarifying limit to focus EWP on threats to property or human life.

- EWP assistance is not provided to repair coastal erosion to beaches, dunes, and shorelines, including those along the Great Lakes. Remember that the “W” in EWP stands for watershed.
- EWP assistance is not available if the recovery measures are eligible for assistance under the Emergency Conservation Program (ECP) administered by the Farm Service Agency. EWP differs significantly from ECP because a sponsor is required for EWP recovery work. Also, unlike ECP, EWP recovery assistance may not be applied on cropland.

4.2 Eligible EWP Work

NRCS staff will then check each damaged area to try to plan an eligible solution using EWP Program assistance. The answer to all of the following questions must be **Yes** for NRCS to fund an emergency measure at a site:

- Does the proposed solution provide protection from additional flooding or soil erosion?
- Does it reduce threats to life or property from a watershed impairment?
- Does it restore the hydraulic capacity to the natural environment to the maximum extent practical?
- Is it economically and environmentally defensible and technically sound?

Technical Soundness

All engineering work must follow the requirements of the National Engineering Manual. Design work must follow requirements of the NRCS conservation practice standards detailed in Section IV of the Field Office Technical Guide (FOTG). Construction of the recovery measures must follow specifications found in the National Engineering Handbook (NEH) Part 642. All structural engineering designs completed by the sponsors must be signed and sealed by registered Professional Engineer (PE) in the state.

5 Program Process

NRCS and sponsors work together on EWP Program recovery efforts.

When it's safe to visit a damaged site, NRCS gets to work checking the amount of damage. Sponsors may contact the NRCS District Conservationist or State EWP Program Manager and request assistance to assess damage that may be causing a watershed impairment.

Sponsors play an important role in the EWP Program from the point that they request assistance. Sponsors may help to choose and prioritize potential program sites. They share in both the cost and the construction of recovery efforts and are responsible for the operation and maintenance of the completed works.

A general outline of the EWP process and sponsor involvement is shown in the table below:

EWP PROGRAM PROCESS		SPONSOR ACTIONS
1	A sponsor may submit a request to NRCS for EWP assistance	Contact the local NRCS District Conservationist or State EWP Program Manager to discuss submitting a request
2	NRCS determines whether EWP is applicable and prepares an initial cost estimation and damage survey report (DSR)	Contribute DSR team members
3	Funding (if available) is allocated for implementation of the emergency measures identified in an approved DSR	Prepare forms needed to receive federal assistance
4	Enter into a Project Agreement	In cooperation with NRCS, define the responsibilities and activities to be carried out
5	Design and Construct Recovery Measures	If sponsor is responsible for design and/or construction, complete these activities as assigned in the Project Agreement
6	Request Cost Reimbursement	Follow process in the Project Agreement
7	Perform Operation and Maintenance	If NRCS determines a need for O&M, the sponsor will provide necessary O&M

On the pages that follow is information to help you anticipate events that may happen as part of the EWP Program process. If you have any questions about the information in this guide, please contact your NRCS District Conservationist.

Also, on the pages that follow are links to websites where you can find forms and documents that NRCS may ask you to fill out and send in. More forms, documents, and instructions may also be found in the [Sponsor Resources](#) section of the [NRCS EWP Program](#) website.

5.1 Request Program Assistance

To be considered for EWP Program assistance, a project sponsor must make a formal request for assistance to the NRCS State Conservationist (contact information in Section 1.3).

The request needs to share basic information about the sponsor's organization, the date of the natural disaster event, and details on the location and scope of the problems. It must also tell NRCS that your organization agrees to—

- Contribute your share of project costs.
- Obtain all land rights and permits.
- Perform and cover the costs of any operation and maintenance (O&M).

Finally, the letter must state that your organization will not have enough resources to put in place disaster recovery measures without getting assistance through the EWP Program.

Time limit: 60 days

NRCS can only consider requests for assistance received within 60 days from either the date of the disaster event or the date damaged sites could be safely accessed.

Forms &

Documents: Sample form letter

Register in SAM

The System for Awards Management (SAM) is a federal procurement database. NRCS can only enter into an EWP Program agreement (see Section 5.4) with sponsors that have an active registration in SAM. If your organization is not already registered in SAM when you request EWP Program assistance, immediately start the process on the SAM website. Also, the sponsor must have an active SAM registration for the duration of the agreement and up through final payment.

5.2 Evaluate Sites and Complete DSRs

When NRCS receives a sponsor's letter asking for assistance, the State Conservationist assigns staff to a Damage Survey Report (DSR) team that reviews and evaluates the damages referenced in the letter. Because sponsors must provide cost share and resources to the recovery effort, they can also help to choose and prioritize possible locations where recovery measures will be installed as part of the EWP Program response. For this reason, NRCS may ask that someone who can represent the sponsor go with the DSR Team on the site visits.

