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WATERSHED PROTECTION HANDBOOK
PART 1 - PLANNING AND OPERATIONS

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Policies, Procedures and Instructions
Relating to the Program
Authorized by the Watershed
Protection and Flood Prevention Act
(Public Law 566, 83d Congress, As Amended)

Approved by the Administrator, Soil Conservation Service

Soil Conservation Service
United States Department of Agriculture
August 1967

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United States
Department of
Agriculture

Soil
Conservation
Service

P.O. Box 2890
Washington, D.C.
20013

June 20, 1979

WATERSHED PROTECTION HANDBOOK NOTICE - 44

This notice transmits replacements for pages 1.012 and 14.0131 of the Watershed Protection Handbook. The changed policy contained in these pages, concerning approval authority for watershed plans, is applicable to all plans which have not received Technical Service Center technical concurrence on the draft plan as of the date of this notice.

R. M. DAVIS
Administrator

Enclosure



and to the general public; and (c) cannot generally be installed by individual landowners or small groups of landowners with the aid of available ACP and other cost sharing.

The dominant problem in some small watersheds may require measures for its solution that are not authorized under the Act. For example, the problem may be prevention of water pollution by treatment of sewage or industrial wastes. The need may be for a dam having an impounding capacity of more than 25,000 acre-feet. No assistance can be given under the authority of the Act in the solution of such problems, but the Soil Conservation Service may suggest other available sources of assistance in the solution of such problems.

101.011 - Multiple-Purpose Objectives - All watershed projects should have multiple purposes. They will provide for proper land use and treatment in the interest of soil and water conservation as well as other purposes such as flood prevention, irrigation, drainage, recreation, fish and wildlife, municipal water supply, or other phases of water management. Whereas needed land treatment measures must be included in the work plan as a condition to Federal assistance, the project purposes desired by the local organization shall be a controlling factor in planning for other works of improvement.

It is the responsibility of all concerned field officers of the Service to bring to the attention of local and State organizations any possible opportunities for incorporating storage for beneficial uses in structures where this is physically and economically feasible. The increasing need is widely recognized in many parts of the country for storage for municipal and industrial use, supplemental irrigation, fish and wildlife, recreation, water quality management, livestock water, and other purposes. Multiple use of a reservoir site is not only sound long-range conservation of the limited number of dam sites, but it also may provide a substantial savings to both the Government and local organizations over the development of equivalent services in single-purpose structures.

If the local organization desires to proceed with flood prevention improvements without planning justified irrigation, drainage, recreation, fish and wildlife, or other water management facilities, the work plan may be prepared on this basis. Likewise, justified measures for flood prevention over and above those required to provide an acceptable level of protection may be omitted, provided their omission does not increase or adversely affect the cost of installation, operation, and maintenance of irrigation, drainage, recreation, fish and wildlife, or other water management facilities. If, however, local organizations seek assistance for works of improvement serving single purposes, and which could more appropriately be carried out under other Federal programs, they should be advised of such programs, and encouraged to seek assistance under them.

1.012 - Conditions for Providing Assistance - Furnishing Federal assistance to local organizations to develop a plan and carry out a watershed project under the provisions of the Act will be conditioned by the following requirements:

a. An application for assistance must be submitted to and approved by the Governor or a designated State agency.

b. The plan should include those works of improvement needed to (1) reduce erosion, floodwater and sediment damages and (2) further the conservation, development, utilization, and disposal of water and thereby preserve and protect the land and water resources of a watershed.

c. The plan must cover a watershed or subwatershed area of not more than 250,000 acres. If the sponsoring local organization so desires, a number of subwatershed areas, when they are component parts of a larger watershed, may be planned together. However, no single plan can be submitted for a watershed or subwatershed area exceeding 250,000 acres.

d. No structure providing more than 12,500 acre-feet of floodwater detention capacity or more than 25,000 acre-feet of total capacity may be included in the plan.

e. Plans must be approved by resolutions from appropriate congressional committees of Congress before Public Law 566 funds may be used to install planned measures if:

(1) The plan includes Public Law 566 funds in excess of \$1,000,000 for items other than technical assistance, engineering services and project administration or

(2) The plan involves any single structure providing more than 2,500 acre-feet of total capacity.

When a plan does not involve any single structure providing more than 4,000 acre-feet of total capacity, the appropriate committees are the Committee on Agriculture, Nutrition and Forestry of the Senate and the Committee on Agriculture of the House of Representatives. When a plan involves a single structure providing more than 4,000 acre-feet of total capacity, the appropriate committees are the Committees on Public Works of the Senate and the House of Representatives.

f. Plans which involve Public Law 566 contributions of less than \$1,000,000 for items other than technical assistance, engineering services, and project administration and which do not include any single structure which provides more than 2,500 acre-feet of total capacity may be administratively approved.

g. No part of the installation cost (exclusive of loans and advances) may be borne from appropriations made under authority of the Act for any capacity provided in structures for purposes other than flood prevention, agricultural water management, recreation, and fish and wildlife.

14.01311 - Watershed Plans Previously Approved by Committees of Congress - A change in purpose or scope is considered to be significant if it causes:

a. An increase of more than \$1,000,000 in the estimated Public Law 566 contribution to costs for items other than technical assistance, engineering services and project administration, such increase to be computed as the sum of all increases whether made at one time or at different times or

b. An increase in the total capacity of a structure so as to require approval of the change by a congressional committee different than the one which approved the original plan.

14.01312 - Watershed Plans Previously Approved Administratively - Any change in purpose or scope is considered to be significant if it causes:

a. The estimated Public Law 566 contribution to costs other than technical assistance, engineering services, and project administration to exceed \$1,000,000 or

b. The total capacity of any structure to exceed 2,500 acre-feet.

14.0132 - Administrative Approval - The State Conservationist will approve all changes other than those specified in 14.0131 by executing the revised or supplemental watershed plan agreement.

14.014 - Approval Procedure - Revisions which require approval by the Committees of Congress will need the same review and concurrence as plans. Changes in sponsoring local organizations may be approved by the State Conservationist after he has determined that the requirements for project sponsorship are adequate. Other revisions will be transmitted to the Administrator for authorization to approve. (Copies of supplements and revisions will be transmitted to the Technical Service Center for technical review and concurrence in the same manner as plans.) When such changes, in the judgment of the State Conservationist, appear to be of the kind of magnitude to be of concern to the State, he should provide the Governor, or his designated representative, an opportunity to review the revision before approving.

14.015 - Notification of Approval - The Administrator will notify the State Conservationist, the Governor, and concerned Federal agencies of all approvals of revised or supplemental watershed plans approved by congressional committees with copies of the revised or supplemental plan if not previously furnished.

The State Conservationist will take the following action for revisions which he approves:

- a. Transmit one manually signed copy and two unsigned copies of the revised plan or supplement to the Administrator.
- b. Advise the sponsoring local organization, the Technical Service Center, and field offices of all participating agencies and groups of his approval of a revised or supplemental watershed work plan and furnish them with such copies of the material as is necessary for their participation in the modified project.
- c. Where portions of the local share of the costs are being financed with a watershed loan, the FmHA State Director will be furnished copies of all supplements to the work plan.

14.02 - BY PROJECT AGREEMENT OR CORRESPONDENCE - Agreement to minor revisions or modifications of the terms, conditions, and stipulations of approved work plans which do not require the execution of a revised plan or supplemental watershed work plan agreement may be documented by a project agreement or exchange of correspondence.

14.021 - By Project Agreement - An executed project agreement for the construction of works of improvement provides adequate documentation of agreement to changes in cost, such as changes in the estimated P.L. 566 contribution to construction cost due to site adaptation or changing cost levels which do not modify the rate of P.L. 566 assistance for construction and do not require re-evaluation of benefits to reaffirm economic feasibility.

14.022 - By Exchange of Correspondence - Documentation of agreement to minor changes and modifications of the terms, conditions, and stipulations of approved work plans other than changes specified in paragraph 14.012, may be handled by an exchange of correspondence with each of the sponsoring local organizations unless provisions in the work plan agreement make it unnecessary. One manually signed and one unsigned copy of the exchange of correspondence should be transmitted to the Administrator.

14.0221 - Exchange of Correspondence - Federal Contracting - Public Law 90-361 approved June 27, 1968, amending Public Law 83-566, as amended, provides that the Secretary may enter into contracts for the construction of any structure if requested to do so by the local organization. This amendment is interpreted to authorize the Service to contract for both structural and cost-shared land treatment measures when requested by the sponsoring local organization. This amendment makes it optional for sponsoring local organizations to request the Secretary to administer contracts for such work. However, it does not



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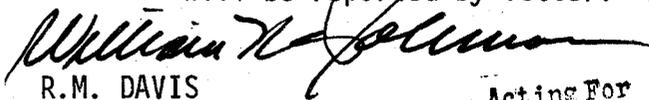
*Flood Control District
of Maricopa County*

March 28, 1979

WATERSHED PROTECTION HANDBOOK NOTICE - 43

This notice transmits changes made in various sections of the Watershed Protection Handbook. New pages containing the changes are enclosed. Vertical margin lines indicate new or changed material. Asterisks indicate where material was deleted.

1. Section 1.111 - General has been modified to revise the criteria for acquiring landrights for retarding structures.
2. Sections 3.043 - In-Kind Contribution and 8.0721 - In-Kind Contributions have been added to describe the criteria used to allow in-kind contribution credit for recreation and fish and wildlife works of improvement. Section 8.072 - Landrights Costs-Project Developments Only, paragraph g., has been modified to allow credit for in-kind contributions.
3. Sections 14.012 - Conditions Requiring Either a Revised or Supplemental Agreement and 14.0124 - Change in Estimated Costs have been modified to clarify how changes in estimated costs are handled.
4. Sections 15.0423 - Operation and Maintenance Inspection and Followup; 15.05 - ADDITIONAL WORK; 1506 - REPAIR; and 15.061 - Ineligible for Assistance have been modified to clarify when repair or additional work on a completed work of improvement is eligible for PL 83-566 cost sharing. References to time limitations on Soil Conservation Service participation in operation and maintenance inspections have been deleted. Inspection responsibility and inspection reports are described. Section 15.05 - ESTABLISHMENT PERIOD has been deleted.
5. Section 16.03 - WATERSHED PROGRAMMING has been modified to eliminate use of FORM SCS-WS-404 to provide information to the Watersheds Division. The Watersheds Division will use information from the Planning Allotment Request to distribute watershed funds. Exhibits 16.03-A and 16.03-B should be discarded.
6. Section 16.05 - REPORT OF CONSTRUCTION FUND OBLIGATION AND NEW CONSTRUCTION STARTS has been modified to change the method of notifying the watersheds of fund obligations. The FORM-SCS-B&F-225 (prepared monthly) and FORM-SCS-AS-71 (prepared quarterly) will be used instead of telephone notification. New construction starts will be reported by letter. Revised FORM-SCS-AS-71 is enclosed.



R.M. DAVIS
Administrator

Acting For

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WATERSHED PROTECTION HANDBOOK

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1.073 - Coordination with State and Areawide Clearinghouses - Office of Management and Budget Circular A-95, as revised, prescribes regulations and procedures to follow in implementing specific legislative acts of the Congress or other government-wide planning requirements. Administrator's General Memorandum-5, as revised, provides further instructions (see Appendix 4).

State conservationists will establish and maintain working relations with the state and areawide clearinghouses. They will also inform potential applicants for P.L. 566 assistance of the need for them to notify the clearinghouse of their intention to apply for assistance. An application must comply with the notification and review procedures before it can be acted on.

1.08 - COMPLIANCE WITH STATE LAWS - Sponsoring local organizations, landowners, and others participating in a watershed project must be informed that it is their responsibility to comply with mandatory requirements of state laws, procedures, and regulations that do not conflict with Federal law or regulations. Where conflicts exist, they must be reconciled. Because of the many differences, no uniform procedures can be outlined for use in all states. Each state conservationist must determine the proper procedure to be followed to assure compliance with local laws, procedures, and regulations.

1.081 - Local Requirements for Construction of Facilities - Many states have laws, procedures, and regulations relating to the design, construction, and operation of such facilities as the structural works of improvement to be installed under the Act. Some states require formal approval of dams which exceed specific limitations. Plans for water diversion or spreader systems require approval under some conditions. State regulations often contain standards for types of construction involved in projects authorized under the Act. The sponsoring local organizations must secure all necessary permits and authorizations to comply with procedures and regulations relating to the types of construction involved.

1.082 - Water Rights - The sponsoring local organizations must acquire or provide evidence that landowners have acquired, pursuant to state law, such water and storage rights as may be needed in the installation and operation of the works of improvement.

1.09 - CONSERVATION OF WETLANDS - Watershed projects are to be formulated in accordance with Conservation Planning Memorandum-15.

1.10 - LIMITATION ON LAND USE CONVERSIONS - The only limitation on land use conversions or more intensive agricultural use (including bringing additional land into agricultural production) are those shown in Conservation Planning Memorandum-15 and a reasonable assurance that any projected changes will, in fact, occur. This assurance can be provided by an examination and analysis of current uses and past, present, and future trends and consultation with local people, sponsors, other agencies, individuals, groups and other planners.

1.11 - LANDRIGHTS - No authority for land acquisition by the Federal Government is contained in the Act. The Service may provide technical and administrative guidance needed by the sponsors to assist in obtaining landrights to the extent specified in SCS PMR-104I-70.

The sponsors must acquire all landrights needed for the investigation, survey, installation, operation, maintenance, and inspection of works of improvement to be installed with Federal financial assistance from SCS. The sponsors are required to secure needed land and water rights with other than PL 566 funds with the exception of those required for public recreation or fish and wildlife project developments. Details for PL 566 cost sharing on landrights for project developments are in Chapter 8.

1.111 - Responsibilities for Landrights

a. The State Conservationist is to determine for each project measure the minimum area for which landrights must be acquired. In making his determination, the State Conservationist is to include all areas needed to comply with the criteria set forth below and such additional areas as, in his prudent judgment, are to be included because of present, proposed, or possible future land uses that will adversely affect the functioning of the project measure.

(1) Dams. The sponsors should be made aware that it is possible that during a storm of some frequency water may reach an elevation equal to or greater than the top of the dam. Sponsors should be encouraged to secure landrights to the elevation of the top of the dam. As a minimum sponsors must acquire landrights for the area of the structure, reservoir, and spillway; areas adversely affected by changed waterflow including but not limited to areas for spillway discharge; areas for environmental and protective features; and other areas needed for activities, such as design, operation and maintenance, construction, spoil disposal, borrow, ingress and egress, and diversion of water. If the structure is designed with an emergency spillway, upstream landrights are required at a minimum for that area below the higher elevation of either the crest of the primary emergency spillway or the maximum elevation of the water surface attained during passage of the 100-year, 24-hour hydrograph through the structure. If the dam is not designed with an emergency spillway, minimum upstream landrights are to include all the area below the elevation of the top of the dam.

(2) Channels. The sponsor must acquire landrights for those areas within the channel's designed top width and the berm width necessary on each channel bank to insure stability of the channel, channel banks, and side slopes; the areas needed for installation, inspection, design, operation and maintenance, ingress and egress, disposal, and diversion of water; areas needed for environmental and protective features; and other areas adversely affected by changed stream-flow characteristics or induced flooding.

b. The State Conservationist is to furnish the sponsor a landrights work map showing the specific areas on which landrights are to be obtained and the minimum interest that must be acquired in each area. As a minimum, the map is to show landmarks for location of area, acquisition elevations, flowage elevations, apparent tract ownerships, acreages and boundaries, location of the project measure, installations affected by construction such as roads, utility lines, pipelines, railroads, buildings, wells, springs, bridges, all right-of-way boundaries, routes of ingress and egress where essential, and other similar features.

c. The State Conservationist is to meet the following criteria before installing any structure that would result in flooding of railroads, highways, public roads, dwellings, buildings, water sources, public utilities, burial sites, and historic sites or monuments.

(1) Railroads that are to remain in use may not be flooded.

(2) Highways and public roads may not be flooded below the elevation of the flowage line unless;

(i) The highway or public road is closed for a brief period and there is an alternate all-weather route that can be used with a minimum of inconvenience.

(ii) A written right or permission to flood the highway or public road has been obtained from the State, county, or agency having jurisdiction over the highway or public road. The written right or permission may be an easement, court order, or, if those cannot legally be given, a permit. The written right or permission must be accompanied by a citation of the applicable State statute or a written opinion of the State Attorney General stating that the State, county, or agency granting the permission has legal authority to allow the road to be closed by flooding.

