The Federal Emergency Management Agency (FEMA) Public Assistance (PA) Program provides supplemental assistance to states, tribes, and local governmental entities, as well as certain private non-profit organizations (hereinafter referred to as applicants). FEMA’s Public Assistance Program and Policy Guide (http://www.fema.gov/public-assistance-policy-and-guidance) provides comprehensive information regarding assistance that FEMA can provide and the requirements applicants must meet in order to receive the assistance. This Fact Sheet is to inform applicants of the various Federal agency authorities for flood control works.

Flood control works are structures, such as levees, flood walls, flood control channels, and water control, that are designed and constructed to have an appreciable effect in preventing damage due to an irregular and unusual rise in water levels. Although flood control works may be eligible public facilities, FEMA cannot provide PA funding when another Federal agency has specific authority to provide assistance. Applicants need to apply to the appropriate Federal agency for assistance.

Flood-Fighting Activities

**Federal Emergency Management Agency (FEMA):** FEMA provides PA funding for flood-fighting activities performed by eligible applicants necessary to reduce an immediate threat to life, public health and safety, or improved property, which may include, but are not limited to, sandbagging, dewatering behind a levee by breaching or pumping, or temporarily increasing the height of a levee. These are emergency protective measures, which are authorized under 42 U.S.C. 5170b, section 403 of the Stafford Act.

**United States Army Corps of Engineers (USACE):** USACE can conduct or perform flood-fighting activities under its Rehabilitation and Inspection Program, Public Law 84-99 (RIP); however, USACE cannot reimburse local, State, Territorial, or Tribal governments for their flood-fighting activities. FEMA can reimburse costs incurred by the applicant as eligible PA work.

**United States Department of Agriculture – Natural Resources Conservation Service (NRCS):** Flood-fighting activities related to flood control works under the specific authority of the NRCS (funded under Public Law (P.L.) 78-534 Flood Control Act of 1944 or P.L. 83-566 Watershed Protection and Flood Control Act of 1954) are not eligible for PA funding.

Debris Removal

**FEMA:** When disaster-related debris creates an immediate threat to life, public health and safety, or improved property because it causes an obstruction in a flood control facility, the removal of the obstruction is eligible for PA funding. The applicant is responsible for identifying debris deposited by the incident that poses an immediate threat. Eligible work also includes debris removal from flood control facilities that are eligible for USACE’s RIP.

“FEMA’s mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.”

December 8, 2017
USACE: USACE does not reimburse local, State, Territorial, or Tribal governments for debris removal, but conducts this activity directly when necessary.

NRCS: NRCS is responsible for debris removal from flood control facilities that are part of the NRCS Watershed and Flood Prevention Operations under P.L. 83-566 or P.L. 78-534. This work is not eligible for FEMA PA funding, even if NRCS does not have sufficient funding or does not provide assistance.

Rehabilitation Assistance
Rehabilitation of a flood control work under the authority of USACE or NRCS is not eligible permanent work for PA funding. Secondary levees riverward of a primary levee are ineligible, unless the secondary levee protects human life.

FEMA: The applicant may apply to FEMA for temporary emergency repairs and permanent restoration of its facilities that are improved and maintained provided that the:

• Facility was engineered and meets the definition of a flood control work (as defined above);
• Facility was not constructed by a Federal agency;
• Facility was never Active in USACE’s RIP; and,
• Facility was deemed ineligible under NRCS EWPP for reasons other than funding.

USACE: The applicant may apply to USACE for rehabilitation of Flood Control Works that are active in the USACE RIP. USACE has authority under PL 84-99 to rehabilitate both Federal (USACE-constructed, locally operated and maintained) and non-Federal (constructed, operated, and maintained by non-Federal interests) flood control works damaged by flood.

• For a non-Federal flood control work to be eligible for Rehabilitation Assistance, it must have been inspected, evaluated, and accepted into RIP (i.e., granted Active status) prior to the onset of the flood, and still be Active (based on the latest Continuing Eligibility Inspection) at the time of the flood.
• For a Federal flood control work to be eligible for Rehabilitation Assistance, it must be in Active status by having passed its last Completed Works inspection.
• Rehabilitation Assistance will be provided only when the work is economically justifiable, the damage was sustained during the recent flood event, and the cost of repairs is more than $15,000.
• Rehabilitation Assistance for the non-Federal flood control works is cost shared between the public sponsor (e.g., local government) and USACE. The public sponsor must provide 20 percent of the cost of the Rehabilitation Assistance.
NRCS: The applicant may apply for assistance under the NRCS Emergency Watershed Protection Program (EWPP) to remove debris from channels, stabilize and protect eroded banks, repair damaged drainage facilities, establish cover on critically eroding lands, and repair levees and structures. 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.

All projects must be related to a sudden watershed impairment and erosion control that reduces threats to life and property. EWPP may not be used to solve watershed or natural problems that existed prior to a natural disaster. All EWPP work must:

- Be economically, socially, and environmentally defensible
- Be sound from an engineering standpoint
- Yield benefits to more than one person
- Represent the least expensive, environmentally sound alternative

Assistance under the EWPP is provided based on priority. Therefore, the applicant will need to identify the areas of priority in its application to NRCS.

For Additional Information: