

Florida Incident Waterway Debris Response Flowchart

START →

Is waterway debris in a USACE federally maintained waterway or channel, or immediately adjacent thereto?

Yes

No

Is waterway debris exposed to or does it have the potential to release oil or hazardous substances?

Yes

No

Debris in federally maintained waterway (pollution threat)

- Report to NRC 1-800-424-8802
- Removal authorized under NCP.
- USCG oversees response by RP. If vessel with no RP, USCG removes pollution threat (battery, oil) and USACE removes vessel.

Debris in federally maintained waterway

- USACE removes waterway debris, or oversees removal by RP

Is waterway debris in federal waters (beyond 3 n. mi. on east coast or 9 n. mi. on west coast) or on federal lands?

No

Yes

Is waterway debris a direct result of a major disaster declared by the President?

Yes

No

Is debris a direct result of an NRCS State Conservationist declared disaster, located in non-tidal waters, and does removal meet all NRCS EWP eligibility criteria? See criteria at bottom right of page.

No

Yes

Is debris located in non-tidal waters and does removal meet all NRCS EWP eligibility criteria? See criteria at bottom right of page.

Yes

No

Eligibility Determination by FEMA: Made on case-by-case discretionary basis in coordination with eligible applicant, state and other federal agencies. Is removal necessary to eliminate the immediate threat to life, public health and safety, or improved property?

If an 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. (See FEMA Public Assistance Program and Policy Guide FP 104-009-2)

Yes

No

Is waterway debris exposed to or does it have the potential to release oil or hazardous substances?

Yes

No

- Report to State Watch Office 1-800-320-0519 and NRC 1-800-424-8802
- FEMA funds may be used if not at pre-existing site under NCP. If RP is known, must apply insurance proceeds first.
- If FEMA funds are not used, removal authorized under NCP**
- Response managed at lowest jurisdictional level capable of handling the removal: Local → State → Federal
- If state-led response, DEP OER leads response and FWC provides scientific support
- If federal assistance required, USCG or EPA oversees response by RP. Generally, response led by USCG in ACP Coastal Zone and by EPA in ACP Inland Zone.
- During Stafford Act declarations, USCG/EPA retain authority to respond under the NCP without a request from local, state or tribal governments

If FEMA funds used

Has the state/local government demonstrated to FEMA that they lack the capability to perform or contract the debris removal work?

Yes

No

FEMA Direct Federal Assistance

- FEMA mission assignment to another federal agency to perform or contract the debris removal work
- USACE typically disposes of building debris hazmat, such as household hazardous materials, orphaned hazardous materials and electronic goods under ESF3
- EPA or USCG typically lead hazardous waste disposal under ESF10

FEMA Public Assistance Funding

- Reimbursement to eligible applicant to remove and dispose of hazardous waterway debris using their own forces or contract labor
- Funding from FEMA to FDEM then to eligible applicant
- If state is eligible applicant, DEP OER leads response and FWC provides scientific support

FEMA Direct Federal Assistance

- FEMA mission assignment to another federal agency to perform or contract the debris removal work
- USACE typically leads eligible debris removal under ESF3

- ❖ FEMA provides funding but does not conduct debris removal work
- ❖ FEMA eligible applicants must have legal responsibility to remove the debris, and include state and territorial governments, Indian Tribal Governments, local governments and private nonprofit organizations that serve a public function.
- ❖ Public Assistance cost share is typically 75% FEMA, 12.5% state, 12.5% applicant

FEMA Public Assistance Funding

- Reimbursement to eligible applicant to remove and dispose of waterway debris using their own forces or contract labor
- Funding from FEMA to FDEM then to eligible applicant

Is the waterway debris recoverable (traceable to an owner), i.e. a vessel with a Hull Identification Number?

No

Yes

Has the state/local government demonstrated to FEMA that they lack the capability to perform or contract the debris removal work?