(iii) Dwellings are accessible by an all-weather road that will not flood more frequently than under preconstruction conditions. If a road providing the only access to a dwelling is at a lower elevation than the flowage line, a historical record of preconstruction flooding is to be developed and documented in the landrights file.

d. The State Conservationist may not allow dwellings, including basements, or any other buildings that contain valuable property or that may be used as permanent or seasonal living quarters to remain in the area requiring flowage rights unless they are floodproofed or otherwise protected from damage by the storm event used to establish the flowage right elevation. Before financial assistance is made available to a sponsor, the dwelling or building must be (1) demolished, (2) relocated, (3) raised, or (4) protected by a floodwall, it must be done in such a manner that there will be adequate drainage and no unreasonable ponding of water.

(1) If formally requested by the sponsor and approved by the State Conservationist, other buildings such as barns and garages may remain in the flowage easement area. Generally, approval for flooding buildings of this type will not be granted if the building is used for the storage of feed, perishable items, supplies, equipment, or other items that would be substantially damaged by flooding. This also applies to any building used for other purposes if flooding would cause an interruption or delay of operations carried on in the building or cause a hazard that may result in damage to the building's contents, injury or death.

e. The State Conservationist may not allow the flooding of water sources such as springs or wells until sponsors have complied with State laws, ordinances, and regulations relating to matters such as contamination.

f. The State Conservationist may not allow public utilities to be flooded unless the utility company has determined that the function of the facility will not be affected adversely and a subordination agreement has been obtained.

g. The State Conservationist may not allow burial sites such as private family plots, cemeteries, and graveyards to be flooded unless disinterment and reburial has been accomplished in accordance with State law.

h. The State Conservationist may not allow historical sites or monuments to be flooded until Title 7, Part 656 of the Code of Federal Regulations has been complied with.

i. The State Conservationist is to assist the sponsor in obtaining permission to survey for and/or recover archeological or historical resources in accordance with Title 7, Part 656, of the Code of Federal Regulations.

j. The State Conservationist is to identify apparent water rights needed and develop a procedure for the sponsor to document these rights under State laws.

k. The State Conservationist is to advise the sponsor of the importance of mineral rights to the project measure and review the findings on outstanding mineral rights against design criteria for the measure.

l. Before landrights negotiations begin, the State Conservationist is to review and approve all instruments to be used in acquiring landrights except for those used in condemnation proceedings.

m. The State Conservationist is to review all special provisions to be included in landrights instruments as a result of the negotiations for the landright.

n. The State Conservationist is to arrange for periodic inspections of the sponsor's records to see that relocation assistance, relocation assistance advisory services, and relocation payments are being provided and that the sponsor is complying with pledged assurances.

o. The State Conservationist is to determine the need for and provide necessary technical assistance to the sponsors as available.

101.20 - CAPACITY AND USE OF STRUCTURES

101.201 - Definition of Capacity - Total capacity as used in the Act is construed to mean the total volume of space available for water and sediment upstream from a dam below the elevation at which discharge begins in the primary emergency spillway. (There will be no restriction on the rate of discharge of the primary emergency spillway imposed to provide planned reduction of downstream flood damages.) Floodwater detention capacity is the capacity between the crest of the principal spillway and the elevation at which discharge begins in the primary emergency spillway minus any capacity between these two elevations reserved for sediment. If such capacity is provided solely as a design feature for a structure installed wholly for a purpose other than flood prevention, it is not considered floodwater detention capacity. For natural lakes, the total capacity upstream from a structure is construed to mean the capacity between the elevation at which discharge begins in the natural lake outlet and the elevation at which discharge begins in the primary emergency spillway. Floodwater detention capacity in natural lakes is the same as that defined for other structures.

101.202 - Limitation on Capacity - The Act limits the total capacity of any single structure that may be included in a watershed work plan to 25,000 acre-feet and further limits the floodwater detention capacity that may be provided in a single structure to 12,500 acre-feet. If either of these two limits is exceeded in a single structure, proposed or existing, it may not be included as a project measure even if paid for entirely from nonfederal funds. Structures

WATERSHED PROTECTION HANDBOOK

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103.0421 - Site Preservation - Funds will be made available to local organizations which have legal authority to purchase land rights only after the following conditions are met:

- a. A watershed work plan has been approved.
- b. The Service and the local organization have mutually determined that immediate purchase is necessary to assure the site's use for project purposes.
- c. The Service and the local organization have executed an agreement setting forth provisions for carrying out the acquisition of land rights. As a minimum, these provisions shall include the following:
 - (1) A listing of the land rights needed.
 - (2) A statement that the sponsor will acquire all necessary land rights including those currently listed and any additional land rights subsequently needed, as approved by the Service.
 - (3) A statement that the sponsor has powers of condemnation and will use such powers should it be determined that acquisition by direct negotiation would be unreasonably delayed.
- d. The Farmers Home Administration has approved the arrangements for repayment of the advance.

Interest charges will begin to accrue on funds advanced to pay the sponsor's share of the cost of land rights as soon as funds are advanced to the local organization. All such funds are to be repaid by the local organization prior to construction of the works of improvement. The repayments will be credited to construction funds by transfer from the Farmers Home Administration.

Advance of these funds will affect in no way the eligibility of the local organization to obtain loans under the provisions of Section 8 of the Act if it is eligible otherwise for such loans. The loans may be made to help local organizations repay the amounts advanced prior to construction.

103.0422 - Storage Capacity for Future Municipal or Industrial Use - Local organizations should be encouraged to develop potential multiple-purpose sites to meet anticipated municipal and industrial water supply needs. Storage capacity may be included for both immediate and future municipal or industrial use in the same reservoir. Capacity for future municipal or industrial use also may be included in reservoirs providing capacity for immediate use for other eligible purposes even though no capacity for immediate municipal or industrial use is included.

The maximum amount that can be advanced from PL 566 funds for storage capacity in any structure for future use will be 30 percent of the estimated total installation cost of the structure in which such capacity is provided. The PL 566 advance for storage capacity for future municipal or industrial water supply must be repaid with interest by the local organization within fifty years after the reservoir is constructed or such shorter period as may be required by applicable State laws. Interest will not be charged until the water supply is first used from such capacity or until ten years after the date of completion of a structure, whichever is earlier.

3.043 - In-Kind Contributions - In-kind contributions may be allowed toward the sponsor's cost for public water based recreation and fish and wildlife structures or other works of improvement subject to the criteria of WPH Chapter 8, Section 2000 of the Administrative Services Handbook and the SCS PMR Part 104I-70. In-Kind contributions are applicable only to new projects that will be approved administratively or transmitted to OMB after May 1, 1979. They are not allowable for any other projects regardless of the date or nature of project supplements.

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8.08 - USE OF FEDERAL AID IN FISH AND WILDLIFE RESTORATION FUNDS

8.09 - LOCAL RESPONSIBILITIES

8.091 - Non-federal Land

8.092 - Federal Land

8.10 - OPERATION REQUIREMENTS

8.11 - RESERVOIR OPERATION

8.12 - APPROVAL FOR EXCEPTIONS

When capacity for purposes other than flood prevention (such as municipal or industrial water supply, irrigation, or water quality control) is included in a multiple-purpose reservoir, the P.L. 566 share of the cost of land rights acquired in fee title for the entire reservoir shall be less than 50 percent. In this instance, the P.L. 566 share of the cost of land rights shall not exceed one-half of the percentage determined on the basis of the total eligible area required for the dam and reservoir minus the reservoir area for other purposes divided by the total eligible area. Only those areas to be acquired by fee title shall be used in this determination. For example, if the total area acquired in fee title is 1,000 acres and the area between the top of the recreational or fish and wildlife pool and the top of the water supply pool is 200 acres, 800 acres or 80 percent of the total area occupied by the recreational or fish and wildlife pool is eligible for cost sharing, or an equivalent of 40 percent cost sharing from P.L. 566 funds for the entire area.

d. In a project development involving a stream, natural lake, or marsh, the following requirements must be met as a condition to cost sharing for land rights:

1. The recreation or fish and wildlife use will be associated with the stream, natural lake, or marsh.
2. The land rights are clearly required to meet the needs established for the project development.
3. The stream, natural lake, or marsh contains an adequate quantity and quality of water to support the proposed use or can be made adequate.
4. Provisions are made for the installation of the facilities needed for the intended use.
5. Cost sharing for land rights will be limited to that required for access roads and not more than 50 acres per mile of stream or lake shoreline for both the water resource improvement and facilities. Specific exceptions may be made by the Administrator on the basis of proposals by the local organization, such as marsh or wetland areas adjacent to proposed channel work where dikes, water control structures, etc. will be used to improve the area for recreation and fish and wildlife.

e. P.L. 566 funds cannot be obligated for sharing in the cost of land rights for a project development until the project is approved for operations and prerequisites for entering into a land rights agreement have been satisfied. (See chapter 2, Section 2000 of the Administrative Services Handbook.) Sponsors need not delay in acquiring land rights until the project is approved for operation. However, they must understand that they proceed with acquisition of land rights at the risk that the project may not be approved and SCS cost-sharing funds will not become available. This possibility must be recognized. Also, the sponsors must understand that the value of the land upon which

PL 566 cost sharing is provided must be in accordance with SCS policy and procedures enumerated in SCS PMR 104I-70. With full knowledge of these implications it may be of considerable advantage to the sponsors to proceed with landrights acquisition as soon as they have been provided the landrights work map.

f. PL 566 assistance shall not exceed 50 percent of the cost of appraisals for determining the fair market value of land included in the development and on which there is PL 566 cost sharing for the acquisition.

g. Reimbursement will not be provided for the cost of landrights acquired by the local organization prior to the date of authorization for planning assistance under PL 566 or prior to the date planning was initiated in a subwatershed of the 11 authorized watershed projects. However, in-kind contributions in the form of land acquired prior to the date of planning authorization may be allowed as a credit toward the cost of public recreation and fish and wildlife structures or other works of improvement which meet the criteria of WPH Sections 8.06 and 8.07.

h. No cost sharing will be provided for the engineering, legal, or administrative costs incurred by the local organizations for acquiring landrights. (Does not apply to landrights appraisal costs when landrights cost sharing is approved or to other direct costs related to expert testimony by appraiser(s) in the acquiring agency's behalf.)

8.0721 In-Kind Contributions - In-kind contributions may be allowed toward the sponsor's cost of public recreation and fish and wildlife structures or other works of improvement subject to the criteria of WPH Sections 8.06 and 8.07, Part 2000 of the Administrative Services Handbook, SCS PMR 104I-70 and the following:

a. In-kind contributions are applicable to new projects that will be approved administratively or transmitted to OMB after the date of this handbook notice.

b. Credit for in-kind contributions may be accepted up to the amount of the sponsor's share of the cost for works of improvement eligible for cost sharing.

c. Credit for in-kind contributions is allowable only at the site where lands have been acquired. Credit for in-kind contributions may not be transferred to or from another site.

d. The maximum area eligible for in-kind contribution credit is to be the same as the maximum area eligible for cost sharing.

e. In-kind contributions are limited to public recreation or fish and wildlife purposes.

f. Sponsors will not receive cash reimbursement for in-kind contributions of real property.

g. Real property already devoted to and improved for public recreation or fish and wildlife use will not be eligible as an in-kind contribution.

8.073 - Relocation Payments - PL 566 will share in the cost of relocation payments to displaced persons, businesses, and farm operations in accordance with the provisions of paragraph 3.031 d. Availability of PL 566 cost sharing covered in paragraph 8.072c applies to relocation payments also.

8.074 - Loans - Loans may be made available to help local organizations meet their share of the installation cost of recreation or fish and wildlife measures.

8.075 - Agreements Required - PL 566 financial assistance will be provided only under appropriate agreements executed by a sponsoring local organization and the Soil Conservation Service. These agreements are:

a. A Project Agreement which provides for the installation of works of improvement.

b. An Agreement for Engineering Services which provides for engineering services.

c. A Relocation Agreement which provides for furnishing authorized benefits to displaced persons.

d. A Landrights Agreement which provides for cost-shared landrights.

e. An Operation and Maintenance Agreement which provides for the operation and maintenance of the works of improvement.

WATERSHED PROTECTION HANDBOOK

CHAPTER 14 - WATERSHED PLAN REVISIONS AND SUPPLEMENTS

14.00 - REVISION OR MODIFICATION OF WATERSHED PLAN - Whenever revisions or modification of the terms, conditions and stipulations of an approved plan become necessary, approval of such changes will be made and agreement thereto documented by (1) executing a revised watershed plan agreement supported by a revised watershed plan, or (2) executing a supplemental watershed plan agreement containing pertinent descriptive information. Minor modifications of approved plans may be documented by (1) executing a project agreement, or (2) exchange of correspondence with the sponsoring local organization. The conditions governing the use of each of the methods and the approval procedure are discussed in the following paragraphs.

14.01 - REVISED OR SUPPLEMENTAL WATERSHED PLAN AGREEMENT

14.011 - Conditions Governing Choice of a Revised or Supplemental Watershed Plan - The extent and complexity of changes made in modifying the terms, conditions and stipulations of an approved plan will determine whether a revised watershed plan or a plan supplement will be required. The amount of time and facilities normally required to prepare a revised watershed plan is significantly greater than that expended in developing a supplement. For this reason, judgment must be exercised to limit complete revisions to those situations where the modifications of the plan or changed conditions indicate the need for this action to clearly present and document the changes agreed to in the plan. In most instances a supplemental watershed plan agreement with pertinent narrative and tables made a part thereof will document the changes in an acceptable manner. The amount of detail that should be included in a supplemental agreement will depend upon the nature of the modifications and their effect on the overall project. Examples of Revised and Supplemental plan agreements are shown following paragraph 14.03.

14.012 - Conditions Requiring Either a Revised or Supplemental Agreement - The approved watershed plan agreement, including the plan, is the official document for carrying out the watershed project. When it is necessary to modify the plan to change the purpose or scope of works of improvement, major features, or the sponsoring local organization, mutual agreement to such changes will be documented by a Revised Watershed Plan Agreement including a revised plan, or by a Supplemental Watershed Plan Agreement containing such supporting information as is necessary for an understanding of the significance of the changes.

14.0121 - Change in Purpose - A change in purpose is considered to be the addition to or deletion from an approved watershed project of one or more purposes such as flood prevention, irrigation, drainage, fish and wildlife development, municipal or industrial water supply or recreation.

14.0122

14.0122 - Change in Scope - A change in scope is considered to be a planned increase or decrease in the degree or extent of project development specifically to benefit either (1) different beneficiaries, or (2) the same beneficiaries to a different degree.

14.0123 - Change in Major Features - A change in major features involves:

a. Using different ways of achieving agreed upon objectives (without planned changes in purpose or scope) by such means as significantly changing the number, location, extent, or capacity of structural measures, or substituting channel improvement for floodwater retarding structures;

b. Adding provisions for Public Law 566 credit assistance;

or

c. Changing the cost-sharing arrangements set forth in the watershed plan agreement.

14.0124 - Change in Estimated Costs - When changes in estimated costs result from changes in purpose, scope or major features, economic feasibility of the project should be reaffirmed and shown in the revised or supplemental plan.

Project feasibility should be reexamined when important changes in estimated costs occur as a result of changes in engineering design features not provided for in the watershed plan or supplements to the plan. Project feasibility should also be reexamined when inflation causes important changes in the estimated cost. The analysis should consider such things as current design criteria, safety and potential for loss of life, economics, prior commitments, sponsors' fulfillment of their responsibilities to complete the project, etc. Rationale for proceeding with installation of works of improvement should be documented in the project file.

14.0125 - Change in Sponsoring Local Organization - A change in sponsoring local organization is any change in the group of local organizations or their responsibilities.

14.013 - Approval Authority - Changes in a watershed plan by a supplemental watershed plan agreement or a revised plan, if appropriate, will be approved either by Committees of Congress or administratively.

All sponsoring local organizations will be required to execute the revised or supplemental watershed plan agreement unless provisions in the plan make it unnecessary.

14.0131 - Approval by Committees of Congress - Any changes in purpose or scope that are determined to be significant in accordance with the following definitions will require approval by the Committees of Congress.