Damage Survey Report

NRCS staff evaluates the sites record what they find during a site visit on a DSR. The DSR contains information about—

- the sponsor
- damaged sites and their eligibility for program assistance
- proposed recovery measures
- the cost of restoration versus its benefit
- environmental and social impacts

The completed DSR will describe the proposed recovery measures, along with an estimate of what it will cost to complete the measures. They consider how recovery measures might affect a community and if property owners and other stakeholders will find the work acceptable. NRCS will emphasize measures that are the most economical and are to be accomplished by using the least damaging practical construction techniques and equipment that retain as much of the existing characteristics of the landscape and habitat as possible.

CPA-52 Environmental Evaluation Worksheet

As part of the site evaluation, NRCS staff take care to account for and estimate the potential impact on the environment of implementing recovery measures. Efforts must be made to avoid or minimize adverse environmental impacts associated with the implementation of emergency measures, to the extent practicable, giving special attention to protecting cultural resources and fish and wildlife habitat. Findings get reported on the CPA-52 Environmental Evaluation Worksheet, which NRCS must complete with each DSR. You can find more information about the CPA-52 Environmental Evaluation Worksheet on the [USDA NRCS Environmental Compliance web page](#).

Time limit: 60 days

For a project to be considered for program funding, the NRCS State Conservationist must submit the DSRs within 60 days from receipt of a sponsor's formal letter of request.

5.3 Funding of Emergency Measures

If national EWP funds are available, funds will be provided to the NRCS State Conservationist for the proposed EWP measures identified in the DSR.

When there is not enough federal money or it is not available, the DSR gets put on a waitlist. When this happens, there is no guarantee that NRCS money will eventually be supplied for the project. So, while a DSR is on the waitlist, NRCS suggests that sponsors do the following:

- Look for other funding.
- Notify NRCS if any part of the project gets done by other means.
- Notify NRCS if conditions change at any sites listed on a DSR.

If the condition at any site gets worse, to the point that the danger is severe, tell your District Conservationist right away.

5.4 Enter into a Project Agreement

Before EWP Program work can begin, the sponsor and NRCS must enter into a project agreement. NRCS cannot reimburse a sponsor for costs on work started before the project agreement gets signed by both parties. The agreement sets up the responsibilities and cost share of both NRCS and a sponsor, and who will complete the design, contract administration, and construction inspection of the emergency's measures.

A project agreement describes the scope of the recovery measures. It explains, in detail, the financial assistance and technical assistance that NRCS will provide. Also, in it are plans for making sure that recovery measures meet a certain level of quality.

NRCS staff help sponsors locate and understand documents that must be turned in with a project agreement. They also create a statement of work and because every project has different needs and resources, statements of work look different.

5.5 Design and Construct Recovery Measures

Sponsors and NRCS work together to put recovery measures in place. If the sponsor is responsible for design, the process starts with a pre-design meeting hosted by the sponsor and attended by technical representatives and engineers. During this meeting, the sponsor and NRCS set design limits and the project schedule. If a sponsor is responsible for design, NRCS can provide technical assistance funding to reimburse a portion of sponsor costs related to project design and construction administration. A sponsor may complete the design and contact work internally or hire a consultant. NRCS will work with the sponsor during the design phase to coordinate any needed reviews and concurrence of the design. If NRCS is responsible for design, NRCS completes the design and construction contracting to implement the project.

Other documents needed to be completed include the plan of operations (for force account agreements) and the quality assurance plan (QAP) as well as an operation and maintenance (O&M) plan.

Plan of Operations

When sponsors agree to supply construction services as part of their cost share, a plan of operations must be developed. In the plan are quantity and cost estimates.

Construction Quality Assurance Plan

The QAP lays out details like when and how often testing and inspections happen as well as who must complete these tasks. Also listed in the QAP are critical milestones when more testing and inspections need to happen.

Operation and Maintenance Plan

The O&M plan defines what actions the sponsor will do to ensure the EWP recovery measures function as designed once construction is complete. Items may include mowing, reseeding vegetation, removing sediment, reshaping earth fill, replacing rock riprap, and so on.

During the design and construction phases, project sponsors may have to—

- Get any necessary real property rights, water rights, and regulatory permits.
- Request contractor bids.
- Manage and pay on construction contracts.
- Keep documentation of construction and technical service costs.
- Inspect constructed recovery measures.

NRCS staff also inspects implemented recovery measures to make sure they meet approved plans and specifications, are stable, and can survive another major natural event.

An EWP Program project is thought of as complete when all tasks and inspections are done and have been accepted by NRCS.

