

zone<sup>173</sup> and the USCG has responsibility for responses in the coastal zone.<sup>174</sup> Response actions may include containment, stabilization, decontamination, collection (e.g., orphan tanks, drums), and disposal.

#### 4. Waterways

Debris removal from waterways that is necessary to eliminate the immediate threat to life, public health and safety, or improved property is eligible. Removal of debris in a waterway that does not meet this criterion is not eligible, even if the debris is deposited by the incident.

EPA and USCG have the specific authority to remove hazardous materials, as described in the previous section. EPA is responsible for removing such material from inland water zones and USCG is responsible for coastal water zones.

##### (a) *Navigable Waterways*

If the Applicant has legal responsibility for maintenance of a navigable waterway, removal and disposal of debris that obstructs the passage of vessels is eligible to a maximum depth of 2 feet below the low-tide draft of the largest vessel that utilized the waterway prior to the incident. Any debris below this zone is not eligible unless it is necessary in order to remove debris extending upward into an eligible zone.

If a tree is still rooted to an embankment and is floating or submerged, the cost to cut the tree at the water's edge is eligible.

Debris removal from federally maintained navigable waterways is ineligible. USCG and the U.S. Army Corps of Engineers (USACE) have specific authorities for removal of hazardous substances, vessels, and other obstructions from federally maintained navigable waterways.

##### (b) *Non-navigable Waterways, Including Flood Control Works and Natural Waterways*

Debris deposited by the incident may obstruct a natural waterway (that is, a waterway that is not improved or maintained) or a constructed channel, including flood control works. In these cases, removal of the debris from the channel is eligible if the debris poses an immediate threat, such as when the debris:

- Obstructs, or could obstruct, intake structures;
- Could cause damage to structures, such as bridges and culverts; or
- Is causing, or could cause, flooding to improved public or private property during the occurrence of a 5-year flood.

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<sup>173</sup> The inland zone is the environment inland of the coastal zone, excluding the Great Lakes and specified ports and harbors on inland rivers. Precise boundaries are identified in Federal regional contingency plans.

<sup>174</sup> The coastal zone includes coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of coastal States, including islands, transitional and intertidal areas, salt marshes, wetlands, and beaches.

Removal of the obstruction is eligible even in streams where debris removal would also be eligible under the NRCS Emergency Watershed Protection Program (EWP)<sup>175</sup> unless NRCS provides assistance for the debris removal. However, debris removal from flood control works that are under the specific authority of NRCS is not eligible for PA funding, even if NRCS does not have sufficient funding or does not provide assistance.

For flood control works that are eligible for the USACE Rehabilitation and Inspection Program (RIP),<sup>176</sup> debris removal is eligible for PA funding. USACE does not reimburse Applicants for debris removal, but conducts this activity directly when necessary.

*(c) Identifying Debris Impact Locations*

The Applicant is responsible for identifying debris deposited by the incident that poses an immediate threat. Random surveys to look for debris, including surveys performed using side scan sonar, are not eligible. However, if the Applicant identifies an area of debris impacts and demonstrates the need for a survey to identify specific immediate threat, FEMA may provide PA funding for the survey in that location, including the use of side scan sonar.

*(d) Documentation*

For FEMA to determine that debris removal from waterways is eligible, the Applicant must provide documentation that:

- Establishes legal responsibility;
- Includes the basis of the immediate threat determination;
- Identifies locations, types, and quantities of debris; and
- Demonstrates the debris claimed was deposited by the incident and was not pre-existing.

## 5. Privately Owned Vehicles and Vessels

Removal of privately owned vehicles and vessels is eligible if all of the following conditions are met:

- The vehicle or vessel blocks access to a public-use area;
- The vehicle or vessel is abandoned and the Applicant is unable to identify the owner;
- The Applicant follows applicable State, Territorial, Tribal, and local government ordinances or laws for private vehicle or vessel removal; and
- The Applicant verifies the chain of custody of the vehicle or vessel.



### NRCS EWP and USACE RIP

The **NRCS EWP** is an emergency recovery program designed to relieve imminent hazards to life and property caused by floods, fires, windstorms, and other natural occurrences. Activities include, but are not limited to, providing financial and technical assistance to:

- Remove debris from stream channels, road culverts, and bridges
- Reshape and protect eroded banks
- Correct damaged drainage facilities
- Establish cover on critically eroding lands
- Repair levees and structures
- Repair conservation practices

The **USACE RIP** provides rehabilitation assistance for flood risk reduction structures.

<sup>175</sup> See <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/landscape/ewpp>.

<sup>176</sup> See <http://www.usace.army.mil/Missions/CivilWorks/LeveeSafetyProgram/LeveeInspections.aspx>.