WATERSHED PROTECTION HANDBOOK

CHAPTER 15 - ORGANIZATION AND MANAGEMENT

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- 15.03 - RELATIONSHIP OF WATERSHED PLANNING TO PROJECT INSTALLATION
- 15.04 - ASSISTING SPONSORS
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 - 15.0411 - Land Rights Work Maps
 - 15.0412 - Land Rights for Construction Start
 - 15.0413 - Land Rights on Federal Lands
 - 15.042 - Operation and Maintenance
 - 15.0421 - Authorized Assistance for O&M
 - 15.0422 - Maintenance Access Roads
 - 15.0423 - O&M Inspection and Followup
- * 15.05 - ADDITIONAL WORK *
- 15.06 - REPAIR
 - 15.061 - Ineligible for Assistance
 - 15.062 - Requests for Approval
- 15.07 - INACTIVE PROJECTS
- 15.08 - TERMINATED PROJECTS
- 15.09 - COMPLETED PROJECTS

15.0413 - Land Rights on Federal Land - To minimize delay in obtaining landrights on Federal land, the Federal agency responsible for the land must be kept informed of progress in project installation. The State Conservationist is to inform the responsible official of the Federal land administering agency by September 30 each year the approximate dates on which landrights will be requested for installing approved watershed project structures on the Federal land.

15.042 - Operation and Maintenance - Maintenance includes performance of work and the application of measures to prevent deterioration as well as repairing damages after they occur. This includes both the routine and recurring needs such as repainting exposed surfaces or fertilizing vegetation and the more complex, costly, and skilled work required to make needed repairs, or to replace concrete, steel, or earthen portions of structure measures. Skilled labor, heavy equipment, materials, and costly specialized machinery may be required. The cost can usually be minimized by performing maintenance when it is first needed. The need may occur at any time and usually can be expected to be in proportion to the severity of storms. The repair of damages to completed structural measures and to established vegetative measures caused by deterioration, flash floods, abnormal rainfall events, or vandalism is maintenance regardless of whether it occurs immediately after or several years after a work of improvement is completed or established.

15.0421 - Authorized Assistance for Operation and Maintenance - SCS assistance for operation and maintenance should be consistent with the knowledge, capability, interest, experience, and attitude of the local organization with these responsibilities. Assistance is authorized for such items as:

- a. Providing frank and timely information to sponsors on estimated costs in time, effort, and money that they can be expected to bear for operation and maintenance.
- b. Helping sponsors schedule and program their operation and maintenance resources.
- c. Helping sponsors establish entrance and user fees, where applicable.
- * d. Helping sponsors make operation and maintenance inspections. *
- e. Advising sponsors on operation and maintenance controls and techniques.
- f. Furnishing information from as-built plans when needed.
- g. Making engineering surveys and designs for maintenance when needed (as SCS resources are available).

h. Taking actions to inform, train, and encourage sponsors to perform operation and maintenance promptly as needed.

SCS may not perform or bear the cost of maintenance work.

15.0422 - Maintenance Access Roads - Occasionally it may be desirable to provide a route to get maintenance equipment to otherwise inaccessible channel reaches that are being improved. In most places, existing State, county, and farm roads or trails, open traversable areas, or construction access roads provide adequate access for the kind of equipment required during the time of year maintenance is expected to be performed.

Maintenance access roads and crossings are to be designed to serve multiple purposes whenever possible. For example, culverts or fords for maintenance access roads may serve as:

- a. Controlled inlets for side drainage.
- b. Water-level controls for laterals or swamp areas when required for wildlife-habitat enhancement.
- c. Other authorized project purposes.

The landrights for constructing and maintaining access roads must be provided without PL-566 cost sharing. Provisions must be made for the sponsors to maintain the roads.

15.0423 - Operation and Maintenance Inspection and Followup - Operation and maintenance (O&M) inspections and followup will be conducted in accordance with Administrator's General Memorandum-16.

For those measures not specifically covered by memorandum 16, O&M inspections and followup will be conducted as follows:

- a. Responsibility for O&M inspections and followup is assigned to the District Conservationist designated by the State Conservationist.
- b. Where two or more States are concerned, responsibility for is to be determined jointly by the State Conservationists.
- c. The SCS and the sponsors are to make joint inspections (1) during or immediately after the initial filling of a reservoir; (2) annually during the first three years after construction; and (3) after major storms, major earthquakes or other unusual conditions that might adversely affect the measure. The sponsors are responsible for continuing inspections after the third year. They are to prepare a report and send a copy to the SCS employee responsible for O&M inspections and followup. SCS may continue to provide inspection assistance after the third year. This should be only for special situations as determined by the State Conservationist.

d. The SCS employee responsible for O&M inspections and followup is to review thoroughly the sponsors' O&M reports of inspections and maintenance. Evidence that inspections or needed maintenance are not being performed properly and promptly are to be reported immediately to the State Conservationist, who must then take appropriate action on the reported deficiencies.

15.05 - ADDITIONAL WORK - Additional work is defined as work needed on a completed measure to assure establishment of adequate vegetation. The State Conservationist may authorize cost sharing for additional work on vegetative applications, after the sponsor has assumed responsibility for operation and maintenance, if the original vegetative application fails to establish through no fault of the sponsor or contractor. Cost sharing for additional work shall be pursuant to a new project agreement. The Public Law 83-566 cost share rate shall not exceed the rate authorized for the original vegetative application.

15.06 - REPAIR - Repairs are defined as work needed on a completed structure to correct an inadequacy. The State Conservationist is authorized to proceed where the estimated cost of repairs does not exceed \$50,000 provided:

a. The need results from latent conditions unknown to both SCS and the sponsors or from misjudgments, deficiencies, or mistakes by SCS.

b. Public Law 83-566 cost sharing requested for the repair does not exceed the ratio authorized for the original construction of the specific work involved.

c. Performance of the repair does not lessen or adversely affect the legal liability of the construction contractor or his surety to bear the cost of the work.

d. Plans and specifications for the repair are concurred in by the appropriate TSC.

Approval of the Administrator is required for Public Law 566 cost sharing for other repair on completed structural works of improvement where the estimated cost of repairs exceeds \$50,000.

15.061 - Ineligible for Assistance - The following categories of repair or additional work are not eligible for Public Law 566 financial assistance:

a. Maintenance work, either preventive maintenance, repair, or replacement, which SCS determines to be an item of maintenance cost.

b. Work necessitated by lack of improper operation or maintenance as determined by SCS.

15.062 - Requests for Approval - Requests for the Administrator's approval for repair or additional work on completed watershed works of improvement should include, but need not be limited to, the following:

- a. Identification, location, and description of the works of improvement.
- b. Description of deficiency, which may include drawings and photographs.
- c. Cause of deficiency.
- d. Summary of operation and maintenance performed.
- e. Proposed repair or additional work.
- f. Reason repair or additional work is not considered maintenance.
- g. Estimated cost.
- h. Copy of engineering report.
- i. Other pertinent information.

15.07 - INACTIVE PROJECTS - Available Public Law 566 assistance is to be provided for each approved project at the rate it can be used effectively for installing planned measures. For example, when the watershed plan

WATERSHED PROTECTION HANDBOOK

CHAPTER 16 - WATERSHED REPORTS

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- 16.05 - REPORT OF CONSTRUCTION FUND OBLIGATION AND NEW CONSTRUCTION STARTS
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- 16.07 - REPORT OF AGREEMENTS AND CONTRACTS - FORM SCS-AS-71
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- 16.10 - INACTIVE PROJECT REPORTS
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- 16.13 - STATUS OF PLANNING AND OPERATIONS, 11 AUTHORIZED FP WATERSHEDS
- 16.14 - REPORT OF FLOOD STUDIES
- 16.15 - EVALUATION STUDIES

16.03 - WATERSHED PROGRAMMING - The Watersheds Division will use information from the Planning Allotment Request to distribute Watershed Operations funds to States. The exhibits in the Planning Allotment Request should list, in order of priority, contracts and agreements for A&E services, project services and materials and Federal financial assistance for construction needs. Work should be listed by project, agreement or contract and apportionment period.

In establishing and listing priorities on the report, careful consideration must be given to completing work on actions already underway. Because of such work, the assigned numerical priorities may not coincide with the anticipated timing of the obligations. For example, vegetating a structure currently under construction may have number-one priority even though funds for the vegetation will not be obligated until late in the fiscal year.

Similarly, funds for the Federal share of relocation payments must be available when displacements occur. Thus, if sponsors have initiated landrights acquisition procedures which will result in persons being displaced during the fiscal year, funds for this purpose should be assigned a high priority. Amounts needed for relocation payments under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL 91-646) are to be shown separately for each project.

Project agreements for installation of land treatment must also be assigned a priority. Funds for land treatment technical and financial assistance are to be scheduled in the same way as funds for structural measures.

16.04 - RESERVED

16.05 - REPORT OF CONSTRUCTION FUND OBLIGATION AND NEW CONSTRUCTION STARTS - Program management and new construction limitation responsibilities require that the Watersheds Division maintain a running account of the cumulative total of new construction starts and obligations of watershed construction funds. Obligations of watershed construction funds will be monitored from FORM SCS-B&F-225, Monthly Obligations and FORM SCS-AS-71, Report of Agreements and Contracts. New construction starts are to be reported by letter from the State Conservationist to the Director, Watersheds Division.

Construction funds are obligated by project agreement or SCS-awarded contract to pay for or share in the cost of items such as relocation payments, landrights, construction, and land treatment. A new construction start exists when construction funds are first obligated for actual construction of structural measures in each watershed project. The obligation of construction funds for items other than construction of structural measures, such as relocation payments, landrights, or land treatment, is not considered a new construction start.

16.06 - RESERVED

16.07 - REPORT OF AGREEMENTS AND CONTRACTS - FORM SCS-AS-71 - This report (shown in Exhibit 16.07) provides the Washington and TSC offices with current information on work or actions for which Federal funds are currently obligated by agreement or contract. Instructions for completing and submitting the report are printed on the reverse side of FORM SCS-AS-71. The report is to include all active agreements and contracts which obligate Federal funds, such as project agreements; landrights agreements; agreements for relocation of displaced persons, businesses, and farm operations; agreements for engineering services; construction contracts; architectural and engineering services contracts; vegetative contracts; and appraisal contracts.

16.08 - ANNUAL PROGRESS SUMMARIES

(a) The annual progress summaries are to consist of (1) a narrative report for each operational project on which Federal funds were expended during the year; (2) a narrative report on completed projects which were credited with significant, interesting, unusual, or outstanding benefit occurrences during the year (Some examples of such occurrences are avoidance of loss from a flood event; new industries established; additional jobs created; human interest accounts; individual or group success events; environmental enhancements; changed land use; rural area development; unplanned or unexpected benefits; improved esthetics; water management; increases in number and variety of game, fish, and wildlife; results of improved quantity and quality of water; effect on the economy of the watershed community; and the advantages of adequate, attractive, local recreation facilities.); and (3) twenty copies of a State map with appropriate legend showing location, name, and status of each watershed in the application, planning, operation, and completed stages.

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE - P.O. Box 2890

Washington, D. C. 20250X 20013

JD

July 21, 1978

WATERSHED PROTECTION HANDBOOK NOTICE - 42

This notice transmits the revised chapter on watershed protection. The new land treatment policy contained in Chapter 4 is applicable only to new watersheds approved administratively or transmitted to OMB after September 30, 1978. The changes in land treatment policy are not applicable to old watershed plans or supplements to old plans.

The principal policy changes contained in the revised chapter are:

1. Land treatment is to be coequal with nonstructural and structural measures.
2. Watershed plans which contain only land treatment are acceptable.
3. Management of the watershed program is emphasized for both the planning and operations stages.
4. The list of land treatment eligible for accelerated cost-share assistance has been expanded to include additional long-term practices to reduce erosion and practices for water conservation, water quality, and fish and wildlife.
5. Long-term agreements are to be used to install most accelerated land treatment.
6. Fifty percent of the area upstream from a dam is to be adequately protected as a condition for construction of the dam.

The Administrative Services Handbook and supporting information necessary to document installation of land treatment with Public Law 83-566 funds are being prepared.

R.M. Davis

R. M. Davis
Administrator

Attachment

FLOOD CONTROL DISTRICT
RECEIVED

SEP 01 '78

<i>1</i>	ENGR	HYDRO
<i>2</i>	ADMIN	LMgt
<i>3</i>	C & O	SUSP
<i>4</i>	ENGR	FILE
<i>5</i>	ENGR	DESTROY
<i>6</i>	ENGR	DESTROY
REMARKS		



UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE, P.O. Box 2890
Washington, D. C. 20268 20013

JCN - Memphis Co.

AUG 11 '78

June 12, 1978

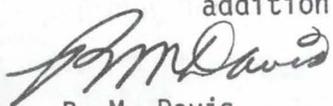
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WATERSHED PROTECTION HANDBOOK NOTICE - 41

This notice transmits changes made in various sections of the Watershed Protection Handbook. New pages containing the changes are attached. Vertical margin lines indicate new or changed material. Asterisks indicate where material was deleted.

1. Section 3.035 - Average Cost has been added to provide another method of installing land treatment.
2. Section 3.041 - Watershed Loans has been modified to increase the limit on the total amount of loans authorized for any project. The new limit is \$10,000,000.
3. A pen and ink change should be made in line 11 of Section 8.0612. The HEW publication number should be changed from (HSM) 78-10009 to (CDC) 78-8351. This publication was revised in 1977 and reprinted January 1978. The title of the publication was not changed.
4. Sections 114.01311 a. and 114.01312 a. have been revised to reflect a change in the threshold for determining if a change in purpose or scope of a watershed plan requires approval by the Committees of Congress. The threshold has been changed from \$250,000 to \$1,000,000.
5. Section 15.07 - INACTIVE PROJECTS has been modified to delete the requirement for the Administrator's approval to reactivate inactive projects. The State Conservationist is responsible for the decision to reactivate inactive projects. Paragraph (c), Section 16.10 - INACTIVE PROJECT REPORTS, has been modified accordingly.
6. Section 15.08 - TERMINATED PROJECTS has been eliminated. Deauthorization of project funding replaces project termination as the process for removing authority to make expenditures for projects under Public Law 83-566.
7. Section 15.10 - DEAUTHORIZATION OF PROJECT FUNDING has been added to provide for deauthorization of funding for watershed projects. Changes have been made in Sections 15.07, 16.11 and the sample project agreement on page 13.30-22 to reflect the addition of the deauthorization of project funding process.


R. M. Davis
Administrator
Attachment



WATERSHED PROTECTION HANDBOOK

CHAPTER 3 - COSTS AND PROVISIONS FOR FINANCING

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3.02 - ALLOCATION OF COSTS

- 3.021 - Multiple-Purpose Reservoir-type Structures
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 - 3.0221 - Flood Prevention and Drainage
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3.03 - COST SHARING

- 3.031 - Public Law 566 Funds
- 3.032 - Other Funds
- 3.033 - Performance of Work
- 3.034 - Division of Work
- 3.035 - Average Cost

3.04 - PROVISIONS FOR FINANCING

- 3.041 - Watershed Loans
- 3.042 - Advance of Funds
 - 3.0421 - Site Preservation
 - 3.0422 - Storage Capacity for Future Municipal or Industrial Use

3.033 - Performance of Work - Where structural measures or land treatment work are to be shared on a percentage basis, a description of the work will be included in the plan narrative, cost estimates will be included in table 1, and the percentage rate of cost sharing will be included in the plan agreement. Public Law 566 procurement methods are set forth in Section 2000 of the Administrative Services Handbook. With certain exceptions, they require competitive bid contracts for construction and vegetative type activities and negotiated contracts for engineering services. These methods have been successful on cost-share work where the sponsors are able to provide funds for their share of the cost.

However, it may not be practicable for some local organizations to provide cash for all the local share of the cost, or to maintain accurate records of cost of work performed by force account. Some of these sponsors may be able to perform certain elements of the project work with their own forces or with contributed labor, equipment, and materials in lieu of providing cash. When these conditions exist, the State Conservationist may approve such arrangements when he determines that:

a. The estimated value of the work the sponsors are to perform does not exceed the sponsors' share of the cost-shared items.

b. The price for the work will be established by negotiations between the Service and the sponsors and will be included in the project agreement or agreement for services covering the work. A financial settlement will be made between the Service and the sponsors upon the completion of work covered by each project agreement or agreement for services.

c. This action is in the interest of the project, the watershed program, and the Federal Government.

d. The organization or agency which is to perform the work has the necessary equipment and work force, and is skilled in performing the type of work contemplated.

e. Performance will conform to drawings and specification approved by the Service and will be in accordance with an agreed upon time schedule.

f. The sponsors will assume full financial and other responsibility for any work that must be torn out, replaced, or repaired because of construction error or other causes which would be the responsibility of a contractor if the work were performed by contract.

