

Public Law 84-99



Civil Emergency Management Program

- Emergency preparedness, response, & recovery is a local responsibility.
- USACE, as a Federal agency, augments local governments once the locals have exceeded their capabilities.
- USACE works under two main authorities
 - PL84-99, Flood Control & Coastal Emergencies (FCCE) (USACE)
 - Robert T. Stafford Act (FEMA)
 - AR 500-60, Disaster Relief



Response vs Recovery

- Response
 - Directed at immediate human health & safety
 - Short-term ~1-4 wks
- Recovery
 - Directed at long-term recovery of a community
 - Long-term ~5+ wks
- PL84-99 targets response (Cat 200) & recovery (Cat 300)



PL84-99

- Under 33 USC 701n (PL84-99), *as Amended*, provides the authority to perform Emergency Operations, to include Response Operations and Post Flood activities
- Appropriation provided under FCCE
- Not dependent on a Presidential Declaration
- Engineering Regulation/Pamphlet (ER/EP) 500-1-1
 - Both ER/EP are currently being updated



PL84-99 Basics

- To save lives and protect improved properties (public facilities/services, residential/commercial development) during or following a flood or coastal storm.
- USACE assistance is supplemental to state and local efforts.
- Assistance for Ice Jams limited to TA.



PL84-99 Basics

- Response is to be at lowest level of government.
- No assistance to individuals or businesses.
- No reimbursement to state/locals. We are not a “grants” agency.



PL84-99 Basics

- No double-dipping.
- USACE assistance not permitted when:
 - Other Federal agencies have adequate emergency authorities.
 - When other USACE authorities exist that can adequately address the situation.



Categories of Work/Functions

- CAT 100 – Disaster Preparedness
- **CAT 200 – Emergency Operations**
- **CAT 300 – Rehabilitation & Inspection Program**
- CAT 400 – Water Assistance
- CAT 500 – Advance Measures
- CAT 600 – Hazard Mitigation



Category 100

Emergency Preparedness



CAT 100

- EM Operating Budget – labor, facility, equipment, supplies.
- Preparation of plans and Standard Operating Principles for quick & effective response.
- Team readiness.
- Development/Participation in exercises and training in the inter-/intra-agency arena.





Category 200

Emergency Operations



CAT 200

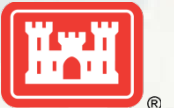
- EOC operations/activation (All hazards)
- Coordination with District teams for monitoring, involvement & possible deployment
- Flood fight operations
- Technical Assistance (TA) (All hazards)
- Rescue Operations (All hazards)



- Flood Response Operations
- Post-Flood Response Operations
- Response Operations – Other than floods



Flood Response Operations



Flood Response Operations

- Corps can provide flood fight assistance when the following criteria are met:
 - Rivers are at or above flood stage
 - Local resources are fully employed
 - Locals have requested assistance through State



Flood Response Activities

- A. Declaration of Emergency
- B. Scope of Assistance
- C. Flood Fight Efforts
- D. Technical Assistance
- E. Direct Assistance
- F. Data Collection



Flood Response Activities

- G. Flood Fighting Agricultural Levees
- H. Deliberate Levee Cuts
- I. Ending Flood Response Activities
- J. Reporting
- K. After Action Reports



A. Declaration of Emergency

- Issued in writing at District level w/in 24 hrs of Declaration. Commander, *or designee*, signs
- Needed in order to implement response ops and post-flood response authorities
- Required when USACE activities will be funded under Class 210
- Must be noted in District Situational report



B. Scope of Assistance

- Assistance temporary in nature to meet immediate threat to life or public property
- Supplements state/local/tribal efforts
- Not intended to overcome lack of adequate flood protection [or pre-planning] in a locality. *However, USACE will NOT hold out in an emergency*
- Not intended to provide permanent solutions to flood problems



Flood Response

- Early mobilization of Corps resources based on flood potential
- Corps can provide:
 - Technical assistance
 - Local coordination



C. Flood Fight Efforts

- USACE efforts will be in accordance with sound principles of engineering judgment and economic justification.
- Corps flood fight assistance is 100% federally funded, with possible exception of supplies and equipment.
- Contracting, removal or upgrade of all emergency measures is a local responsibility.



