

Overview

The first responsibility for protecting homes and property from flood damage rests with the individual. Non-federal interests which include local governments, levee and drainage districts, and federally recognized Indian Tribes (hereinafter referred to as “local interests”), and the state share the responsibility and together they form the community’s first line of defense in preventing flood damage.

Occasionally, however, local resources are not able to contain or control a flood emergency situation. The U.S. Army Corps of Engineers’ (USACE) flood disaster assistance program is intended to supplement and support local interests upon their request for assistance.

The information contained in this brochure provides a summary of the USACE Flood Emergency Assistance Program. A more detailed discussion may be obtained by reviewing Engineer Regulation 500-1-1 available on the web at <http://www.usace.army.mil/publications/eng-regs/er500-1-1/toc.htm>.

Flood Emergency Assistance Available

The USACE is authorized to provide flood emergency assistance under three categories:

- Emergency Operations, Flood Fight Assistance
- Rehabilitation of Damaged Flood Damage Reduction Projects
- Advance Measures

When flood conditions exceed, or are predicted to exceed the response capability of levee and drainage districts and local or state governments, the USACE has the authority under Public Law 84-99 to provide emergency flood response assistance without further specific authorization of Congress. The USACE can furnish assistance for flood emergency preparation, flood fighting and the repair and restoration of certain flood damage reduction projects damaged or destroyed by flood. Assistance also includes providing flood fight personnel for technical advice, sandbags, plastic sheeting, pumps, or other materials and equipment for an imminent or actual flood emergency to protect against substantial loss of life and property.

The USACE assistance is intended to be **supplemental** and not a replacement for local interests’ self-help, and requires a written request for assistance from a public sponsor or entity. No assistance can be provided directly to **individuals or businesses**.

The sponsoring agency/local interests must be fully authorized to provide requirements of local cooperation and to pay a local share of the costs. Since most emergency work provides protection for an immediate situation, USACE authority does not extend to the **reimbursement** of flood fighting expenditures incurred

by local interests, flood and debris cleanup, or the removal of temporary flood control structures.

Participation by the USACE in emergency operations may extend to operational control of emergency forces only upon a written request by local interests. This action will be exercised only when the situation exceeds the non-federal capability to execute.

Emergency Operations and Flood Fight Assistance

The USACE is authorized to lend/issue emergency flood fighting supplies. The USACE role is to provide “**supplemental**” support to local interests and the state during flood fight operations. The local interests have the primary responsibility for expending sufficient resources to ensure effective flood fight preparedness. Maximum use of **local resources** and **state resources** must be made before assistance in the form of supplies and equipment can be provided by the Federal Government.

Typical preparedness activities by local interests should include the stockpiling of flood fight supplies such as sandbags and polyethylene sheeting, and advance rental or procurement of equipment such as pumps, generators, boats, and motors.

Also included are the preparation of flood response plans and proper maintenance of any existing flood damage reduction projects. Flood fighting supplies should be stockpiled to meet the total needs of flash floods and lesser floods of longer duration as well as the initial requirements of a major flood occurrence.

Expendable supplies provided by USACE, such as sandbags will be replaced in kind or paid for by local interests to the extent considered feasible and practicable by the Division or District Commander. District Commanders may waive replacement of supplies when a Presidential Disaster Declaration is made.

Rehabilitation of Damaged Flood Damage Reduction Projects

The USACE will provide assistance in the rehabilitation of flood damage reduction projects only when the federal or non-federal project is in “Active” status in the USACE Rehabilitation and Inspection Program, the damage has been caused by a recent high water event, and repairs are clearly beyond the normal, physical, and financial capabilities of the project sponsor. The urgency of the work is considered when determining local interest capability. Flood damage reduction projects must be designed and constructed to provide appreciable and dependable protection in preventing damage from irregular and unusual rises in water levels to be considered flood damage reduction projects.

Rehabilitation under Public Law 84-99 will not be applied to projects which, as a result of poor maintenance or deterioration, require substantial reconstruction. All deficient or deferred maintenance outstanding when damage occurs will be accomplished by or at the expense of the responsible public sponsor either prior to or concurrently with the authorized rehabilitation work. No project will be repaired unless the work satisfies the USACE criteria for a favorable benefit-to-cost ratio.

Structures built primarily for the purpose of channel alignment, navigation, recreation, fish and wildlife enhancement, land reclamation, drainage, or erosion protection are **ineligible** for Public Law 84-99 rehabilitation.