Service-approved cost estimates will establish the maximum price that may be negotiated for the work the sponsors are to perform. The cost estimates must, therefore, be the most factual and accurate that can be made and must be approved in writing by the State

Conservationist. Since working and site conditions, as well as other circumstances affecting work performance may change, cost estimates for the respective element of work involved in this type of arrangement will be made immediately before preparing the project agreement or agreement for services. Therefore, the cost estimate for work the sponsors are to perform should not be identified in the watershed plan narrative or watershed plan agreement. The plan narrative and plan agreement should identify the types of work the sponsors are to perform, but should not specify the quantities of work they are to perform. The plan agreement should include a statement that (1) the sponsors will provide a portion of their share of the cost by performing a specified type of work, and (2) the quantity and value of such work will be determined by mutual agreement immediately prior to the signing of the appropriate agreement and will be set forth in the project agreement or agreement for services.

3,034 - Division of Work - This method of providing Public Law 566 cost sharing is limited to the installation of land treatment measures. Where the work is to be shared on a division-of-work basis, the work is to be described in the plan narrative, cost estimates are to be included in table 1, and the plan agreement is to specify the increments of the installation work for which the sponsors and SCS are responsible, without reference to a percentage rate of cost sharing. The plan supporting file is to include detailed cost estimates showing that Public Law 566 costs for the land treatment work will not exceed the percentage rate authorized. These data will suffice to insure compliance. Actual records of sponsors' expenditures will not be required.

3.035 - Average Cost - This method of providing Public Law 83-566 cost sharing is limited to the installation of land treatment. Cost share payments are based on a percentage of predetermined average costs for installation of each practice or measures. Installation of the planned works of improvement may be done by the cooperator with contract or with his own forces. Details on using the average cost method are contained in Section 2000 of the Administrative Services Handbook. Watershed plan documentation and basic data are to be prepared in keeping with WPH Chapter 4.

3.04 - PROVISIONS FOR FINANCING

3.041 - Watershed Loans - The Secretary of Agriculture is authorized to make loans to qualified local organizations to help finance the local share of project costs set forth in approved watershed plans. The Farmers Home Administration has the responsibility for administering the loan provisions of the Act including repayment thereof. Loans are made for periods up to 50 years at the Federal long-term borrowing rate. The U.S. Treasury Department announces at the beginning of each fiscal year the interest rate that will be applicable for all watershed loans approved during the year. The total amount of loans authorized for any project is limited to \$10,000,000.

3.042 - Advance of Funds - The Secretary of Agriculture is authorized to advance construction funds to local organizations (1) for the purchase of land rights when immediate purchase is essential to preserve sites for works of improvement proposed in approved watershed plans, and (2) to pay up to 30 percent of the total installation cost of any structure for including storage capacity to meet the anticipated future demands or needs for municipal or industrial water.

14.01311 - Watershed Plans Previously Approved by Committees of Congress - A change in purpose or scope is considered to be significant if it causes:

a. An increase of more than \$1,000,000 in the estimated Public Law 566 contribution to construction cost of works of improvement, such increase to be computed as the sum of all increases whether made at one time or at different times, or

b. An increase in the total capacity of a structure so as to require approval of the change by a Congressional Committee different than the one which approved the original plan.

14.01312 - Watershed Plans Previously Approved Administratively - Any change in purpose or scope is considered to be significant if it causes:

a. The estimated Public Law 566 contribution to construction cost of works of improvement to exceed \$1,000,000 providing that this cost amounts to an increase of not less than 10 percent, or

b. The total capacity of any structure to exceed 2,500 acre-feet.

14.0132 - Administrative Approval - The State Conservationist will approve all changes other than those specified in 14.0131 by executing the revised or supplemental watershed plan agreement.

14.014 - Approval Procedure - Revisions which require approval by the Committees of Congress will need the same review and concurrence as plans. Changes in sponsoring local organizations may be approved by the State Conservationist after he has determined that the requirements for project sponsorship are adequate. Other revisions will be transmitted to the Administrator for authorization to approve. (Copies of supplements and revisions will be transmitted to the Technical Service Center for technical review and concurrence in the same manner as plans.) When such changes, in the judgment of the State Conservationist, appear to be of the kind of magnitude to be of concern to the State, he should provide the Governor, or his designated representative, an opportunity to review the revision before approving.

14.015 - Notification of Approval - The Administrator will notify the State Conservationist, the Governor, and concerned Federal agencies of all approvals of revised or supplemental watershed plans approved by Congressional Committees with copies of the revised or supplemental plan if not previously furnished.

The State Conservationist will take the following action for revisions which he approves:

a. Transmit one manually signed copy, and two unsigned copies of the revised plan or supplement to the Administrator.

b. Advise the sponsoring local organization, the Engineering and Watershed Planning Unit and field offices of all participating agencies and groups of his approval of a Revised or Supplemental Watershed Work Plan and furnish them with such copies of the material as is necessary for their participation in the modified project.

c. Where portions of the local share of the costs are being financed with a watershed loan, the FHA State Director will be furnished copies of all supplements to the work plan.

114.02 - BY PROJECT AGREEMENT OR CORRESPONDENCE - Agreement to minor revisions or modifications of the terms, conditions and stipulations of approved work plans which do not require the execution of a revised plan or Supplemental Watershed Work Plan Agreement may be documented by a project agreement or exchange of correspondence.

114.021 - By Project Agreement - An executed Project Agreement for the Construction of Works of Improvement provides adequate documentation of agreement to changes in cost, such as changes in the estimated P.L. 566 contribution to construction cost due to site adaptation or changing cost levels which do not modify the rate of P.L. 566 assistance for construction and do not require re-evaluation of benefits to reaffirm economic feasibility.

114.022 - By Exchange of Correspondence - Documentation of agreement to minor changes and modifications of the terms, conditions and stipulations of approved work plans other than changes specified in Par. 114.012, may be handled by an exchange of correspondence with each of the sponsoring local organizations unless provisions in the work plan agreement make it unnecessary. One manually signed and one unsigned copy of the exchange of correspondence should be transmitted to the Administrator.

114.0221 - Exchange of Correspondence - Federal Contracting - Public Law 90-361 approved June 27, 1968, amending Public Law 83-566, as amended, provides that the Secretary may enter into contracts for the construction of any structure if requested to do so by the local organization. This amendment is interpreted to authorize the Service to contract for both structural and cost-shared land treatment measures when requested by the sponsoring local organization. This amendment makes it optional for sponsoring local organizations to request the Secretary to administer contracts for such work. However, it does not

WATERSHED PROTECTION HANDBOOK

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provides for accelerating installation of land treatment measures. SCS will endeavor to begin furnishing the needed additional technical assistance as soon as the project is approved for operations. Likewise, SCS will provide available assistance to get construction of structural measures underway on approved projects as soon as the sponsors have met their commitments for getting construction started. The objective is to assist the sponsors in completing their project within the planned installation period. This usually necessitates an early construction start and continuity of construction as well as extra effort toward installing land treatment measures. However, Public Law 566 assistance will not continue to be supplied for projects where the installation of structural measures is unduly delayed because the sponsors failed to carry out their responsibilities. If such delays in construction occur, the State Conservationist is to notify the sponsors by letter that corrective action is requisite for continuation of Public Law 566 assistance. The notice should provide sponsors reasonable time to act and should establish a cutoff date for Public Law 566 assistance in the event sponsors fail to act.

The State Conservationist is to end immediately all forms of Public Law 566 assistance for projects where sponsors' improper actions or inactions result in a continuous 2-year delay in construction. If there is little likelihood that the remaining structural work will ever be completed, the project should be closed. This can be accomplished by supplementing the Watershed Agreement to delete the measures that have not been installed. Projects supplemented and closed out after a substantial amount of structural measures have been installed will be considered completed. (Where no construction start was made, the project should be considered for deauthorization of funding.) If the sponsors do not agree to close the project or the State Conservationist determines this action is not desirable, the State Conservationist is to declare the project inactive. Public Law 566 funds are not to be expended for a project while it is in an inactive status.

The State Conservationist is to notify the sponsors by letter when their project is placed on the inactive list. The letter should state the reasons for the action, the fact that Public Law 566 assistance is terminated, and the actions that sponsors may take to qualify the project for reactivation. Copies of the letter are to be sent to other concerned Federal and State agencies such as Forest Service, Bureau of Land Management, the Governor or State Committee, and to the Administrator.

15.08 - RESERVED

15.09 - COMPLETED PROJECTS - A project is considered completed when watershed plan commitments for Public Law 83-566 assistance in installing works of improvement are satisfied. These commitments are satisfied when:

a. All structural and nonstructural measures involving Public Law 83-566 assistance are installed in keeping with the watershed plan, as amended or supplemented; and

b. the land treatment measures in the watershed plan have been installed or their installation has progressed to the extent that it can be carried out with assistance from going programs.

No additional Public Law 83-566 funds may be charged to a completed project without prior approval of the Administrator.

15.10 - DEAUTHORIZATION OF PROJECT FUNDING - The purpose of deauthorization of project funding is to remove authority to make expenditures for projects under Public Law 83-566. The process is not applicable to those projects where an operation and maintenance agreement is in force for any works of improvement.

Each year, by February 1, the State Conservationist shall review watershed projects in which no structural measures have been installed for eight (8) years after approval for installation of works of improvement. If the State Conservationist determines it unlikely that planned measures will be installed and the sponsors agree, he shall initiate deauthorization of funding. The environmental consequences of funding deauthorization shall be determined for each project by an appropriate environmental assessment. State Conservationists may begin deauthorization sooner where it is unlikely that planned measures will be installed and sponsors concur in the deauthorization of funding. Agreements with the sponsoring local organization for deauthorization of funding may be documented by exchange of correspondence. State Conservationists shall maintain a reviewable record, documented as required by SCS procedure (7 CFR 650), of all activities relating to deauthorization of funding.

The State Conservationist shall notify the Administrator in writing of the proposed deauthorization of funding. At the same time, the notice of intent (7 CFR 650), with one copy of the EIA or EIS should be sent to the Watersheds Division, the Technical Service Center and concerned agencies. If authorization of funding by the Administrator was subject to approval by resolution by Committees of Congress, the Administrator shall give the appropriate committees written notice of the proposed deauthorization at least sixty (60) days before final funding deauthorization action is taken by the State Conservationist. The Administrator will notify the State Conservationist if there are congressional concerns about the proposed deauthorization.

Following the 60-day waiting period, the State Conservationist will submit to the Watersheds Division a notice of final project funding deauthorization action to be published in the Federal Register. The State Conservationist shall notify sponsors and concerned Federal, State, and local agencies of the final action. Other actions by the State Conservationist shall include submitting final Form SCS-207 (and Revised Watershed Plan Table 1, if any works of improvement were installed), removing project identification from status maps, and disposing of records as specified by SCS Records and Management guide procedures. Any working files that may be useful for other purposes or programs should be retained.

The deauthorization of project funding process may be stopped by the State Conservationist at any time before the final notice of deauthorization is published if public, congressional, or sponsor's actions support completion of the project.

Areas included in a project which has had funding deauthorized may be included in a new watershed application. Assistance under Public Law 83-566 will be the same for such applications as for any other application.

WATERSHED PROTECTION HANDBOOK
CHAPTER 16 - WATERSHED REPORTS

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- 16.15 - EVALUATION STUDIES

status on a specified date; (3) SCS assistance is not authorized for an inactive project; and (4) advise sponsors of actions they must take or responsibilities they must fulfill to avoid having an inactive project. The SCS should offer such authorized assistance as is available to help sponsors meet their requirements. This notice is to be confirmed by letter with a copy to the Administrator.

b. If it becomes necessary to declare the project inactive, the State Conservationist is to send a letter to each local organization sponsoring the project, advising that their project is in an inactive status; the reasons; that Federal watershed assistance is terminated until the project is reactivated; and that the Administrator's approval is required to reactivate the project. Copies of the letter are to be provided to the Administrator, the TSC, other Federal agencies having authority to spend watershed funds on the project, the Governor or his designated agency, and others who would be concerned with the suspension of project installations.

c. After the sponsors have corrected the deficiency which resulted in the project becoming inactive, and the State Conservationist is satisfied that sponsors can and will continue to carry out their responsibilities, the State Conservationist can reactivate the project. Sponsors should be notified, by letter, that the project is reactivated. If the project was declared inactive prior to January 1, 1970, (the effective date of the National Environmental Policy Act of 1969) the notification should also indicate whether an environmental impact statement will be prepared and processed before remaining works of improvement can be installed. Copies of the letter are to be sent to the Administrator, the TSC Director, other Federal agencies having authority to spend watershed funds on the project, the Governor or his designated agency, and others who would be concerned with resumption of project measure installation.

16.11 - DEAUTHORIZATION OF PROJECT FUNDING - Deauthorization of project funding is to be reported to the Administrator, the TSC, appropriate clearinghouse, and other concerned State and Federal agencies. This report may be accomplished by providing each recipient with a copy of the exchange of correspondence which deauthorized project funding or with a copy of the Federal Register notice announcing final deauthorization action.

16.12 - COMPLETION REPORTS - State Conservationists are to report completion of watershed work in two stages--construction completion and project completion.

a. Completion of construction will be reported by memorandum to the Washington and TSC offices. This report will be submitted as soon as all planned structural measures, and associated features such as fencing and seeding, have been initially completed. After construction is completed, Federal assistance will be restricted to the installation of land treatment measures, reseeding, and other work specifically authorized by the Administrator such as evaluation studies or repair.

16.12

(b) As soon as a project is completed, the state conservationist is to:

(1) notify the Administrator of the project completion date and the date construction of structural measures was completed. A final Table 1 and corresponding final Field Cost Estimate, Form SCS-WS-207, for the project are to be forwarded as soon as the state obtains information as to total project obligations from the Budget and Finance Division;

(2) send copies of the project completion notification to the RTSC and to other concerned federal agencies; and

(3) send each of the local organizations who sponsored the project a letter complimenting them on their completion of the project; informing them of the official completion date of the project; reminding them that their responsibility for operations and maintenance, as detailed in the O&M agreement(s), is fully effective for the entire project; and other information as deemed desirable. As a courtesy to the sponsors, and to provide clean documentation of final agreement, each sponsor should be requested to acknowledge receipt of the letter and concur in its contents. However, sponsors' concurrence is not required to close out a completed project.

16.13 - STATUS OF PLANNING AND OPERATIONS, 11 AUTHORIZED FP WATERSHEDS - FORM SCS-405 - This report (Exhibit 16.13) is to be prepared by all states in which flood prevention projects authorized under P.L. 78-534 are operating. Two copies of the status of planning and operations report will be submitted to the Watershed Operations Division by October 10 each year. The report will show accomplishments during the fiscal year just ended (first column); anticipated accomplishments during the next two fiscal years (second and third columns); as of September 30 of the fiscal year just ended, the total number of potential subwatershed projects, including those already planned; the number of subwatersheds remaining to be planned; and cumulative totals of subwatersheds with planning starts, planning completions, approved for construction, new construction starts, structural measures completions, and project completions (fourth column).

16.14 - REPORT OF FLOOD STUDIES - State conservationists are to report flood studies as provided in Administrator's General Memorandum-9 dated December 1, 1972.

16.15 - EVALUATION STUDIES

(a) Coverage - The SCS may initiate studies, make investigations, and collect and analyze data in selected watersheds where such information is pertinent to and essential for the planning of watersheds in the general area upon which applications for planning have been received under provisions of the Act. This will not include the collection of supporting data necessary to the planning of a specific watershed. The

14. This plan may be amended or revised only by mutual agreement of the parties hereto except that SCS may deauthorize funding at any time it determines that the sponsor has failed to comply with the conditions of this agreement. In this case, SCS shall promptly notify the sponsor in writing of the determination and the reasons for the deauthorization of project funding, together with the effective date. Payments made to the sponsor or recoveries by SCS shall be in accord with the legal rights and liabilities of the parties when project funding has been deauthorized.

Explanatory Note for Item 14

The following may be added to the above statement where appropriate - "An amendment to incorporate changes affecting a specific measure may be made by mutual agreement between SCS and the sponsor(s) having specific responsibilities for the measure involved."

15. No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this plan, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

16. The program conducted will be in compliance with all requirements respecting nondiscrimination as contained in the Civil Rights Act of 1964, as amended, and the regulations of the Secretary of Agriculture (7 CFR 15.1-1t.12), which provide that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any activity receiving Federal financial assistance.

Jan

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE, P.O. Box 2890

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November 3, 1977

WATERSHED PROTECTION HANDBOOK NOTICE - 40

This notice transmits changes made in various sections of the Watershed Protection Handbook. New pages containing the changes are attached. Vertical margin lines indicate new or changed material.