D. Technical Assistance

- Provide review and recommendations in support of state/local efforts and help determine feasible solutions to uncommon situations:
 - Guidance on flood fight techniques & emergency construction methods
 - Inspect existing FPPs and/or structurally threatened dams to identify problem areas & recommend corrective measures
 - Provide H&H analysis, geotech evaluations, topography and stream data, maps, & historic flood or storm info.
 - No Cooperation Agreement required



E. Direct Assistance

- May include, but not limited to, issuance of supplies, the loan of equipment, rescue operations, directing flood fight ops, and contingency contracting
- *Direct Assistance category is limited to flooding and coastal storm-related emergencies only*



E. Direct Assistance, cont'd

1. *Supplies & Equipment*

- a. *Issuance only in declared flood emergencies.*
- b. *Issuance permitted only to local/state governments, not individuals.*
- c. *Made available if the arrival or non-availability of local supplies/equipment will cause delays in response effort.*



E. Direct Assistance, cont'd

1. *Supplies & Equipment, cont'd*

- d. *Unused stocks, supplies, equipment on loan will be returned, replaced in kind, or reimbursement made to USACE when op is complete.*
- e. *Corps can provide sandbags, sandbag filling machines, pumps, and other flood fighting technology options. Should be hand-receipted. We don't provide the sand.*
- e. *Replacement requirement of expendable supplies may be waived if Presidential Disaster Declaration has been made.*





Sandbag Procedure



- ✓ Local/county gov'ts should go up their chain to state to request resources
- ✓ USACE does not deliver. Requestor needs to pick up bags
- ✓ WA & Ft. McHenry Supplies:
 - ✓ LNOs/EACs will contact NAB EOC
 - ✓ EOC will need: Name of requestor, position, agency, quantity needed, requestor contact #, proposed pick up date/time, who will be physically picking up bags, contact # for who is picking up
 - ✓ NAB EOC will contact WA to coordinate pickup
 - ✓ NAB EOC will confirm w/you
 - ✓ WA POC & NAB EOC track bag counts for reporting





Sandbag Procedure



- ✓ All Other Sandbag Stock Locations:
 - ✓ LNOs/EACs will coordinate directly w/stockpile POCs
 - ✓ You will need: Name of requestor, position, agency, quantity needed, requestor contact #, proposed pick up date/time, who will be physically picking up bags, contact # for who is picking up
 - ✓ Call requestor back to confirm and to give stockpile location POC & #
 - ✓ Stockpile locations as well as LNOs and EACs will track bag counts for reporting



Pumps & Geotextile Fabric

- Exclusive of Corps project ops, USACE-owned and USACE-leased pumps are to be used exclusively for flood fight purposes, and not dewatering purposes.
- Other USACE contracts available for geotextile supply & other supplies.
 - Contact NAB EOC



E. Direct Assistance, cont'd

2. *Rescue*

- a. *USACE may use its resources to assist in rescue ops. (WTC 911, plane landing in NY harbor)*
- b. *Equipment and personnel used should be directed by a local official such as a law enforcement center, or state/city/county/tribal officials appointed to conduct rescue ops.*



E. Direct Assistance, cont'd

3. *Directing Flood Fight Operations*

- a. *USACE may direct upon request of an appropriate state or local official*
- b. *Legal responsibility remains with the requesting state/ local official*



E. Direct Assistance, cont'd

4. *Contingency Contracting*

- a. *USACE may award contracts for emergency ops when reasonable and prudent to do so.*
- b. *Actions will conform with Army Federal Acquisition Regulations and other current guidance.*
- c. *Flood fight assistance to a single FPP project/levee district anticipated to exceed \$1 million must be coordinated with HQUSACE prior to execution.*



E. Direct Assistance, cont'd

5. *Cooperation Agreement (CA)*

- a. *Required for all direct assistance and contingency contracting performed.*

6. *Supply*

- a. *Before contracting for supplies, esp. sandbags, USACE stockpiles, GSA Stocks, or Defense Logistics Agency supply sources should be used first if timely delivery can be made.*



F. Data Collection

- Incidental to ongoing flood response ops.
- Recording of flood data that,
 - Is unique to the basin
 - Would be irretrievably lost if not collected during or immediate after a flood
 - Can be accomplished where no other authority exists and no other funds are available.



