

CHAPTER 4

EMERGENCY OPERATIONS - RESPONSE OPERATIONS

4-1. Policy. USACE may provide emergency assistance under PL 84-99 (Class 210, Response Operations, or Class 230, Post Flood Response) to save lives and protect improved properties (e.g., public facilities/services and residential/commercial developments) during or following a flood or coastal storm. USACE may provide technical assistance to save lives and protect improved properties (e.g., public facilities/services and residential/commercial developments) during or following other types of natural disasters.

a. Principle of USACE Emergency Assistance. USACE emergency assistance will be undertaken only to supplement state and local efforts. State, tribal, and local interests must commit all available resources, i.e., work force, supplies, equipment, funds, National Guard assets, etc., as a general condition of USACE assistance.

b. Assistance for Ice Jams. Assistance regarding ice jam clearing and ice jam blasting is limited to technical assistance. USACE will not participate in, nor contract for, ice blasting or ice jam clearing operations.

c. All assistance provided by USACE is subject to the policy in Chapter 2, and this chapter.

4-2. Authorization. MSC and district commanders must request funding prior to activation and/or provision of assistance. Specific exemptions to this are provided at ER 11-1-320. Where other Federal agencies have adequate emergency authorities, USACE assistance under PL 84-99 is not permitted.

4-3. Emergency Operations - Flood Response Operations.

a. Declaration of Emergency. District commanders will issue a Declaration of Emergency in order to implement their flood response operations authorities.

(1) The Declaration of Emergency may initially be verbal, but must be made in writing and reported in the district's SITREP within 24 hours of the declaration.

(2) Authority to issue a Declaration of Emergency is delegated to Deputy District Engineers, and all supervisors in the chain from the District Commander to the Chief of Emergency Management, inclusive. For purposes of a Declaration of Emergency, "Chief of Emergency Management" includes an acting Chief of Emergency Management. District commanders may withhold authority to issue a Declaration of Emergency, either by written correspondence, or via a published OPLAN.

b. Scope of Assistance. USACE assistance during flood fighting operations will be of a temporary nature to meet the immediate threat and to supplement state and local efforts. It is not intended to provide permanent solutions to flood problems.

c. Flood Fight Efforts. USACE flood fight efforts will be in accordance with sound principles of engineering judgement and economic justification.

d. Technical Assistance. Technical assistance consists of providing review and recommendations in support of state and local efforts, and helping determine feasible solutions to uncommon situations. The following are examples of technical assistance:

(1) Providing experienced personnel to give guidance on flood fight techniques and emergency construction methods.

(2) Providing personnel to inspect existing flood protection projects and/or structurally threatened dams to identify problem areas and recommend corrective measures.

(3) Providing hydraulic or hydrologic analysis, geotechnical evaluations, topography and stream data, maps, and historic flood or storm information.

e. Direct Assistance. Direct assistance may include, but is not limited to, the issuance of supplies, the loan of equipment, rescue operations, directing flood fight operations, and contingency contracting. Direct assistance under PL 84-99 is limited to flooding and coastal storm-related emergencies only.

(1) Supplies and Equipment. Issuance of supplies and equipment to non-Federal interests is permitted only in declared flood emergencies. Government supplies and equipment should be made available if the arrival or non-availability of local supplies and equipment will cause delays in the response effort. All unused stocks on loan will be returned to USACE when the operation is complete. USACE supplies and equipment may be loaned to tribal, state, and local officials for use in supplementing their flood fighting operations. Loaned supplies and equipment should be returned in the same condition as it was when lent, replaced in kind, or reimbursement made to USACE. District commanders may waive loan replacement requirements for expendable supplies when a presidential disaster declaration under authority of the Stafford Act has been made. Reimbursement is required for all other situations.

(2) Rescue. USACE may use its resources to assist in rescue operations. Any USACE equipment and personnel used in the operation should be directed by a local official such as a law enforcement officer, or tribal/state/city/county officials duly appointed to conduct rescue operations.

(3) Directing Flood Fight Operations. USACE may direct flood fight operations upon request of an appropriate state or local official. However, legal responsibility remains with the requesting state or local official.

(4) Contingency Contracting.