1. Sections 1.012 e. and f. have been revised to reflect amendments to Public Law 566 which raise the administrative approval limit for watershed plans from \$250,000 to \$1,000,000.
2. Section 3.041 has been revised to reflect an amendment to Public Law 566 which raises the limit on the total amount of loans which can be authorized for any watershed project from \$5,000,000 to \$10,000,000.
3. Page 2 of the Appendices Table of Contents has been revised to add Appendix 17--Interagency Agreement between the Soil Conservation Service and the Forest Service, September 21, 1977.
4. Appendix 1, Watershed Protection and Flood Prevention Act, As Amended, has been changed to reflect recent amendments contained in Public Law 95-113. These amendments raise the administrative approval limit for watershed plans from \$250,000 to \$1,000,000 and the total project loan limit from \$5,000,000 to \$10,000,000.
5. Interagency Agreement Between the Soil Conservation Service and the Forest Service, September 21, 1977, has been added to the Watershed Protection Handbook as Appendix 17.

Norman A. Berg
"Acting"
R. M. Davis
Administrator
Attachment



UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

fd

March 2, 1977

WATERSHED PROTECTION HANDBOOK NOTICE - 39

This notice transmits several revisions of the Watershed Protection Handbook. New pages are provided to replace those affected.

Vertical margin lines indicate the location of the changes. The major change is the definition of critically eroding areas to be consistent with other SCS programs.

R. M. Davis "Acting"

R. M. Davis
Administrator

RECEIVED
Flood Control Dist.
Maricopa County

APR 13 1977



UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

JW

January 31, 1977

WATERSHED PROTECTION HANDBOOK NOTICE - 38

This notice transmits changes made in various sections of the Watershed Protection Handbook. New pages are provided to replace those affected. Vertical margin lines indicate changes while an asterisk indicates an omission.

A summary of the most significant changes follows:

1. Section 12.08 is being revised so that the state conservationist will maintain the original applications in his files and will acknowledge receipt of the application to the sponsors.
2. Revised Forms AD-621 and AD-624 have been issued. The old forms should be deleted from the handbook. Additional copies of the forms maybe obtained from Central Supply.
3. Form SCS-WS-311 is no longer needed to report watershed planning activities and is being deleted. Exhibit 16.01 is to be removed from the WPH.
4. Instructions for reporting grant-in-aid actions are deleted from the text (Section 16.06). They are contained in other directives. Exhibit 116.06 is to be removed from the WPH.
5. Pen and ink changes are needed as a result of the reorganization of the Washington office. References to the "Deputy Administrator for Water Resources" should be changed to "Assistant Administrator for Water Resources." Also, references to either the "Watershed Planning Division" or "Watershed Operations Division" should be changed to "Watersheds Division." A deliberate search and change should not be made. However, changes should be made when noted.

Norman A. B. 9:9 "Acting"
R. M. Davis
Administrator

RECEIVED
Flood Control Dist.
Maricopa County

Attachment

APR 13 1977



UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

October 14, 1976

WATERSHED PROTECTION HANDBOOK NOTICE - 37

This notice transmits several revisions of the Watershed Protection Handbook to update instructions. New pages are provided to replace those affected. Vertical margin lines indicate a change, while an asterisk indicates an omission or deletion.

1. Paragraphs 1.09 and 1.10 are modified by deleting reference to Public Law 87-732. Conservation Memorandum-15 contains policy on conservation of wetlands. Appendix 12 is to be removed.
2. Paragraph 3.01324h is modified to permit cost sharing for access roads to structural measures.
3. Paragraph 12.41 has been modified to include a list of the congressional delegation with the letter of request for planning authorization.
4. Table 2 on page 13.30-30 should have a pen and ink change by deleting the footnote 2/ designation from the Relocation Payment column heading. The other footnote 2/ designation is properly located.
5. Table 6 and the NED Account of the Selected Alternative have been modified to be consistent with Advisory WS-23 issued July 9, 1976, concerning externalities.
6. Paragraphs 13.451d, 13.461c, and 13.471c are being deleted and the list of names and addresses of the sponsors signing the final plan need not be sent to the Washington office.
7. Paragraph 13.453d is being changed to reflect the current number of plans and EIS's needed by congressional committees.
8. Paragraph 13.462d has been added indicating that the Forest Service will be notified of approval of a subwatershed plan.

R. M. Davis
Administrator

Victor H. Berry, Jr.
Acting



UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

JD

July 30, 1976

WATERSHED PROTECTION HANDBOOK NOTICE - 36

This notice changes the National Archives Reference Services' statement on the Notice of Availability of Negative Declaration and makes some minor editorial changes.

Note that only one of the two example statements is applicable to a specific project.

Replace page 2 of EXHIBIT 13.90-11.

Victor H. Davis
R. M. Davis
Administrator

Attachment



UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

June 15, 1976

WATERSHED PROTECTION HANDBOOK NOTICE - 35

This notice transmits a revision of paragraph 8.0641 of the Watershed Protection Handbook.

Service policy is changed to permit certain measures that are ineligible for PL-566 assistance to be located on PL-566 cost-shared land provided they do not interfere with the intended use and function of eligible measures. It also assigns the state conservationist responsibility to determine if such measures will be permitted at these locations.

Make the following pen and ink change:

- ✓ (1) Paragraph 5.0512, delete "or Public Law 534."

Norman A. Berg
R. M. Davis
Administrator

Acting



UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

JD

March 29, 1976

WATERSHED PROTECTION HANDBOOK NOTICE - 34

This notice transmits a revised Chapter 5 of the Watershed Protection Handbook. Vertical margin lines have been omitted due to the extensive changes.

Replace Chapter 5 in its entirety with the revised Chapter 5.

The major changes reflected in this notice are as follows:

1. Inclusion of nonstructural measures.
2. A restatement of SCS policy with regard to level of protection. See Section 5.041.
3. Most of the formulation discussion has been deleted. This subject is covered in the USDA Procedures for Planning Water and Related Land Resources and will be addressed in future changes of Chapter 2 of the Watershed Protection Handbook.



R. M. Davis
Administrator



JW

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Washington, D. C. 20250

March 10, 1976

WATERSHED PROTECTION HANDBOOK NOTICE - 33

This notice transmits several revisions to the Watershed Protection Handbook to do some needed updating and remove some existing errors and conflicts. New pages are provided to replace those affected. Vertical margin lines indicate the changes. Omissions are indicated by asterisks.

Major changes being made are as follows:

1. 1.062b is deleted since the Washington office no longer distributes plans and EIS's.
2. 2.0212 and 2.0213 are revised to correct basis for price levels and interest rates.
3. 2.0214 is deleted.
4. 2.02212 is changed from "Redevelopment Benefits" to "Employment Benefits."
5. 3.01325 adds needed permits to the list of items which may be included as project administration cost.
6. 3.018 is deleted since the items are defined in the Economics Guide.
7. 12.41h is revised to call special attention to requirements of Executive Order 10913 when requesting planning authorization.
8. 12.4422 is added to include procedures for termination which was inadvertently omitted from Notices 30 and 32.
9. 16.01 is revised to require submission of Form SCS-WS-311 every three months. Instructions are also expanded and now indicate that the form should be used for major supplements of approved projects.
10. Dates throughout Chapter 16 are revised to reflect the new change in fiscal year.



R. M. Davis
Administrator



UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

January 22, 1976

WATERSHED PROTECTION HANDBOOK NOTICE - 32

This notice transmits a revised Chapter 13 of the Watershed Protection Handbook. Vertical lines have been omitted due to the extensive changes. Chapter 13 has been reproduced in its entirety except for the three maps presently designated 113.09-56, -57, and -58 (formerly 113.41-43, -44, and -45). These three maps should be redesignated EXHIBITS 13.90-12, -13, and -14 respectively and retained. WPH Interim Notices 1, 2, 3, 4, 5, and 6 are hereby cancelled.

The changes initiated by this new chapter are effective immediately. However, for plans and environmental impact statements which are now almost completed or if changing to the new format would create undue delays, the older format may be used.

This notice implements several procedural changes and should be carefully studied to be sure that all appropriate steps are taken. These procedural changes should result in a shortening of the time from "application" to "authorization for federal assistance." In making these changes, more responsibility is placed on the state conservationist to assure that the public is involved throughout the planning process, that such involvement is sincere, and that all concerns have been given appropriate consideration. Involvement of the appropriate office of the Forest Service and other agencies must be timely. It is imperative that the state conservationist prepare quality documents that will reflect favorably on the Soil Conservation Service. He cannot rely on reviews at the TSC and Washington office to correct errors. The proposed project must be properly supported by a high quality plan and EIS and a thorough, reviewable record.

Edward E. Thomas Acting

R. M. Davis
Administrator

Attachment



UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

gw

January 5, 1976

WATERSHED PROTECTION HANDBOOK NOTICE - 31

This notice transmits revisions in the Watershed Protection Handbook regarding limitations on bringing new land into production. The changes being made are for the purpose of removing inconsistencies with SCS policy as stated in Conservation Planning Memorandum-15 and removing unnecessary constraints. The changes are indicated by vertical margin lines.

A summary of the most significant changes follows:

1. A new section 1.09 has been added to state policy on wetlands.
2. Section 1.10 has been revised to remove unnecessary restrictions.
3. Chapters 6 and 7 have been reprinted in their entirety.
4. A new Appendix 12, which is a copy of PL 87-732, is included for information.
5. Most of the formulation discussion has been deleted from Chapters 6 and 7. This subject is covered in the USDA Procedures for Planning Water and Related Land Resources and will be addressed in future changes to Chapter 2 of the Watershed Protection Handbook.

R. M. Davis

R. M. Davis
Administrator



UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

September 30, 1975

WATERSHED PROTECTION HANDBOOK NOTICE - 30

This notice transmits a revised Chapter 12 of the Watershed Protection Handbook. Vertical lines have been omitted due to the extensive changes.

Replace Chapter 12 in its entirety with the new Chapter 12.

The third digit to the left of the decimal has been eliminated. This digit was formerly used to designate Parts 1, 2 and 3 of the Handbook. Since these separate parts no longer exist, the use of the third digit is not necessary and will be revised as future changes in the Handbook are made. Thus, section 112.01 is replaced by section 12.01 and section 101.043 is understood to mean 1.043, etc.

This change supersedes WPH Interim Notice 1, Steps A through D. The remainder of Interim Notice 1 will remain in effect until Chapter 13 is revised.



R. M. Davis
Administrator

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Washington, D. C. 20250

April 24, 1975

WATERSHED PROTECTION HANDBOOK NOTICE - 29

This notice revises appendix material related to several reference documents. The reference material is no longer reproduced as appendix material but can be referred to at the source cited. The purpose of the notice is to update the material previously contained in the Appendices.

The following changes should be made in existing copies of the Watershed Protection Handbook:

1. Chapter 1 - Make the following pen and ink change in paragraph 101.322 and the Table of Contents: "Change "Public Law 86-523" to read "Public Law 93-291."
2. Replace the list of appendices with the new attached list.
3. Replace Appendix 4 in its entirety with the Appendix 4 dated April 1975.
4. Discard Appendix 12 in its entirety.
5. Discard Appendix 17 in its entirety.
6. Discard Appendix 18 in its entirety.

Kenneth E. Grant

Acting

Kenneth E. Grant
Administrator



UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

Handwritten initials

August 23, 1974

WATERSHED PROTECTION HANDBOOK NOTICE - 28

This notice transmits revisions in the Watershed Protection Handbook concerning minimum land rights requirements and additional requirements concerning public access and recreational benefit evaluation. These requirements are already in effect and are being included here for ready reference. These changes do not include guidance on provisions that may become applicable under Sec. 73 of Public Law 93-152. New pages, with marginal lines to denote changes and asterisks to denote deletions, are provided to replace those in the Handbook.

A summary of the most significant changes included in this notice follows:

1. Paragraph 101.11 - Land rights requirements for floodwater retarding structures are provided. These are in accord with minimum requirements listed in the Administrative Services Handbook. Note the more specific requirements on flooding of roads, the inclusion of consideration for emergency spillway discharge in easement determinations, and inclusion of criteria for land rights for channels.
2. Paragraph 101.201 - Reservoir capacity is defined in relation to the elevation of the primary emergency spillway. This is a clarification of definition in cases where emergency spillway systems are used.
3. Paragraphs 108.0621b and 108.072c - Minimum land rights requirements are referenced to paragraph 101.111.
4. Paragraphs 108.041f and 108.042k are added, and the reference in paragraph 108.051 to "organized groups" for the determination of benefits is deleted. These changes are in accord with Service policy previously furnished with Advisory WS-9, dated March 3, 1974, concerning public access and benefit evaluation at recreational developments.

Kenneth E. Grant

Kenneth E. Grant
Administrator

Attachment



UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

May 1, 1974

Watershed Protection Handbook Notice - 27

This notice transmits replacements for pages 113.08-7 and 8 and 113.09-21 and 22 of WPH Notice 26. The first three pages were in error in WPH Notice 26. Page 113.08-8 is further changed to provide for the State Conservationist to sign all agreements in line with new procedures as designated in SCS NEPA Guidelines.



Kenneth E. Grant
Administrator

Attachment



JW

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

March 6, 1974

Watershed Protection Handbook Notice - 26

This notice transmits revisions to the Watershed Protection Handbook to comply with OMB Circular A-102. Procedures contained in this notice are mandatory for all applications signed by the sponsors after April 1, 1974. The procedures contained in this notice, when in conflict with procedures contained in Administrator's General Memorandum-5, take precedence. Administrator's General Memorandum-5 will be revised.

New pages are provided to replace those in the handbook where changes were made. Vertical lines in the margin show areas of change. Flow charts will be revised and forwarded later.

A summary of the most significant changes included in this notice follow:

1. Paragraph 112.014 is revised to provide for the use of Form AD-621 for preapplication review by the clearinghouse. A copy of Form AD-621 is shown on pages 112.50-1 through 4.
2. Paragraph 112.015 is added to provide for state conservationist's review of the preapplication and clearinghouse comments prior to the sponsors completion of the application.
3. Paragraph 112.041 is revised to provide for the use of Form AD-624 for application for assistance and details information required on the form. A copy of Form AD-624 is shown on pages 112.51-1 through 11.
4. Page 112.08-7. Paragraph No. 13 of the Watershed Work Plan Agreement is expanded to include termination for cause.
5. Page 113.09-22. Provision is made for discussing the requirements for a financial management system, including financial reporting requirements, when the sponsors elect to contract.
6. Page 113.09-25. Provision is made to discuss the handling of program income.
7. Page 113.09-26. Provision is made to discuss the retention and disposal of real and personal property.

Kenneth E. Grant
Kenneth E. Grant
Administrator

Attachment



UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

JW

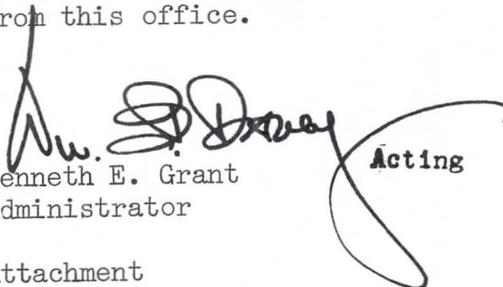
July 20, 1973

WATERSHED PROTECTION HANDBOOK NOTICE - 25

This notice transmits a copy of the current version of the Watershed Protection and Flood Prevention Act (Public Law 566) as amended by the Rural Development Act of 1972 - PL-92-419, 92d Cong., 86 Stat. 667.

This copy is to be inserted in the Watershed Protection Handbook as Appendix 1. The old copy of the Act should be removed and destroyed.

Inclusion of this updated version of the Act does not authorize implementation of the new provisions contained therein. Instructions for implementation will be provided by separate notice as authorizations are provided by the Secretary. No commitments should be made to sponsors or other groups and individuals until instructions are received from this office.


Kenneth E. Grant
Administrator **Acting**

Attachment



UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

May 18, 1973

WATERSHED PROTECTION HANDBOOK NOTICE-24

This notice transmits several revisions to the Watershed Protection Handbook. New pages are provided to replace those in the handbook where the change is extensive and vertical lines show areas of change; otherwise, pen and ink changes are noted.