F. Data Collection, cont'd

- Limited to events involving record or near-record flood levels, or unique circumstances not previously encountered.
- Acceptable data collection include:
ground/aerial photography; setting of high water marks; basic hydrologic data not obtainable under other programs, USACE project activities, or from other agencies.



F. Data Collection, cont'd

- 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.



F. Data Collection, cont'd

- 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

- Limited to provision of TA to local interests



H. Deliberate Levee Cuts

- A cut to maintain the structural integrity of the levee and/or reduce expected repair costs is responsibility of the public sponsor.
- Normally will not be carried out by USACE.



H. Deliberate Levee Cuts

- Repairs of deliberate cuts are not eligible for Rehabilitation Assistance.
- Exception made for levees breached after consultation with the Corps and the Corps acknowledges validity of the need for the deliberate breach to protect the integrity of the levee and thereby reduce overall damages.



I. Ending Flood Response Activities

- Activities substantially terminate when:
 - floodwaters recede to bank full
 - conditions absent a short-term threat (<72 hrs) of a return to flood conditions



J. Reporting

- Timely, accurate reporting is critical.
- Daily reports part of daily SITREPs and become part of event record/ documentation.
- Allows DE/Corps to direct/execute mission.
- Allows Corps to work w/FEMA, other federal agencies, and Congressional offices regarding event.
- Every emergency situation w/potential for Corps involvement or may result in regional/national media attention involving Corps, will be reported immediately.



K. After Action Report (AAR)

- Report covers all levels of activity on an event.
- Summarizes disaster ops & interagency coordination.
- Evaluates strengths and weaknesses, recommends corrective action.
- Used to improve the execution of future operations as well as serve as consolidated record of the event.
- EP 500-1-1, Ch 4, format.



Post-Flood Response Operations



Code 200

Post Flood Response

- Provides federal assistance during the gap between the end of the flood and a presidential disaster declaration.
- Governor sends written request to Corps for post flood response concurrent with request to FEMA for disaster declaration.
- Limited to MAJOR flood events.
- Ten day limit from receipt of governor's request.
- Presidential declaration or denial will not interrupt work.



Post Flood

- Provides USACE assistance, if necessary, to ensure continuity of Federal response operations between the end of a Class 210 event and a request for a Presidential Disaster Declaration.
- Following floods, hurricanes, or coastal storms but prior to a Presidential declaration.
- District Declaration of Emergency required.
- Not used that often.



Post Flood Activities

- A. Limitation of Activities
- B. Limitation of Scope
- C. Debris Clearance – Transportation Routes
- D. Debris Clearance - Blockage
- E. Debris Clearance – Water Courses
- F. Restoration of Transportation



Post Flood Activities

- G. Limitation of Assistance
- H. Coordination Requirements
- I. Governor's Request
- J. The Ten Day Rule
- K. Types of Assistance
- L. Cooperation Agreement
- M. Data Collection – No efforts allowed.



Post Flood Activities

A. Limitation of Activities

- *Limited to actions to save lives and protect improved property.*

B. Limitation of Scope

- *Limited to major floods, hurricanes, and coastal storms*
- *Presidential Declaration likely made for major events.*



Post Flood Activities

C. Debris Clearance – Transportation Routes

- 1. Permitted when required to prevent loss of life or significant damage to public property.*
- 2. Emergency clearance may be undertaken to reopen critical routes(hospitals, etc.), all in coordination w/locals that we are augmenting.*
- 3. Debris removal will not be undertaken under Post Flood Response.*
- 4. Emergency clearance is usually a local responsibility.*



Post Flood Activities

D. Debris Clearance - Blockage

- *Clearance of debris from critical water intakes, sewer outfalls, etc., may be undertaken.*

E. Debris Clearance – Water Courses

- *Clearance of drainage channels, bridge openings, or of structures if critical for the restoration of public services and access, public safety, or to prevent further significant damages.*



Post Flood Activities

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.*



Post Flood Activities

H. Coordination Requirement

- *Potential work must be coordinated by the MSC or district with the appropriate FEMA region prior to execution of work.*