(a) USACE may award contracts for emergency operations, when reasonable and prudent to do so. Actions will conform with Army Federal Acquisition Regulation Supplement Manual No. 2, entitled Contingency Contracting, and other current guidance. See Chapter 11 for additional information.

(b) Flood fight assistance to a single FCW project/levee district anticipated to exceed \$1 million must be coordinated with HQUSACE prior to execution.

(5) A CA is required for all direct assistance and contingency contracting performed. See EP 500-1-1, Chapter 4, Figure 4-2 for the CA format.

(6) Supply. Before commercially contracting for supplies, particularly sandbags during a flood fight, USACE stockpiles, GSA stocks, or Defense Logistics Agency (DLA) supply sources should be given first consideration if timely delivery can be made and the costs are less than or equal to that of the commercial source for equivalent sandbags. All applicable supply and contracting directives will be followed. Contingency contracting methods may be used if needed to meet the mission requirement.

f. Data Collection. Incidental to ongoing flood response operations, the recording of flood data that is (1) unique to the basin, and (2) would be irretrievably lost if not collected during or immediately after a flood, can be accomplished where no other authority exists and no other funds are available. Data collection efforts will be limited to those situations involving record or near-record flood levels, or a set of highly unique circumstances not previously encountered.

(1) Acceptable data collection activities include: ground and aerial photography (not to include controlled aerial photography or map preparation); setting of high water marks for future recovery and documentation under other authorities; and basic hydrologic data not obtainable under other programs, from USACE project activities, or from other agencies.

(2) Detailed flood damage surveys or analysis, collection of economic data, hydrologic studies, compilation of comprehensive flood data, sedimentation surveys, collection of data on socio-economic impacts, and detailed frequency analysis cannot be undertaken using this authority.

(3) Any data collected should be maintained at the district as a permanent reference file. All data collection activities should be substantially complete when the emergency response/Post Flood Response activities are complete.

g. Flood Fighting - Agricultural Levees. Flood fight activities on agricultural levees will be limited to the provision of technical assistance to local interests.

h. Deliberate Levee Cuts.

(1) Effecting a deliberate levee cut to maintain the structural integrity of the levee and/or reduce expected repair costs is a responsibility of the public sponsor. Deliberate levee cuts normally will not be carried out by USACE.

(2) Repairs of deliberate levee cuts are not eligible for Rehabilitation Assistance. An exception will be made for those levees that were deliberately breached after consultation with the Corps, and the Corps acknowledged the validity of the need for the deliberate breach to protect the integrity of the levee (or an adjacent levee system) and thereby reduce overall damages.

i. Ending Flood Response Activities. Field flood response activities substantially terminate when floodwaters recede to bankfull, absent a short-term (less than 72 hours) threat of a return to flood conditions.

j. Reporting. Reporting will be in accordance with the procedures of EP 500-1-1.

k. After Action Reports. After action reports will be prepared as required in Chapter 4, EP 500-1-1, in the format specified.

l. Haul Roads. Refer to paragraph 5-2.t. for policy regarding restoration of haul roads.

m. Pumps. Exclusive of Corps project operations, USACE-owned and USACE-leased pumps are to be used only for floodfight purposes, and not for dewatering purposes.

4-4. Emergency Operations - Disasters Other Than Floods. Under PL 84-99 authority, operations during non-flood emergencies are limited to activation of EOC's, rescue operations, the provision of limited technical assistance, and liaison activities. These activities are properly funded under Class 210 until the situation clarifies, and disengagement of USACE resources or the identification of more appropriate USACE resources and funding can be made. District commanders will issue a Declaration of Emergency in order to implement their response operations authorities.

(1) The Declaration of Emergency may initially be verbal, but must be made in writing and reported in the district's SITREP within 24 hours of the declaration.

(2) Authority to issue a Declaration of Emergency is delegated to Deputy District Engineers, and all supervisors in the chain from the District Commander to the Chief of Emergency Management, inclusive. For purposes of a Declaration of Emergency, "Chief of Emergency Management" includes an acting Chief of Emergency Management. District commanders may withhold authority to issue a Declaration of Emergency, either by written correspondence, or via a published OPLAN.

