

Part 505 – Postinstallation Assistance

Subpart C – Remedial Assistance

505.20 Remedial Assistance Defined

Remedial assistance is defined as assistance needed to correct problems caused as a result of a mistake or misjudgment by NRCS during the installation of a measure or as a result of latent site conditions unknown to NRCS or the sponsor or land user at the time of installation. Changes in policy, technical standards, or engineering concepts developed subsequent to the installation of the original measure are not considered mistakes or misjudgments by NRCS. The following may be considered for remedial assistance:

- (1) Repair of a measure's components that deteriorate more rapidly than planned or do not perform as expected because of unusual or latent conditions.
- (2) Reconstruction or repair of completed measures that malfunctioned or failed because of a design or construction deficiency.
- (3) Modification of a structure, property relocation, or addition of "other measures" (see Title 390, National Watershed Program Manual, Part 505, Subpart D, Section 505.35D for definition of "other measures") that are the most cost effective way to meet the criteria for a higher hazard classification where a structure was classified incorrectly before installation.

505.21 Procedure

A. Remedial assistance may be necessary in watershed projects that have "active," "inactive," or "installation complete" status. The need for remedial assistance must be documented by a program report. Remedial assistance and action may require a supplemental environmental impact statement (EIS) or environmental analysis (EA) to address the effects of the remedial action. The significance of the effects of the remedial actions will determine whether a supplemental EIS or EA is warranted. The environmental evaluation (EE) will assist the responsible Federal official (RFO) to determine whether an EA or EIS should be prepared, or whether the proposed action is covered by a categorical exclusion. When a categorical exclusion applies to the proposed action, the program report must include the EE documentation.

B. The report must contain all of the following:

- (1) Causal factors leading to the need for remedial work
- (2) Alternatives considered
- (3) Analysis of the cost effectiveness of alternatives
- (4) Estimated technical and financial costs, benefits, and environmental effects
- (5) Recommended solutions
- (6) An engineering report, if engineering issues are involved, will be prepared as per the requirements set forth in Title 210, National Engineering Manual, Part 504

C. Technical input from the appropriate State technical specialists will be included in the above sections of the program report.

D. NRCS may provide remedial cost sharing assistance up to the same cost sharing rate used for the original installation. Waivers to the cost-share policy may be granted for unusual or

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extenuating circumstances. State Conservationists must request waivers from the Deputy Chief for Programs.

E. Financial assistance for remedial assistance must be requested from the Deputy Chief for Programs.