I. Governor's Request for Assistance (RFA)

- *Written request to the district commander will be provided concurrently w/or immediately after the governor's request to FEMA for a disaster declaration under Stafford Act.*



Post Flood Activities

I. Governor's 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.*
- 4. District notifies MSC of receipt of RFA. MSC reports to HQUSACE.*



Post Flood Activities

J. The Ten Day Rule

- 1. USACE assistance may be provided for a max of ten(10) days from date of receipt of the governor's request. Ends 2400 hrs on tenth day.*
- 2. Subsequent requests for additional assistance resulting from same event will not extend the 10-day period or trigger a new 10-day period.*
- 3. No work shall be initiated subsequent to a Presidential disaster declaration.*



Post Flood Activities

J. The Ten Day Rule, cont'd

- 4. Denial of Presidential declaration will not interrupt ongoing work, but precludes the start of any new work.*
- 5. Ongoing work will not exceed the 10-day limit.*



Post Flood Activities

K. Types of Assistance

- 1. Assistance may be TA and/or direct assistance*
- 2. Prior to providing TA, the providing district must notify its MSC.*
- 3. Prior to providing any direct assistance by contract, HQUSACE approval is required.*
- 4. Direct assistance shall be limited to alleviation of life threatening situations.*



Post Flood Activities

L. Cooperation Agreement (CA)

- *All Post Flood direct assistance requires a CA*

M. Data Collection

- *None allowed for Post Flood*



Post Flood Response

- If Presidential declaration issued, District will be prepared to transition execution of any/all work to a FEMA mission assignment, if appropriate.
- NAB EOC is the lead on any FEMA mission assignments – funding, staffing, specialized teams, etc.



Response Operations

Events Other Than Floods



CAT 200 – Other than Floods

- Ops under non-flood emergencies limited to:
 - EOC Activation
 - Rescue ops,
 - Limited TA
 - Liaison activities.

- Activities funded until disengagement of USACE resources or the identification of more appropriate USACE resources and funding can be made



CAT 200 – Other than Floods

- District Declaration of Emergency required to implement response authority.
- Due to limited nature, no cooperation agreement (CA) required.



Category 300 Rehabilitation & Inspection Program (RIP)



Program Execution

- EM is RIP Program Manager
- PL & PPM are RIP Project Managers
- RIP provides for:
 - inspection of non-federal FDRPs
 - rehabilitation of damaged Federally or non-Federally constructed FDRPs, and
 - rehabilitation of Federally authorized/constructed hurricane or shore protection projects (H/SPP)



RIP

- Projects must be in “Active” status at the time of the hurricane, storm, or flood event.
- Ratings:
 - Acceptable (A) = Active
 - Minimally Acceptable (M/MA) = Active
 - Unacceptable (U) = Not Active



Eligibility

- Corps-Owned – Corps designed/built, operated & maintained (O&M)
 - Inspected annually
 - Not eligible for PL84-99 Rehab assistance

- Federal FRMP - Federally designed/built and turned over to local sponsor for O&M
 - Inspected annually
 - Eligible for PL84-99 Rehab assistance; rehab paid 100% Federal
 - Cooperation Agreement not required but encouraged

- Non-Federal FRMP – Locally designed/built, operated, and maintained.
 - Inspected every two years
 - Eligible for PL84-99 Rehab Assistance; rehab paid 80% Federal & 20% Non-Federal
 - Cooperation Agreement required



Category 300 - Rehabilitation

- Rehabilitate to pre-disaster condition and level of protection
- Rehab must be beyond general O&M and greater than \$15K
- Improvements to design and equipment that are a result of state of the art technology are permissible and not considered betterments
- RIP can not address design deficiencies
- Target rehab w/in 12-18 months



Examples of Eligible Damages



Bainbridge, NY- Newton Creek (2006)



Wyoming Valley, PA - Delaney St Pump Station (2006)



Danville, PA - Mahoning Creek (2006)