Time limit: 220 days (10 days for exigent situations where the threat is immediate)

Construction of recovery measures must be done within 220 calendar days (10 days for exigencies) from the day that program funds are allocated to the NRCS State Conservationist for the recovery measures.

Forms &

Documents: Listed here are some forms and documents often referenced and used during the design and construction of recovery measures.

- FOTG Conservation Practice Standards
- QAP template – Structural Work
- QAP template – Debris Removal
- QAP template – Typical Inspection
- O&M plan sample

5.6 Request Reimbursement of Costs

Once there is a signed agreement, any work items that are completed and approved by NRCS can be submitted for reimbursement if they are the responsibility of the sponsor. Sponsors do not have to wait until a project is complete to request reimbursement of their eligible costs and expenses. Sponsors can submit reimbursement requests as often as each month. Once NRCS approves a request, payment is made by electronic funds, usually within 14 days.

To help make the reimbursement of construction costs go smoothly, sponsors can save and submit supporting documentation that provides as much detail as possible., Listed here are some documents commonly required. Note that NRCS may request additional documentation not shown on this list.

Construction reimbursement:

- Construction invoices
- Contractor proof of payment (showing items and quantities installed)
- Certification by the engineer of record
- Other: quantity calculations, rock weight tickets, etc.

In-kind construction reimbursement:

- Employee timesheets (including hourly rate)
- Equipment operation logs (including type, dates, hourly rate, time in operation)
- Other: material type, quality, quantities

Technical and administrative service reimbursement:

- Consultant invoices
- Proof of payment
- Employee timesheets (including hourly rate)

Time limit: 90 days

Sponsors must submit final requests for reimbursement within 90 calendar days from when the EWP agreement ends.

Forms &

Documents: SF-270 Request for Advance or Reimbursement

5.7 Perform Operation and Maintenance

Sponsors are required to make sure that a recovery measure continues to function as designed. They do so by carrying out O&M tasks on structural recovery measures put in place. Sponsors are responsible for O&M costs.

The need for an O&M agreement will be determined by the NRCS State Conservationist on non-Federal lands. For Federal lands, the Federal agency is responsible for operating and maintaining emergency measures.

O&M tasks get defined in the O&M plan during the design. A sponsor's O&M responsibilities begin when construction is completed and extend for the duration of the time required for the emergency measure to serve the purpose for which it is installed. NRCS monitors any recovery measures put in place and communicates any concerns to project sponsors.

6 Program Forms and Documents

Sponsors are required to complete and submit specific forms and documents throughout the EWP Program process. Some have already been mentioned in previous sections of this guide. Those mentioned and additional forms and documents that you can expect to submit are listed, linked to, and described here.

ADS-78 Real Property Assurances (federal contract only)

This USDA NRCS form is used by a sponsor to provide assurances to NRCS regarding real property rights. The form must be completed and submitted prior to the implementation of recovery measures funded through EWP Program financial assistance.

Attorney's Title of Opinion Form Letter (federal contract only)

The attorney's title of opinion form letter certifies that the sponsor has adequate title, right, permission, and authority over the property on which EWP Program recovery measures will be implemented.

Certification of Lobbying

This document certifies that a sponsor has not been involved in lobbying activities that may have influenced or resulted in the award of EWP Program assistance.

Quality Assurance Plan Templates

A quality assurance plan (QAP) outlines the responsibilities of a sponsor to ensure that recovery measures are installed in accordance with project plans and specifications. QAPs identify all the individuals who will perform various quality assurance tasks. QAPs outline the frequency and timing of inspections and designate items of work that require continuous inspection versus intermittent or periodic inspection. Sponsors can use the following templates for completing QAPs.

- QAP template – Structural Work
- QAP template – Debris Removal
- QAP template – Typical Inspection

Operation and Maintenance (O&M) Plan Template

Sponsor tasks related to the operation and maintenance of recovery measures get defined in the O&M plan during the design of a project. The O&M plan identifies items that will require maintenance, cost estimates, the timing of inspections, and the length of time that a sponsor will be required to complete operation and maintenance on recovery measures. Here is a sample O&M plan.

Request for Assistance Form Letter

Sponsors can use this form letter to submit a formal request for assistance. Using this template will ensure all required elements of a formal request are provided. Remember that NRCS can only consider requests for assistance received within 60 days from either the date of the disaster event or the date damaged sites can be safely accessed.

SF-424 Forms

To receive EWP Program assistance the following SF-424 federal forms must be completed by a sponsor:

- SF-424: Application for Federal Assistance
- SF-424C: Budget Information (Construction Programs)
- SF-424D: Assurances (Construction Programs)

Fillable PDFs and instructions can be accessed through the web page link provided.