Yes

No

Response to waterway debris that is exposed to or has the potential to release oil, hazardous substances, pollutants or contaminants

Response to waterway debris that is not exposed to and does not have the potential to release oil, hazardous substances, pollutants or contaminants

Indicates response may occur under Stafford Act authorities and/or funds

Flowchart Key

Waterway Debris/Incident Waterway Debris: Any solid material, including but not limited to vegetative debris and debris exposed to or that has the potential to release oil, hazardous substances, pollutants or contaminants, that enters a waterway following an acute incident and poses a threat to the natural or man-made environment. This may include shoreline and wetland debris and debris in some inland, non-tidal waterways.

Is waterway debris an ADV at or below mean high water line in FL waters?

No

Yes

ADV in Florida waters, no Stafford Act declaration

- FWC and/or county oversees identification/return of lost boats and legal processing, salvaging and disposal of ADVs
- If emergency debris clearance, ADVs moved
- If debris removal phase, try to identify owner and allow owner to remove. If not, follow abandoned property procedure and owner liable for removal costs.
- USCG may remove pollution threat (battery, oil)
- Program in development: FWC Derelict Vessel Rapid Deployment Team to work with IC (see "Recoverable debris" box below)

Is debris exposed to or does it have the potential to release oil or hazardous substances?

Yes

No

Pollution threat, no Stafford Act declaration

- Report to State Watch Office 1-800-320-0519 and NRC 1-800-424-8802
- Response managed at lowest jurisdictional level capable of handling the removal: Local → State → Federal
- If State-led response, DEP OER leads response, FWC provides scientific support
- If Federal assistance required, USCG or EPA oversees response by RP. Generally, response led by USCG in ACP Coastal Zone and by EPA in ACP Inland Zone.
- Unlike response under Stafford Act declaration, under NCP USCG/EPA may respond without a request from local, state or tribal governments

Debris in Florida waters, no Stafford Act declaration, no pollution threat

- Report to State Watch Office 1-800-320-0519
- Response managed at lowest jurisdictional level capable of handling the removal: Local → State
- County-retained vessel registration fees may be used
- FWC may lead investigation to identify RP for debris
- DEP FCMP/FWC's Marine Debris Emergency Response Program may coordinate emergency removal of marine debris of unknown origins that poses a threat to health, human safety or natural resources. Program currently only operating in Southeast FL.
- Manages two programs for removal of lost and abandoned traps in state waters
- Note: Most submerged lands beneath navigable waters are property of the state. Title to these lands is held by the Board of Trustees with delegated authority to DEP to maintain and protect these lands for public use.

Recoverable debris in Florida waters, Stafford Act declaration, no pollution threat

- FWC may assist eligible applicant with identifying and contacting owner
- If owner is found, apply insurance and owner takes vessel
- If no owner is found or if the owner is found but there is no insurance on the property and the owner surrenders rights, FEMA may reimburse applicant for removal
- Program in development: FWC Derelict Vessel Rapid Deployment Team to work with IC to map/inventory ADVs, assist in removal oversight, investigate vessel ownership and conduct before/after site surveys

EWP Eligibility Determination by NRCS

- Result of Presidential or NRCS State Conservationist declared disaster
- Waterway debris is not in coastal or tidally-influenced waters
- Waterway debris is result of natural disaster
- Recovery measures are for runoff retardation or erosion prevention
- Waterway debris is a threat to life and/or property
- Event caused a sudden impairment in the watershed
- Imminent threat was created by this event
- Have economic, environmental and social documentation adequate to warrant removal action
- Proposed removal action is technically viable and environmentally defensible

Acronyms

ACP – Area Contingency Plan
ADV – Abandoned and Derelict Vessel
DEP – FL Department of Environmental Protection
EPA – U.S. Environmental Protection Agency
ESF – Emergency Support Function
EWP – Emergency Watershed Protection Program
FCMP – DEP's FL Coastal Management Program
FDEM – FL Division of Emergency Management
FEMA – Federal Emergency Management Agency
FWC – FL Fish and Wildlife Conservation Commission

IC – Incident Commander
NCP – National Oil & Hazardous Substance Contingency Plan
NPS – National Park Service
NRC – National Response Center
NRCS – Natural Resources Conservation Service
OER – DEP's Office of Emergency Response
RP – Responsible Party (Owner, Operator, Lessee)
USACE – U.S. Army Corps of Engineers
USCG – U.S. Coast Guard
USFWS – U.S. Fish and Wildlife Service