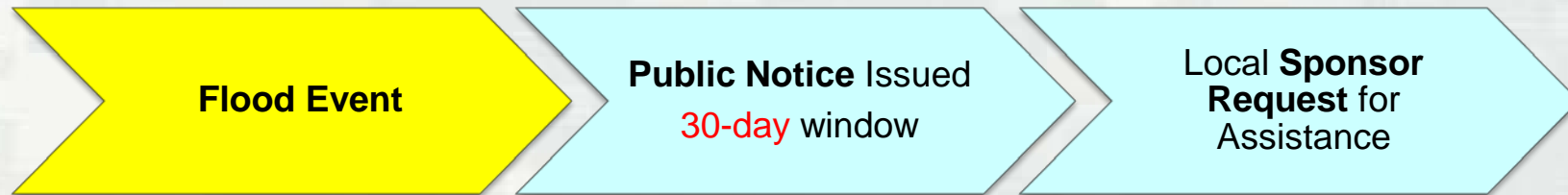
Binghamton, NY- Phelps Creek (2006)



Rehabilitation Timeline - 4 “Phases”

Below is the “ideal” timeframe. However, funding availability for all phases, the number of reports to be prepared, type of contract, and contract negotiations may impact the overall timeline.

Notification



Planning



Engineering & Design



Construction



Summary

- PIR prepared with limited scope and funding
- Emergencies are not business as usual
- Standardization of input from the field
- Detailed report on damages and initial determination of eligibility
- Expedited PIRs



Category 400

Emergency Water

Assistance



Assistance Due to Contaminated Water Source

- USACE may provide assistance to a locality confronted with a source of contaminated water causing or likely to cause substantial threat to public health & welfare of inhabitants.



Assistance Due to Contaminated Water Source

- Requirements:
 - RFA from governor or his/her authorized rep.
 - USACE supplements state/local efforts or to localities whose publicly or privately owned water and/or system services a community.
 - USACE limited to 30 days or until FEMA takes over mission.
 - CA required for assistance.



Assistance Due to Contaminated Water Source

- Requirements:
 - Permanent restoration of safe water supply is local responsibility.
 - USACE assistance not used to accomplish deferred or deficient maintenance.
 - Loss of water supply cases (lake level drops below intakes) not eligible.



Assistance Due to Contaminated Water Source

- Requirements:
 - Water not for livestock.
 - No water for businesses. Drinking water is allowed.
 - No help to military bases or other Federal lands.



Assistance Due to Contaminated Water Source

- USACE assistance can:
 - Purchase water,
 - Transport water to local water points,
 - Deliver bulk or bottled water to distribution points,
 - Temporarily connect new supply to the existing distribution system,
 - Installation of temp filtration,
 - Use military units w/water purification/storage/distribution capability.



Assistance Due to Drought

- USACE may provide temp water assistance for human consumption/usage to meet minimum public health and welfare requirements.
- USACE help is supplemental to local/state efforts.
- Long term solutions responsibility of local/state.



Assistance Due to Drought

- Requirements:
 - RFA from governor or his/her authorized rep.
 - Identified as drought-distressed area. Definable need for immediate future that locals can't meet.
 - No water for livestock, irrigation, recreation, or commercial/industrial processing provided under this authority.
 - Purchase/storage of water are non-USACE costs.
 - USACE allowed to sell water deemed surplus from its reservoir projects.



Assistance Due to Drought

- Requirements:
 - Transportation & water testing eligible.
 - Construction of wells may be eligible.
 - Local/state entity responsible for obtaining any/all permits.
 - CA is required.



Category 500

Advance Measures



Advance Measures

- Performed due to an imminent threat of unusual flooding for protection against loss of life and damages to urban areas and/or public facilities.
- Assistance may only be provided prior to a flood, a hurricane, or coastal storm, a storm on an inland body of water or a closed basin flood.
- Limited to when the response is *beyond the capability* of local/state governments to execute in a timely manner.



Advance Measures Applications

- Imminent Danger of Flooding
- Imminent Danger of Levee Failure/Overtopping
- Snowmelt from Abnormally high snow pack.
- Channels
- Snags/Log Jams/Debris Obstructions
- Dam Failures



Category 600 Hazard Mitigation



Category 600 Hazard Mitigation

- Identifies opportunities to minimize future Federal expenditures for recovery operations
- FEMA has a program that is primary and FEMA takes lead
- USACE and other Federal agencies support FEMA on program