4-5. Post Flood Response. Following floods, hurricanes, or coastal storms, but *prior to* a Presidential declaration pursuant to the Stafford Act, USACE may provide Post Flood Response assistance. A Declaration of Emergency is required.

a. **Limitation of Activities.** Post Flood Response activities are limited to actions to save lives and protect improved property (e.g., public facilities/services, and residential or commercial developments).

b. **Limitation of Scope of Post Flood Response.** Post Flood Response activities are limited to major floods, hurricanes, and coastal storms.

c. **Debris Clearance - Transportation Routes.** Clearance of debris from transportation routes is permitted when it is required to prevent loss of life or significant damage to public property, as determined by the MSC or district commander. Clearance of debris may be undertaken to reopen critical transportation routes, e.g., for emergency vehicles and access to medical facilities. Debris removal (i.e., movement of the debris to a disposal area or dump) will not be undertaken under Post Flood Response.

d. **Debris Clearance - Blockage.** Clearance of debris blocking critical water intakes, sewer outfalls, etc., may be undertaken.

e. **Debris Clearance - Water Courses.** Clearance of drainage channels, bridge openings, or structures blocked by flood-deposited debris may be undertaken if critical for the restoration of public services and access, public safety, or to prevent further significant damages.

f. **Restoration of Transportation.** Restoration of critical transportation routes, public facilities, and public services may be undertaken.

g. **Limitation of Assistance.** Assistance to individual homeowners and businesses (to include agricultural property) is not permitted.

h. Coordination Requirement. All potential work must be coordinated by the MSC or district with the appropriate FEMA region prior to execution of the work.

i. Governor's Request. A written request for Post Flood Response from the governor to the district commander will be provided concurrently with or immediately after the governor's request to FEMA for a disaster declaration under the Stafford Act. This request must:

- (1) Indicate that the recovery work is beyond the capability of the state to accomplish;
- (2) Identify specific damage locations; and,
- (3) Detail specific requirements for USACE assistance.

j. The Ten Day Rule. USACE assistance may be provided for a maximum of ten (10) days from the date of receipt of the governor's request for assistance. Subsequent requests for additional assistance resulting from the same disaster will not extend the 10-day period or trigger a new 10-day period. No work, including contract work, shall be performed after the 10-day period expires. No work shall be initiated subsequent to a Presidential disaster declaration. No work shall be initiated after denial of such a request for a declaration.

k. Types of Assistance. Post Flood Response assistance may be technical assistance and/or direct assistance.

(1) Prior to providing any Post Flood Response technical assistance, the providing district must notify its higher headquarters that technical assistance will be provided.

(2) Prior to providing any Post Flood Response direct assistance by contract, HQUSACE approval is required. Direct assistance shall be limited to alleviation of life threatening situations.

l. All Post Flood Response direct assistance activities require a CA. See EP 500-1-1, Chapter 4, Figure 4-3, for the CA format.

m. No data collection efforts of any kind are permitted under Post Flood Response.

4-6. Funding. ER 11-1-320 prescribes funding procedures for activities under PL 84-99. When Emergency Operations - Response Operations activities are initiated, appropriate funds must be immediately requested in accordance with ER 11-1-320. FCCE funding for flood fights is normally applicable only to those projects for which the public sponsor has full operation and maintenance responsibility, regardless of a project's status in the RIP.

a. Corps Operated and Maintained Flood Damage Reduction Projects. For a project that is funded with USACE Operations and Maintenance, General (O&M Gen) funds, emergency work will be funded using project funds. If project funds are not adequate to fund the emergency work, then Class 210 funding can be requested as a last resort to undertake the emergency work required. Project funds available at a later date will be used to reimburse FCCE funds expended during the operation.

b. USACE-Funded Flood Damage Reduction Projects Under Construction. Emergency work on USACE projects under construction is to be funded from project funds. If the legal limitation on expenditure of funds is or may be reached, then Class 210 funding can be requested, as a last resort, to undertake the emergency work required.

4-7. Reporting. Reporting will be done as addressed in Chapter 4, Section V, EP 500-1-1, or as modified by HQUSACE.

ER 500-1-1
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