The changes included in this notice follow:

1. Paragraph 101.102 - Make the following pen and ink change: Insert "to any purpose" between "benefits" and "accrue" in the third line to read "---for projects in which the monetary benefits to any purpose accrue primarily from---."
2. Page 113.08-8 is revised to add a signature line to identify the state conservationist responsible for the preparation of the watershed work plan.
3. Pages 113.11-11 through 15, which provide instructions for Federal Register notices, have been revised. The date that the draft environmental statement was sent to CEQ has been eliminated. The last paragraph indicates a deadline date for receipt of comments rather than listing the beginning date of the 60 day review period. Instructions for preparation and submission of copy have been revised.
4. Page 113.133-2 is revised to delete the column headed "1 page Env't. St. Summary" and delete the figure 1 in the bottom line of the fourth column.
5. Paragraph 114.0221 has been revised to provide for the Service to contract for both structural and cost-shared land treatment measures when requested to do so by the sponsoring local organization.
6. A new paragraph 115.08 has been added to describe actions needed to terminate projects. The paragraph on completed projects is re-numbered 115.09.
7. Appendix 12 - Discard pages 6 through 48 if not previously discarded when Notice 1-19 was inserted. Change page numbers on Administrator's General Memorandum - 5 (Rev. 4) to 5-12. These pages are presently numbered 49-56.

Kenneth E. Grant

Kenneth E. Grant
Administrator

Attachment



UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

JW

May 9, 1973

WATERSHED PROTECTION HANDBOOK NOTICE - 23

This notice transmits a revised Chapter 8 of the Watershed Protection Handbook, and changes in Chapters 1 and 4 resulting from revisions of Chapter 8. New pages are provided to replace those in the handbook which are affected. Chapter 8 is reproduced in its entirety. Vertical lines are omitted in Chapter 8 due to the extensive changes.

Provisions of paragraph 108.0621b with respect to minimum land rights for reservoirs not in a project development are mandatory for projects which have not reached the Washington office review stage. These requirements should be given consideration for inclusion in other plans not approved for operations if agreeable to the sponsors. All other changes become effective upon receipt of this notice.

A brief summary of the more significant changes follows:

1. The discussion of land treatment is moved to Chapter 4 as paragraph 104.051. Paragraph 108.021 will remain as a reference only.
2. The term "project development" is introduced to identify those improvements for which there is planned PL-566 cost-share assistance for land rights and/or facilities. See paragraph 108.03.
3. Fish and wildlife and recreation storage may be included in single purpose reservoirs in certain situations. See paragraph 108.022a.
4. Project formulation will include an evaluation of potential public recreational and fish and wildlife opportunities in each watershed. Sponsors and appropriate state and federal agencies will be encouraged to help develop these opportunities to the maximum extent feasible. See paragraph 108.042a and b.
5. Water quality consideration is added to the list of procedures to be used in formulating systems of measures to serve recreation and fish and wildlife needs. See paragraph 108.042d.
6. The discussion on mitigation is transferred to Chapter 1 and becomes paragraph 101.314. Minor changes are made in the text of these paragraphs.



7. The term "visitor day" is replaced with the term "recreation visit". The value of a recreation visit will be the same as that previously used for a visitor day. See paragraph 108.0511.
8. Minimum requirements are established for land rights for reservoir water resource improvements. See paragraph 108.0621b. This minimum requirement is established to protect the improvement from private development and pollution. See prohibition of construction of private facilities within the minimum land-rights boundary in paragraph 108.0614.
9. The list of facilities eligible for PL-566 assistance is expanded. See paragraph 108.063.
10. Provisions of Watersheds Memorandum-119 on public access to private developments are included as paragraph 108.0623.
11. State conservationists may, at the sponsors request, submit a proposal to the Administrator for the Service to provide engineering services for recreational facilities. This request is appropriate only if the sponsors are unable to secure engineering and architectural services from other sources. See paragraph 108.071b.

Kenneth E. Grant

Kenneth E. Grant
Administrator

Attachments

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

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February 14, 1973

WATERSHED PROTECTION HANDBOOK NOTICE 22

Attached is Chapter 16 of the Watershed Protection Handbook which covers the recurring reports required in watershed activities. Need for nonrecurring or special reports will be handled on a special-report basis.

This chapter replaces the parts of Chapters 7 and 8 of Part 1 of the WPH issued in 1961 which concerned watershed reports.

Kenneth E. Grant Acting

Kenneth E. Grant
Administrator

Attachment

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

January 23, 1973

WATERSHED PROTECTION HANDBOOK NOTICE - 21

This notice transmits several revisions to the Watershed Protection Handbook. New pages are being provided to replace those in the Handbook which are affected. Marginal lines have been added to indicate changes.

- a. Reference to Part 1 has been deleted since the handbook now consists of only one part. Part 2 was transferred to the Administrative Services Manual. Therefore this notice is labeled "21" rather than "1-21".
- b. Paragraphs 105.0621, 106.0821, 107.0821, and 111.072, and page 113.08-2 are revised to delete the restriction on the use of federal funds other than PL-566 for the purchase of land rights. This change is in keeping with the new authorities contained in Section 102(d) of Title II, Rural Development Act of 1972, and Watersheds Memorandum - 123.
- c. Pages 113.09-4, 113.09-19 and 113.11-4, 5, and 6 are revised to include additional items needed in environmental statements as outlined in Advisory WS-26. On page 113.11-6, item 6b - the last sentence calling for a discussion of disturbances during construction has been deleted.
- d. Pages 113.133-1 and 113.142 are revised to include the Department of Transportation in the Inter-Agency Review process. Also, page 113.133-1 was further revised to delete the Secretary of Labor as a recipient of a carbon copy of the transmittal letter to the Department of the Interior.
- e. Pages 113.11-2, 113.11-9, 113.139, and 113.142 are revised to clarify instructions for processing environmental statements. On page 113.139, paragraph 113.141 - it is now required that a copy of the work plan be sent to the Washington office with the draft environmental statement.



f. Make the following pen and ink changes:

- 1) Paragraph 103.0222 - change "channel improvement" to "channel work."
- 2) Paragraph 105.0221c - change "channel improvement" to "channel work."
- 3) Table 1 - change "Channel Modification" to "Channel Work" under the heading "Structural Measures - Construction."
- 4) Table 2 - change "Channel Modification" to "Channel Work" under the heading "Item."



Kenneth E. Grant
Administrator

Attachment

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

September 1, 1972

WATERSHED PROTECTION HANDBOOK NOTICE 1-20

This notice transmits several revisions and additions to Part 1 of the Watershed Protection Handbook. New pages are provided to replace those in the handbook which are affected.

Emphasis in this handbook notice is to update instructions for the preparation and review of work plans and environmental statements. Replacement pages are provided and vertical lines in the outside margin indicate the location of the changes.

All changes in policy or procedure reflected in this handbook notice become effective upon receipt. It is intended that each project will be planned and reviewed in accordance with these instructions from this date forward. There are a number of draft plans and statements for which authorization to prepare the document has been given without reference to some of the changes included in this notice. However, these changes should be made wherever practical.

A brief summary of the changes included in this notice follows:

1. The Table of Contents for Chapter 1 and page 101.053 are replaced to update the names of agencies.

2. Paragraphs 103.031 and 103.032 have been updated to recognize cost-sharing arrangements for relocation payments and relocation assistance advisory services.

3. The Table of Contents for Chapter 13 is replaced to show new paragraph 113.106. Page 113.02 is replaced to correct an error in a reference (101.32).

4. Page 113.08-3 is replaced to update the wording in paragraph 2 of the work plan agreement which relates to the "relocation act".

5. Page 113.09-4 is replaced to change "stream pattern" to "surface water resources".

6. Page 113.09-18 is replaced. Included in the "EFFECTS OF WORKS OF IMPROVEMENT" section in the work plan is to be a description of both short-term and long-term effects and impacts. This will include the effects from construction activity during installation of the project.

7. Page 113.09-21 is replaced to provide a separate "Economic and Social" subsection in the EFFECTS section of the work plan. The updating of this section also affects the impact section of the environmental statement.



8. Page 113.09-22 - PROJECT INSTALLATION section - The change in b(1) is to update the wording which relates to the "relocation act".

9. Page 113.103 is replaced so that the last paragraph on the bottom of the page could be deleted, paragraph 113.105 could be expanded, and paragraph 113.106 (a new page) could be added. The deletion related to letters of comment not being a part of the final environmental statement. ENVIRONMENT MEMORANDUM - 10 requires that letters of comment become part of the final environmental statement and this has been incorporated into paragraph 113.105. Letters of comment received on draft environmental statements will be attached as an Appendix. Paragraph 113.106 describes the procedure for preparing NTIS-79 forms, a return-address post card which will be sent to CEQ to obtain their receipt date, and the "notices of availability" for publication in the Federal Register. These items will now be prepared in the states at the time the environmental statement is put together. Samples and instructions are provided on pages 113.11-9 through 15.

10. Paragraph 113.11 has been reprinted to show a listing of appendixes before the approval signature on an environmental statement and to emphasize that the actual appendixes follow the approval signature.

11. Page 113.11-1 - The environmental statement cover sheet is replaced to correct the identification number to be shown, and to include zip codes in the sponsoring local organizations' addresses.

12. Page 113.11-2, environmental statement summary sheet, is replaced to show that environmental statements will include a brief description of the project purpose as well as action in Item IV. Item VIII is also reworded to show the date that the statement was transmitted to CEQ and, on the final statement, to show the date the draft was received by CEQ.

13. Page 113.11-3, first page of environmental statement, has been modified to include "Purpose of Project" and to move the location of the title.

14. Page 113.11-8 - The last page of the environmental statement before appendixes has been revised to show that Appendix B will normally be for letters of comments received on the draft environmental statement. The Project Map will always be the last appendix, or in this case Appendix C.

15. Page 113.11-9 provides a sample and instructions on how to fill out the NTIS-79 form and a return-address post card for obtaining the date the environmental statement was received by CEQ. Present arrangements are for CEQ to also stamp their receipt date on the NTIS card but there is a delay in this card being returned to the originating office.

16. Pages 113.11-10, 11, 12, 13, 14, and 15 are included to show samples and instructions on preparing the "notice of availability" of environmental statements to be published in the Federal Register.

17. Page 113.124 - "Comments" in item c has been changed to "inputs and suggestions" to avoid these being considered as comments that must be formally responded to in the final environmental statement.

18. The written procedures on pages 113.13, 113.131, 113.133-2, 113.134, 113.137, 113.139, 113.146, and 113.147 have been modified and replaced primarily to reflect the changes outlined in item 9.

19. Page 113.142 has been replaced so that another item could be added to the distribution list for inter-agency review of administratively approved plans. This new item would note that review copies should be sent to responsible authorities or commissions in special designated areas.

20. Page 113.15, paragraph 113.152, has been modified to require that environmental statements be submitted to the Delaware River Basin Commission for review and comment on those projects located in the basin.



Kenneth E. Grant
Administrator

Attachment

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

May 24, 1972

WATERSHED PROTECTION HANDBOOK NOTICE 1-19

This notice transmits several revisions and additions to Part 1 of the Watershed Protection Handbook. New pages are provided to replace those in the handbook which are affected. Chapters 12 and 13 are reproduced in their entirety with the exception of page 112.51-2 and the maps in Chapter 13. Page 112.51-2 should be retained. Pages 113.41-43 through 113.41-45 should be retained and renumbered 113.09-56 through 113.09-58.

Emphasis in the handbook notice is to update instructions for the preparation and review of work plans and environmental statements. Since the changes involved in this notice are so extensive, a paragraph by paragraph summary of changes is not provided. In Chapter 12 an attempt has been made to show vertical lines in the margin opposite significant changes in text of a previous comparable subject. Vertical lines have been omitted from Chapter 13.

All changes in policy or procedure reflected in this handbook notice become effective upon receipt. It is intended that each project will be planned and reviewed in accordance with these instructions from this date forward. There are a number of draft plans for which authorization to prepare the final plan has been given without reference to some of the changes included in this notice. Where it is practical to make all changes, they should be made. However, immediate attention is required on items 11, 12, 13, 17, 18, 22, 24, 25, and 26 on those plans in the final stages of processing.

A brief summary of the more significant changes included in this notice follows:

1. Environmental considerations must be taken into account throughout the planning process. The collecting of data for the environmental statement starts with preparation of the application.
2. Guidance is provided on giving adequate consideration to archeological, historic, and scientific values in watershed projects (par. 101.32 and Chapters 12 and 13).
3. Emphasis is given to SCS pre-application assistance in making an inventory of indicators of the present quality of the human environment and a preliminary evaluation of probable project induced changes in the quality of the human environment (par. 112.0131). Likewise increased emphasis is given to the preliminary investigation report and the environmental considerations thereof (par. 112.11).



4. A copy of applications and attachments are to be sent to E&WP Units (par. 112.10).
5. A public information meeting is to be held following agreement with the sponsors on the preliminary investigation report (par. 112.13).
6. Work outlines are to include the preparation of the environmental statement and recognize added investigations for "relocations" and archeological, historic, and scientific values (par. 112.21 and 112.22).
7. Changes have been made in the information required when requesting planning authorization and to provide a copy of this information to the E&WP Unit (par. 112.31).
8. E&WP Units are to provide comments to the Administrator on requests for planning authorizations (par. 112.321).
9. An updated format for applications is provided (page 112.50-1).
10. A flow chart for steps from pre-application to planning authorization is provided (page 112.52-1).
11. Item 2 in the Work Plan Agreement is a new item necessary because of P.L. 91-646 (page 113.08-3).
12. Item 16 has been added to the work plan agreement. It states "This agreement will not become effective until the Service has issued a notification of approval and authorizes assistance." (page 113.08-7)
13. A statement regarding environmental considerations is required on the signature page of the Work Plan Agreement (page 113.08-8).
14. Many changes have been made in the guidelines for work plan format and content. Environmental considerations and alternatives investigated will be more thoroughly discussed and some sections may be used, essentially as is, in the environmental statement. This will avoid considerable duplication of effort. More detailed guidance is provided in outlining the information which should be included in the plan. The requirements for adequately covering "relocations" and archeological, historic, and scientific values in the narrative have been added. (See pages 113.09-2 through 113.09-26.)
15. Appropriate changes have been made in the work plan tables. Tables 1 and 3A should be carefully studied. (See pages 113.09-27 through 113.09-51.)
16. Emphasis is given to including appropriate maps and exhibits in the work plan, especially for channel work (pages 113.09-53 through 113.09-55).

17. Changes have been made in the environmental statement format and content. Guidance for information to be included in some sections is by reference to the work plan outline. Regional and cumulative effects are now to be covered in the environmental statement. (See pages 113.11-1 through 113.11-8)

18. The review and approval procedure for work plans and environmental statements (par. 113.12) has been completely rewritten. The objective here was correlation of procedures and to have both documents travel together whenever possible. It is this objective which may cause some change in current procedures. However, the advantages appear to outweigh the disadvantages. Flow charts are presented on pages 113.12-1, 113.12-2, and 113.12-3 which will aid in understanding the written procedure.

19. The E&WP Unit review of a work plan is to be more than a technical review; covering policy, requirements of the Act, the Watershed Protection Handbook, congressional criteria, etc. (par. 113.1221f).

20. Washington office SCS and Forest Service comments on work plans will be combined into one set of comments for transmittal to the state conservationist (par. 113.123).

21. The informal field review and public information meeting will be two separate activities. These have been re-defined and may involve some changes in existing procedures (par. 113.124b and d).

22. Sixty days will generally be allowed for the review of work plans and environmental statements rather than the previous 30 day period. Due to the increased complexities of the review procedure, this change appeared to be more realistic. (See par. 113.133c and 113.142c).

23. An attempt has been made to include more information on the procedures involved while these documents are in the Washington office for information purposes.

24. A more detailed distribution list is provided for review of administratively approved plans. This is brought about by requests from other agencies to have the environmental statement sent to one specific address. Therefore, it would seem appropriate to send the work plan to that same address (par. 113.142).

25. An additional step has been introduced into the administratively approved plan to permit the state conservationist to sign the final environmental statement and work plan agreement at the same time. This is brought about by the 90-30 day time frame requirement as related to the environmental statement. The additional step is "state conservationist authorize assistance." This would be considered the "administrative action" and the public announcement would be based on this step rather than the signing of the work plan agreement. This procedure would then be similar to that of congressionally approved plans (par. 113.149).

26. The procedures to be followed for P.L. 534 Flood Prevention Projects will be similar to those for administratively approved P.L. 566 projects. Giving consideration to the requirements for environmental statements, it now seems appropriate to make the work plan procedure similar (par. 113.156).

27. Appendices are being added. Most are available elsewhere but for ready reference, they are included in the handbook.

28. Additional changes are needed in the handbook to cover the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. They will be made in subsequent notices.