SF-270 Form Request for Advancement or Reimbursement

Form SF-270 is a federal form used to request reimbursement for eligible costs that a sponsor has already paid to design or implement EWP Program recovery measures. This form must be submitted along with supporting documentation. Sponsors will be paid by electronic funds transfer (EFT) approximately 14 days after NRCS approves the request.

7 Frequently Asked Questions

7.1 Program Eligibility

Q: What damage is commonly eligible for recovery under the EWP Program?

A: Head-cutting gullies, severely eroded stream banks and drainage ditches, wildfire damage, debris in channels, sediment deposits in creeks and drainage ditches, channel stabilization at culverts and bridges, landslides causing a watershed impairment, and so on.

Q: What amount of debris or sediment in a channel would cause a watershed impairment and thus be eligible for removal under the EWP Program?

A: While channel blockages are site-specific, if debris or sediment blocks more than 25 percent of the cross-sectional area, it is likely to pose a threat.

Q: What is an example of a landslide threat that is eligible for program assistance?

A: A hillside adjacent to a road experiences a slope failure during a storm event. The slide has filled a major channel or large ditch and is causing severe flooding onto the road. Removal of the slide material and stabilization of the site may qualify for program assistance.

7.2 Program Limitations

Q: What types of damage are not eligible for program assistance?

A: Pre-existing damage or damage resulting from regular storm events is not eligible for program assistance. Other program limitations include damage—

- that threatens farmland, woodland, or pastureland only
- to beaches, dunes, or shorelines
- to structures installed by other federal agencies, such as canals and drainage channels built by the USACE

Q: Can program assistance be used to repair infrastructure (e.g., roads, bridges, etc.)?

A: Program assistance can be used to relieve a threat to infrastructure, not repair infrastructure.

Q: Can program assistance be used to construct a new channel to provide the drainage necessary for protection from flooding that creates a threat to life and property?

A: NRCS will only provide assistance for measures that restore the hydraulic capacity to the natural environment to the maximum extent practical.

7.3 Program Process

Q: Which sites must have a site-specific O&M plan?

A: The need for an O&M agreement will be determined by the NRCS State Conservationist. Most structural work will require an O&M plan. Some non-structural work, like debris removal, may not require an O&M agreement.

Q: How neat and detailed do construction drawings need to be?

A: The amount of detail should be commensurate with the complexity of the site. There should be enough detail for NRCS to determine if the construction meets the program's intent and for a contractor to perform the construction.

Q: Do all engineering plans need to have a professional engineer (PE) seal?

A: Yes, except for sites where only debris removal is occurring. Further, NRCS engineers review all engineering plans and specifications and must concur with the recovery measures.

Q: Who performs the final inspections of implemented recovery measures?

A: This depends on who is responsible for the construction phase. When the sponsors are responsible for construction, NRCS will confirm that they align with previously concurred plans. If NRCS finds any critical deficiencies, the sponsor must correct them before NRCS can make a final reimbursement.

8 Document Links

- Service Center Locator
<https://offices.sc.egov.usda.gov/locator/app>
- State EWP Program Manager
<https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/landscape/ewpp/>
- State Conservationist Directory
<https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/contact/states/>
- NRCS EWP Program Managers and Limited Resource Area Counties Map
<https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/landscape/ewpp/>
- Code of Federal Regulations (CFR): 7 CFR Part 624 and 7 CFR Part 654
<https://www.ecfr.gov/current/title-7/subtitle-B/chapter-VI/subchapter-C/part-624>
<https://www.ecfr.gov/current/title-7/subtitle-B/chapter-VI/subchapter-F/part-654>
- EWP Program Manual
<https://directives.sc.egov.usda.gov/RollupViewer.aspx?hid=26433>
- National Engineering Manual
<https://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=43502.wba>
- Field Office Technical Guide
<https://efotg.sc.egov.usda.gov/> Conservation Practice Standards in Section IV
- National Engineering Handbook (NEH) Part 642
<https://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=37328.wba>
- SAM Website
<https://sam.gov/content/home>
- CPA-52 Environmental Evaluation Worksheet
<https://www.nrcs.usda.gov/resources/guides-and-instructions/nrcs-environmental-evaluation-cpa-52-worksheet-tools-and-training>
- SF-270 Request for Advance or Reimbursement
<https://www.grants.gov/forms/post-award-reporting-forms.html>
- ADS-78 Real Property Assurances
<https://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=30969.wba>
- Certification of Lobbying
<https://www2.ed.gov/fund/grant/apply/appforms/ed80-013.pdf>
- SF-424 Forms
<https://www.grants.gov/forms/sf-424-family.html>