The USACE requires that requests for rehabilitation work be submitted within 30 days after the floodwaters recede to bank full. The public sponsor should request a rehabilitation investigation from the appropriate USACE District as soon as possible after the flood damage occurs.

Advance Measures

Advance Measures consists of those activities performed prior to flooding or flood fighting to protect against loss of life and damages to urban areas and/or public facilities.

Emergency work under this category will be considered **when requested by the Governor** of a state confronted with an immediate threat of unusual flooding. USACE assistance will complement the maximum efforts of local interests.

Projects will be designed for a specific threat and, unless specifically excepted, **will be temporary in nature**.

Requirements for USACE Assistance

The public sponsor must execute a standard Cooperation Agreement with USACE to include:

- (a) **Furnishing of lands, easements, rights-of-way, relocations and disposal sites (LERRD)**. This item provides for sites of structures, for borrow and disposal areas, and for access; also, for all other rights in, upon, through or over private property as needed by the United States in connection with the authorized work. Performance by the public sponsor under their assurance to furnish LERRD will normally not be considered a contribution. If more advantageous to the Federal Government, borrow and disposal areas may be assumed as federal responsibility. Easements must be provided for future federal inspection of maintenance or removal.

- (b) **Hold and save clause to indemnify the government for certain damages.**
- (c) The sponsor's agreement to operate, maintain, repair/ replace, and rehabilitate the completed work in a manner satisfactory to the Government.
- (d) **Compliance.** The sponsor must comply with applicable provisions of the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" (Public Law 91-646, 84 stat 1894).

Funding/Cost Share

- Emergency Operations Flood Fight Assistance
 - 100% federal
 - LERRD provided by public sponsor
- Rehabilitation of Damaged Flood Damage Reduction Projects
 - Federally authorized projects operated and maintained by public sponsor – 100% federal
 - Non-federal projects – 80% federal / 20% public sponsor
 - LERRD provided by public sponsor
- Advance Measures
 - 100% federal for temporary measures
 - 75% federal / 25% public sponsor for permanent measures
 - LERRD provided by public sponsor

Major Disaster Recovery

The Federal Emergency Management Agency (FEMA) under the authority of the Robert T. Stafford Disaster "Relief and Emergency Assistance Act" (Public Law 93-288 as amended) administers disaster recovery work under the National Response Framework. USACE assistance under this authority is provided only upon mission assignment from FEMA.

How to Request Public Law 84-99 Flood Emergency Assistance

- **Emergency Operations, Flood Fight Assistance**
If a flood situation is beyond local interests' capabilities, they may request flood fight assistance by calling the California State-Federal Flood Operations Center at (916) 574-2619, who will then contact the appropriate USACE District office. The local interests should also follow up the phone call with a request letter similar to the example provided. When the request is received, local interests will be contacted and promptly advised on the USACE ability to provide assistance.
- **Rehabilitation of Damaged Flood Damage Reduction Projects**
Following major flood events the USACE will notify all levee sponsors/owners that requests for assistance to repair damaged flood damage reduction projects are

being accepted. Project sponsors may request USACE Rehabilitation assistance by letter providing the following information:

- Name and telephone number of public sponsor point of contact
 - Legal name of flood damage reduction project
 - Date and result of last USACE inspection
 - Project location by Township, Section, Range, city and county
 - Location of damaged section(s), and extent of damage at each
 - Name of waterway causing the damage
- **Advance Measures**
Requests for Advance Measures assistance must be submitted to the appropriate USACE District Commander by letter signed by the Governor of the state, and containing the following information:
- A description of the state and/or local efforts undertaken
 - A statement that the state has committed all available resources
 - The specific locations(s) and types of assistance needed
 - Name of the project sponsor
 - Additional commitments to be accomplished by the state

Example Assistance Request Letter

(letterhead of sponsoring political subdivision)
District Commander
U.S. Army Engineer District, _____
Address of USACE District

Dear Sir:

The existing high water conditions constitute a flood threat to the safety of persons and property of _____ located in the County of _____, State of _____.

The potential threat is beyond our capability to address. It is requested that the U.S. Army Corps of Engineers provide emergency assistance in the form of temporary protection.

Sincerely,

(signature) (public official)

(print name)

(title)



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of Engineers®**

FLOOD EMERGENCY ASSISTANCE