Kenneth E. Grant

Kenneth E. Grant
Administrator

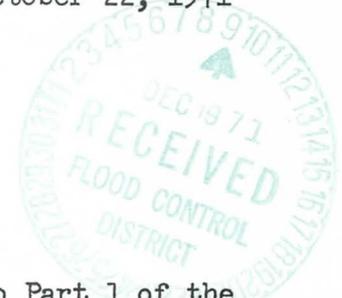
Attachment

October 22, 1971

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WATERSHED PROTECTION HANDBOOK

NOTICE 1 - 18



This notice transmits several revisions and additions to Part 1 of the Watershed Protection Handbook. New pages are provided to replace those in the Handbook which are affected.

For the most part, the material accompanying this Notice pertains to (1) changes in format and content of environmental statements, (2) modifications needed to comply with P.L. 90-480 relating to the use of recreation facilities by the physically handicapped, (3) some changes in review procedures for work plans and environmental statements, and (4) supplemental guidance on mitigation of damages to fish and wildlife resources. Changes which will be necessary as a result of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 will be handled in a subsequent notice.

The following important changes and additions are noted:

- a. Paragraph 101.057 - Includes two new federal authorities for assistance (Water Bank Act of 1970 and Federal-Aid Highway Act of 1970).
- b. Paragraph 103.01324k - broadens the description of disposal of waste spoil as a construction cost.
- c. Paragraph 103.014 - former item c deleted.
- d. Paragraph 108.042 - paragraph in middle of page relating to physically handicapped is deleted.
- e. Paragraph 108.05 - further explanation of mitigation measures and how costs are allocated.
- f. Paragraph 108.051 - expansion of material on release of water from impounding structures for mitigation.
- g. Paragraph 108.052 - new paragraph to describe special mitigation considerations applicable to channel work.
- h. Paragraph 108.061h - to require that consideration be given to the handicapped in the design and installation of recreational facilities.

Revised in 23



12/23/73
M. J. ...

i. Paragraph 112.014 - new paragraph to stress need for sponsors to notify appropriate clearinghouses of intent to apply for assistance.

j. Paragraph 112.041 - additional identification required in watershed names where name may be duplicate of one already in state.

k. Paragraph 113.131 and 113.132a - relates to environmental statements on approved projects.

l. Paragraph 113.133 - includes the E&WP Unit in the review procedure for preliminary draft environmental statements. Provides for an information copy of the preliminary draft environmental statement being sent to clearinghouses, stage agencies, and local offices of federal agencies.

m. Paragraph 113.1331 - requires a project map with environmental statement and for the State Conservationist to send a copy of the draft environmental statement to clearinghouses for review and comment. It also provides for the State Conservationist to prepare the final environmental statement for the Administrator's signature.

n. Paragraph 113.1332 - provides for the State Conservationist to send a copy of the draft environmental statement to clearinghouses for review and comment and requires 11 copies of each letter of comments rather than 1 being sent to the Administrator.

o. Paragraph 113.172 - requires notification to clearinghouses of a termination.

p. Paragraph 113.215 - this is a new paragraph which further defines the work plan and environmental statement review procedure involved with clearinghouses and local agencies.

q. Paragraph 113.3111 - increases the number of work plans submitted to the Administrator from 50 to 60, and requires 200 copies of the project map for use with the environmental statement.

r. Paragraph 113.3112 - deletes second paragraph which relates to environmental statements and is covered elsewhere.

s. Paragraph 113.3121, 113.3124, and 113.3211 - deletes wording which primarily relates to environmental statements and is covered elsewhere. Review of draft environmental statement by clearinghouses is added to 113.3211a.

t. Paragraph 113.334 - updates wording used in reference to metropolitan and area-wide agencies.

u. Paragraph 113.41 - three paragraphs are added which require including more information in the work plan on environmental aspects of the project.

v. Page 113.41-5 - Item (3) - includes new wording to require a description of the flood hazard area.

Comment in 113.

w. Page 113.42 - changes the format required for the one page summary of the environmental statement.

x. Page 113.42-1 through 7 - numerous changes are required in environmental statement format and content. These are largely brought about by the CEQ Guidelines dated April 23, 1971 and the revised Secretary's Memorandum 1695, Supplement 4, which will soon be released. Emphasis is placed on objectivity and the total environment including economy, employment, etc.

y. Appendix (12) - replace Secretary's Memo 1663 with May 28, 1971 revised version. This revision was necessary to up-date language and procedures in line with the February 9, 1971 revision of OMB Circular A-95.

z. Appendix (15) - include P.L. 90-480 and appropriate standards that refer to design and installation of recreational facilities for the handicapped.

Kenneth Grant

Attachment

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April 7, 1971

WATERSHED PROTECTION HANDBOOK

NOTICE 1 - 17

This Notice transmits several revisions and additions to Part 1 of the Watershed Protection Handbook. New pages are provided to replace those in the Handbook which are affected.

For the most part, material accompanying this Notice pertains to implementation of the National Environmental Policy Act of 1969 (Public Law 91-190). Some of the instructions were issued previously in Watersheds Memorandums 103 and Supplement 1 thereto and 104. The balance of the material is being issued for the first time. It is extremely important that all Service personnel concerned with watershed activities become thoroughly familiar with these instructions, policies, and guidelines so that the planning and implementation of watershed projects will be fully responsive to the objectives and goals of P.L. 91-190.

The following important changes and additions are noted:

a. Paragraphs 101.06 and 113.081 are amended to provide reference to coordination policies and procedures contained in the Handbook of Coordination of Planning Studies and Reports published by the Water Resources Council.

b. Paragraphs 101.305, 101.31, 101.311, 101.312, 101.313, 102.01, 102.011, 102.012, 102.0222, 103.0132m, 113.00, 113.01, 113.05, 113.122, 113.13, 113.131, 113.132, 113.133, 113.1331, 113.1332, 113.134, 113.135, 113.211, 113.212, 113.213, 113.214, 113.22, 113.3111f, 113.3112, 113.3121, 113.3122, 113.3124, 113.313, 113.3211, 113.3212, and 113.42 provide procedural instructions and guidelines relating to environmental requirements in watershed activities with particular emphasis on the preparation and review of environmental impact statements.

c. Paragraph 101.205b is modified to be compatible with the current policy permitting water storage in space reserved for second fifty-year sediment accumulation.

d. Paragraph 108.05 is amended to reemphasize SCS policy for mitigation of damages to fish and wildlife resources in watershed projects. Material contained in Watersheds Memorandum 102 has been transferred to this paragraph.



e. Paragraph 108.61g(1) is amended to stress the need for proper regulation of recreation areas to prevent pollution or degradation of such areas.

f. Paragraph 112.31d(2) is amended to provide a more detailed discussion of sponsors' capability in acquiring needed land rights.

g. Table 1 is revised, deleting "wildlife" from the land use categories under "Land Treatment".

h. Directives relating to the Environmental Policy Act of 1969 have been included in Appendix 4 and OMB Circular A-95 (revised) has been added to Appendix 12.

Attachments

Kenneth E. Grant

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

August 7, 1970

WATERSHED PROTECTION HANDBOOK

NOTICE 1 - 16

This notice transmits a revision of paragraph 101.204 of Part 1 of the Watershed Protection Handbook. Paragraphs 101.2041 and 101.2042 are deleted.

The reason for this change is to permit full use of sediment pools for storage of water until such time as the space reserved for sediment is needed for that purpose.

Kenneth E. Grant

Attachment

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Washington, D. C. 20250

June 9, 1970

WATERSHED PROTECTION HANDBOOK

Notice 1-15

This notice transmits several revisions and additions to Part 1 of the Watershed Protection Handbook. New pages are provided to replace those in the Handbook which are affected. These changes may be applied to work plans now being prepared, and are fully applicable to watersheds authorized for planning after June 1, 1970. For certain items, more immediate attention is required as noted.

a. Paragraphs 101.073, 112.02, 113.334, page 112.50-1, appendix 12, and the index to the appendices are revised and paragraph 112.025 added to provide for proper notification and review procedures in connection with state planning and development clearinghouses. These requirements have been in effect for applications since September 30, 1969. Initially informing clearinghouses of planning underway and arranging future coordination is a responsibility of State Conservationists (Administrator's General Memorandum - 5).

b. Paragraphs 103.01323 and 103.01324 are revised to:
(1) provide for modifications to existing irrigation or drainage facilities made necessary by construction of other works of improvement and to consider their cost as a construction cost of the parent works of improvement, and

(2) revise the policy concerning modification of highway and railroad bridges. For both types of bridges alteration of existing piers and abutments made necessary by channel improvement will be treated as a construction cost. For railroad bridges, other costs, previously treated as construction costs, will be treated as land rights costs.

c. Paragraph 105.0221(f) is revised to expand the criteria for formulating projects for urban protection.

d. Paragraphs 108.042 and 108.061 are revised to add environmental quality criteria.

e. Paragraph 108.051 is added to permit the storage and ungated release of water in sediment pools to mitigate losses to fish and wildlife habitat.

f. Paragraph 108.063 is added to provide a standard for recreation planning. Page 113.41-7, item 6, is revised to require that the scope of recreational developments be stated in terms of design capacity rather than numbers of facilities. Table 2B and the related instructions allow for showing estimated quantities of some items.

g. Paragraph 112.45 is added to clarify the instructions related to withdrawal or cancellation of applications for assistance.

h. Paragraph 113.20 is revised to require State Conservationists to advise state or federal agencies of the disposition made of their recommendations. Paragraph 113.3111 is changed to require that copies of correspondence on fish and wildlife matters be transmitted to the Administrator along with the final work plan.

i. Paragraph 113.211 is revised to require that a copy of the draft work plan be submitted directly to the Regional Biologist instead of through the E&WP Unit.

j. Page 113.41-3 is revised to reflect the need for discussion of mineral and other resources and removal activity within the watershed.

k. Page 113.41-4 is revised to delete wildlife as a separate and distinct land use, in recognition that wildlife habitat may include grassland, woodland or other land uses.

l. Page 113.41-8 is revised to add a paragraph requesting that watershed work plans include a description of their relationship to river basin plans.

m. Page 113.41-10, item 6, is expanded to require a discussion of the effect of the project on flood flows and adequacy of outlet.

n. Page 113.41-14 is revised to indicate that formal concurrence of the U. S. Forest Service, as a land managing agency, is not required since the Forest Service officially assists in work plan development.

o. The last paragraph of Handbook Notice 1-14 made reference to FHA Instruction 447.1 in Appendix 6. It was intended that only the instructions be replaced and that the original Memorandum of Understanding (Exhibit A) be retained. However, several handbook holders destroyed the Memorandum of Understanding also. For this reason, we are providing another copy of the Memorandum. It should be filed in Appendix 6 immediately after FHA Instruction 447.1.


Norman A. Berg
Acting Administrator

fw

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Washington, D. C. 20250

August 19, 1969

WATERSHED PROTECTION HANDBOOK

Notice 1-14

This notice transmits several revisions and additions to Part 1 of the Watershed Protection Handbook. New pages are being provided to replace those in the Handbook which are affected. A majority of the changes result from incorporating statements in the Handbook which at present are found in Watersheds Memorandums. The concerned memorandums will be cancelled following release of this notice.

The following changes relate to material transferred from Watersheds Memorandums:

- a. Paragraphs 101.056, 101.061c and 113.081 - Watersheds Memorandum - 97.
- b. Paragraph 101.23 - Watersheds Memorandum - 77.
- c. Paragraphs 101.055 and 108.11 - Watersheds Memorandum - 73.
- d. Paragraphs 101.302g and h - Watersheds Memorandum - 79.
- e. Paragraphs 103.01323j and 103.01324m - Watersheds Memorandum - 56.
- f. Paragraphs 103.033 and 103.034 and page 113.41-18 - Watersheds Memorandum - 93.
- g. Paragraph 108.024 - Watersheds Memorandum - 62 (Rev. 2).

Paragraph 103.01324i relating to the construction of travelways is modified to limit their applicability to channel work.

Paragraph 103.0421d is added pertaining to the requirements of a land rights agreement.

Paragraph 105.0221f relating to urban protection is modified to provide for 100-year level of protection, deleting reference to flood of record.

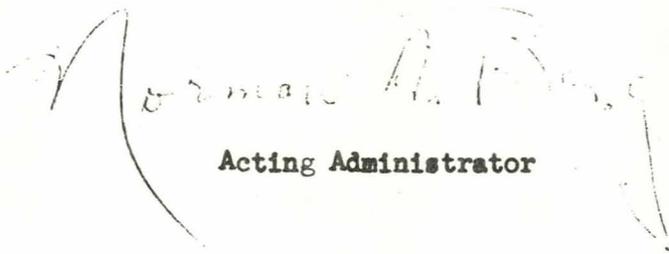
Paragraph 108.091b(5) is added to prescribe limits of eligibility for cost-sharing on land rights acquired in advance. This policy previously was stated in Watersheds Memorandum 64 but inadvertently was not transferred into the Handbook.

Minor editorial changes are reflected in paragraph 113.082, page 112.50-2, page 113.40-7, and page 114.03-2a.

A supplement to the Memorandum of Understanding between the Soil Conservation Service and the Economic Development Administration of the U. S. Department of Commerce is attached (Appendix 13). The supplement extends the scope of the original Memorandum of Understanding to include measures in authorized resource conservation and development projects among those considered eligible for EDA supplementary grant assistance under the Public Works and Economic Development Act of 1965.

Farmers Home Administration Instruction 447.1 relating to Watershed Loans has been revised and expanded. The revised instructions will replace the material in Appendix 6.

Attachments

A handwritten signature in cursive script, appearing to read "Norman A. King".

Acting Administrator

JK

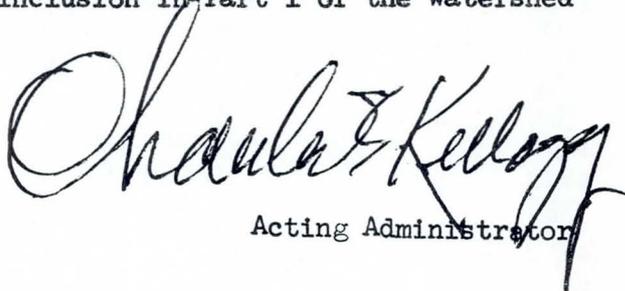
UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
Washington, D.C. 20250

February 4, 1969

WATERSHED PROTECTION HANDBOOK

NOTICE NO. 1-13

Attached is Chapter 15 for inclusion in Part 1 of the Watershed Protection Handbook.


Acting Administrator

Attachment

JW

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Washington, D. C. 20250

January 15, 1969

WATERSHED PROTECTION HANDBOOK

NOTICE 1 - 12

This notice transmits several revisions and additions to Part 1 of the Watershed Protection Handbook. New pages are being provided to replace those in the Handbook which are affected by the changes.

Public Law 90-361, approved June 27, 1968, amending Public Law 83-566, provides that the Secretary may enter into contracts for the construction of any structure if requested to do so by the local organizations. In order that Part 1 of the Handbook will properly reflect this provision, the following paragraphs have been revised: 101.04le, 101.051g, 103.031f, 103.032f, 105.052, 105.0621, 105.0622, 106.0821, 106.0822, 107.0821, 107.0822, 109.08b, 111.072, and item 5 on page 113.40-4. Paragraph 108.10d has been deleted and clarifying instructions have been added to the section titled "Project Installation" on page 113.41-14 and in paragraph 114.0221.

Paragraph 101.051l has been added to provide reference to Executive Order 11296.

Paragraph 102.0213 has been revised to conform to the new interest rate formula, approved by the President, which modifies the formula established by V.G.2. of Senate Document 97.

Paragraphs 103.022, 103.0221, and 103.0222 relating to multiple-purpose channels have been rewritten for simplification and greater clarity. The Table of Contents for Chapter 3 has been revised to reflect this change.

Paragraphs 108.013 and 108.03i have been added to provide guidelines relating to incidental recreation. The Table of Contents for Chapter 8 has been revised accordingly.

Paragraph 108.022i has been added to set forth conditions for cost sharing on land rights in a reservoir associated with a development.

Paragraph 108.061e has been amended to stress the desirability of long-range planning to provide adequate land area for recreational facilities.

Paragraph 108.091b(4) has been added to further clarify policy for cost-sharing on land rights in connection with public recreation or fish and wildlife developments.

Paragraph 109.042 has been amended to clarify reference to the Food and Agriculture Act of 1962.

The Explanatory Note at top of page 113.40-4 has been revised to clarify instructions pertaining to cost-sharing for engineering costs for public recreational facilities.

Paragraph 6(d) of instructions for Table 2, page 113.41-22, has been modified for clarification. A minor correction has been made on Table 4, page 113.41-33.

Appendices 1 and 3 have been revised to update the Watershed Protection and Flood Prevention Act and the Secretary's Policy Statement in keeping with the latest amendments to Public Law 83-566. Appendix 14 has been added to incorporate Executive Order 11296 and Secretary's Memorandums 1606 and 1607 relating to A Unified National Program for Managing Flood Losses. The Table of Contents has been amended accordingly.

Attachments


Acting Administrator

JW

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Washington, D. C. 20250

June 10, 1968

WATERSHED PROTECTION HANDBOOK

Notice 1 - 11

This notice transmits several revisions and additions to Part 1 of the Watershed Protection Handbook. New pages are being provided to replace those in the Handbook, dated August 1967.

Pages with paragraphs revised or added for the reasons indicated are attached:

- a. References inserted in paragraphs 101.061f, 101.061i, and 101.073 for material contained in the Appendices.
- b. Paragraph 101.22 rewritten for clarity.
- c. Paragraphs 103.01321 and 103.01325, amended to clarify distinction between Engineering Services and project Administration. Paragraphs 103.031f and 103.032f amended to define more explicitly Service policy with respect to construction inspection.
- d. Paragraph 105.0131b amended to clarify the distinction between storm sewers which are not eligible for assistance and other channel improvement measures in urban areas which are eligible for P.L. 566 assistance.
- e. Paragraphs 108.022d(2) and 108.023d(2) amended to require provisions for adequate sanitary facilities as a condition to providing P.L. 566 assistance. Paragraph 108.042d amended for clarification. Paragraph 108.081 amended to state condition for the evaluation of incidental recreational or fish and wildlife benefits.
- f. Paragraph 112.022 modified to correct reference to Code of Federal Regulations.
- g. Amended Table of Contents for Chapter 13 to show new section 113.33.
- h. Paragraphs 113.33, 113.331, 113.332, 113.333, 113.334 and 113.335 added to show coordination procedures for plans involving special designated areas.

- i. Item 11 of the Work Plan Agreement on page 113.40-5 modified for clarification. Item 14 on page 113.40-6 modified to correct reference to Code of Federal Regulations.
- j. Pages 113.41-28, 113.41-29, 113.41-30, 113.41-30a, 113.41-31 and 113.41-31a amended instructions and format of tables 3, 3A and 3B.
- k. Page 113.41-43 urban flood plain map revised.
- l. Paragraph 114.022 revised to provide more explicit instructions.
- m. Appendices. Pertinent documents added for reference.

Attachments

H. Williams

JW

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
Washington, D. C. 20250

October 6, 1967

WATERSHED PROTECTION HANDBOOK

NOTICE NO. 1-10

Transmitted herewith is a revision of Part 1 of the Watershed Protection Handbook, titled, "Planning and Operations", dated August 1967. It supersedes Part 1 - Planning and Part 3 - Engineering, dated July 1, 1961, as supplemented. It is to be used for planning all watersheds authorized for planning after December 1, 1967, and may be used in all other watersheds.

Provisions have been made in Part 1 to include three chapters which are not ready for distribution at this time. These are identified as Chapter 10 - Water Quality Management, Chapter 15 - Organization and Management, and Chapter 16 - Watershed Reports. Pending the issuance of Chapters 15 and 16, Chapter 7 - Project Programming of the Watershed Protection Handbook, dated July 1, 1961, should be used.

The Handbook includes maps which have been reproduced separately. One set of maps will be distributed with each copy of the Handbook for insertion at the end of Chapter 13.

Part 1 represents a revision, reorientation, and updating of material formerly contained in the Handbook, Watershed Memos and Advisory Notices. Those memorandums which are no longer needed or applicable will be canceled.

Some of the more significant changes and additions are as follows:

- a. The number of chapters has been increased to permit more detailed treatment of important phases of watershed planning and operations and for easier reference. These include: Chapter 2 - Project Formulation and Evaluation, Chapter 3 - Costs and Provisions for Financing, Chapter 4 - Watershed Protection, and Chapter 14 - Work Plan Supplements and Revisions. Seven chapters (5 through 11) are assigned to project purposes.
- b. A new category of cost, "Project Administration" has been provided for more equitable and simpler arrangements for the sharing of installation services cost. This cost is considered a project cost. It will not be assigned to specific measures or purposes, (par. 103.01325). Special attention is directed to paragraphs 103.01321, 103.01323 and 103.01324 for other changes in definitions of costs.

- c. The methods of allocating costs to multiple-purpose channels have been modified to assure greater uniformity in application, (par. 103.022 through 103.0222).
- d. Procedures for performance of work by means other than cash contribution are described in greater detail, (par. 103.033).
- e. The maximum land area for basic facilities which is eligible for cost sharing in a public development has been increased to provide a better balance between land and water areas particularly for those developments which will be heavily used. It can now be as much as twice the area of the permanent recreational or fish and wildlife pool, (par. 108.022 j (2)).
- f. The definitions of "Change in Scope" and "Change in Major Features" have been modified for clarification, (par. 114.0122 and 114.0123). A change in scope constitutes a planned increase or decrease in the degree or extent of project development specifically to benefit different beneficiaries or the same beneficiaries to a different degree. Changing the number, location, extent, or capacity of structural measures without affecting the agreed upon level of protection or project development will be considered a change in major features.

Distribution by the Washington office of Part 1 of the Handbook will not be made below the State office level. Supplements and revisions will be furnished each State and Regional Technical Service Center for all copies of Part 1 furnished to these offices. The Washington office also will make distribution of the revised handbook to the Forest Service and other Federal agencies to meet the needs of their Washington and field offices.

The State Conservationist will make desired distribution within his State to his own staff and to interested State agencies. The State office will be responsible for preparing and maintaining a distribution list of the copies distributed within the State and for furnishing revisions to all holders of this part of the Handbook.

Additional copies, as needed, should be ordered from the Administrative Services Division.

Attachment


Administrator

FORWARD

FOREWORD

The policies and criteria set forth in the Watershed Protection Handbook are applicable to watershed projects planned and carried out under Public Law 566. They are equally applicable to the eleven watersheds authorized by the Flood Control Act of 1944 except for the provisions relating to work plan approval authority, reports and construction contract administration.

Technical procedures and criteria relating to the engineering phases of watershed planning and operations will be found in numbered engineering memoranda, technical releases and the National Engineering Handbook. The Economics Guide should be referred to for detailed procedures covering the economic evaluation of watershed projects.

Revisions of the Handbook will be handled by page inserts to be transmitted with Handbook Notices.

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Criteria**

WATERSHED PROTECTION HANDBOOK

CHAPTER 1 - GENERAL PROGRAM CRITERIA

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WATERSHED PROTECTION HANDBOOK

PART 1 - PLANNING AND OPERATIONS
CHAPTER 1 - GENERAL PROGRAM CRITERIA

101.00 - INTRODUCTION - The Watershed Protection and Flood Prevention Act (68 Stat. 666) authorizes the Secretary of Agriculture to cooperate with local organizations (including the States or any political subdivision thereof) having authority under State law to carry out, maintain, and operate works of improvement for flood prevention or for the conservation, development, utilization, and disposal of water in watershed or subwatershed areas.

The Act provides authority to the Secretary of Agriculture to assist local organizations in planning and carrying out a program for the development, use and conservation of the Nation's soil and water resources. It provides for technical, financial, and credit assistance by the Department to local organizations representing the people living in small watersheds. It provides also for needed additional treatment and protection of Federally owned lands within such watersheds. Moreover, it provides a basis for coordinating such locally undertaken upstream watershed improvements with water-resource development projects on major rivers of the Nation.

The Act provides for a project-type approach to soil and water resource development, use, and conservation. Unlike older project-type Federal public works programs in this field, it requires that full initiative and maximum responsibility for any undertaking be exercised by local people through their local organizations. It encourages the close cooperation and assistance of State agencies and emphasizes the partnership of local, State, and Federal agencies in achieving such development, use, and conservation.

The watershed protection and flood prevention program is unlike other national conservation programs in that its project-type approach requires the development of a physically and economically sound plan of improvements scheduled for execution over a definite period of years. Firm commitments are required from local organizations (including the States) for sharing the costs of installation, for assuming operation and maintenance responsibilities (with certain exceptions on Federal land), and for meeting other requirements as a condition for P.L. 566 assistance in carrying out the improvements.

The Congress had made it clear that the additional authority provided under the Act should be used to "supplement both our present agricultural soil and water conservation programs and our programs for development and flood protection of major river valleys. It will bridge the gap between these two types of programs and greatly enhance the ultimate benefits of both." (House of Representatives Report No. 1140, 83d Cong., 2d Sess.)

"Federal help under the Act is available only to assist local organizations to plan and install needed water-management and flood-prevention measures that cannot feasibly be installed under other current Federal conservation programs." (Committee Print, H. R. Committee on Agriculture, August 25, 1954, 83d Cong., 2d Sess., Watershed Conservation and Flood Prevention, Answer to Question 4.)

101.01 - CRITERIA FOR PROVIDING ASSISTANCE - Significant watershed problems must exist which cannot be solved adequately or in a timely manner with assistance available under other Federal programs but which can be solved or alleviated by assistance authorized under the Act. Significant watershed problems are considered to be those which affect and require action for their solution by groups of landowners, communities, and the general public through cooperation of local, State, and Federal Governments. They are problems which would still exist in measurable degree after individual landowners and operators had achieved use of their land within its capabilities and treatment according to its need within the limits of private and public resources available to them.

Significant watershed problems include, but are not limited to, those requiring installation of measures such as floodwater retarding structures, levees, floodways, irrigation and drainage improvements, recreation or fish and wildlife development, municipal or industrial water supply, and other water management measures; and those for stabilization of gullies, stream channel improvement, road and streambank stabilization, groundwater recharge, eradication of useless water-consuming vegetation, intensified fire protection, and revegetation of critical runoff and sediment-source areas.

Significant problems of this kind do not exist in all small watersheds. The need may be only for land treatment by such measures as standard terracing, crop rotation, pasture improvement, forest and woodland protection and management, etc., the principal benefits of which accrue to the land on which such treatments are applied. Other Federal and State programs provide for educational, technical, financial, and credit assistance to landowners and operators of private lands for making such improvements. Likewise, other Federal programs provide for needed treatment and protection of this type on Federally owned lands. Therefore, the authority under the Act will be used to provide assistance in planning a watershed only where there are significant needs for works of improvement other than the kinds which individual landowners or even small groups of landowners could be expected to accomplish with the types of help available under other programs.

The Service will limit assistance on non-Federal lands to those measures which (a) are primarily for flood prevention (including land stabilization), drainage, irrigation, recreation, fish and wildlife, municipal or industrial water supply, or other water management; (b) produce substantial benefits to groups of landowners, to communities,

and to the general public; and (c) cannot generally be installed by individual landowners or small groups of landowners with the aid of available ACP and other cost sharing.

The dominant problem in some small watersheds may require measures for its solution that are not authorized under the Act. For example, the problem may be prevention of water pollution by treatment of sewage or industrial wastes. The need may be for a dam having an impounding capacity of more than 25,000 acre-feet. No assistance can be given under the authority of the Act in the solution of such problems, but the Soil Conservation Service may suggest other available sources of assistance in the solution of such problems.

101.011 - Multiple-Purpose Objectives - All watershed projects should have multiple purposes. They will provide for proper land use and treatment in the interest of soil and water conservation as well as other purposes such as flood prevention, irrigation, drainage, recreation, fish and wildlife, municipal water supply, or other phases of water management. Whereas needed land treatment measures must be included in the work plan as a condition to Federal assistance, the project purposes desired by the local organization shall be a controlling factor in planning for other works of improvement.

It is the responsibility of all concerned field officers of the Service to bring to the attention of local and State organizations any possible opportunities for incorporating storage for beneficial uses in structures where this is physically and economically feasible. The increasing need is widely recognized in many parts of the country for storage for municipal and industrial use, supplemental irrigation, fish and wildlife, recreation, water quality management, livestock water, and other purposes. Multiple use of a reservoir site is not only sound long-range conservation of the limited number of dam sites, but it also may provide a substantial savings to both the Government and local organizations over the development of equivalent services in single-purpose structures.

If the local organization desires to proceed with flood prevention improvements without planning justified irrigation, drainage, recreation, fish and wildlife, or other water management facilities, the work plan may be prepared on this basis. Likewise, justified measures for flood prevention over and above those required to provide an acceptable level of protection may be omitted, provided their omission does not increase or adversely affect the cost of installation, operation, and maintenance of irrigation, drainage, recreation, fish and wildlife, or other water management facilities. If, however, local organizations seek assistance for works of improvement serving single purposes, and which could more appropriately be carried out under other Federal programs, they should be advised of such programs, and encouraged to seek assistance under them.

1.012 - Conditions for Providing Assistance - Furnishing Federal assistance to local organizations to develop a plan and carry out a watershed project under the provisions of the Act will be conditioned by the following requirements:

a. An application for assistance must be submitted to and approved by the Governor or a designated State agency.

b. The plan should include those works of improvement needed to (1) reduce erosion, floodwater and sediment damages and (2) further the conservation, development, utilization, and disposal of water and thereby preserve and protect the land and water resources of a watershed.

c. The plan must cover a watershed or subwatershed area of not more than 250,000 acres. If the sponsoring local organization so desires, a number of subwatershed areas, when they are component parts of a larger watershed, may be planned together. However, no single plan can be submitted for a watershed or subwatershed area exceeding 250,000 acres.

d. No structure providing more than 12,500 acre-feet of floodwater detention capacity or more than 25,000 acre-feet of total capacity may be included in the plan.

e. Plans involving an estimated Public Law 566 contribution to construction costs exceeding \$1,000,000 or involving any single structure providing more than 2,500 acre-feet of total capacity must be approved by resolutions of the appropriate committees of the Senate and the House of Representatives before funds appropriated under the Act may be used for carrying out the plan. Where a plan does not involve any single structure providing more than 4,000 acre-feet of total capacity, the appropriate committees are the Committee on Agriculture, Nutrition and Forestry of the Senate and the Committee on Agriculture of the House of Representatives. Where a plan involves a single structure providing more than 4,000 acre-feet of total capacity, the appropriate committees are the Committees on Public Works of the Senate and the House of Representatives.

f. Plans which involve an estimated Public Law 566 contribution of \$1,000,000 or less to construction costs and which do not include any single structure which provides more than 2,500 acre-feet of total capacity may be administratively approved.

g. No part of the installation cost (exclusive of loans and advances) may be borne from appropriations made under authority of the Act for any capacity provided in structures for purposes other than flood prevention, agricultural water management, recreation, and fish and wildlife.

h. P. L. 566 assistance for land treatment measures may not exceed the rate of assistance for similar practices under existing national programs.

i. The works of improvement proposed in the plan must constitute needed and harmonious elements in the comprehensive development of the river subbasin or river basin involved.

j. Recognition must be given to works of improvement in place and in operation, or soon to be brought into operation with a view to:

(1) properly reflecting the respective contributions of upstream and downstream improvements,

(2) providing the best use and control of water resources at minimum cost,

(3) giving preference to the alternative or combination of upstream and downstream improvements least costly to the Federal Government whenever approximately equivalent benefits can be obtained at approximately the same total cost, and

(4) eliminating duplication of benefits where they are produced jointly by an upstream and downstream system of improvements.

k. All planned improvements must be carried out, operated, and maintained in accordance with applicable State laws.

l. The sponsoring local organization, Governors, and concerned Federal agencies must be notified of approvals and disapprovals of applications for assistance.

m. Governors and concerned Federal agencies must be provided with appropriate information regarding the scope, nature, status, and results of such surveys or investigations, and furnished plans for review and comment prior to their transmission to the Congress through the President where such transmission is required.

* o. In addition to watershed protection the objectives must include flood prevention or agricultural water management. Non-agricultural water management shall not be the sole objective of a project. *

p. The needed structural works of improvement are not single-purpose municipal or industrial water supply measures or single-purpose local flood control, recreation, fish and wildlife, or water development projects which could more appropriately be carried out with Federal assistance provided under other authorities.

q. The local people are willing to carry out all phases of project installation, operation, and maintenance, and now have the financial ability or are ready and have means to initiate early action to make adequate financial arrangements for carrying out their full responsibilities with relation to the project.

r. There is a need for watershed works of improvement that the local people cannot readily install with the technical and financial assistance available under non-project-type national programs.

s. There are no serious conflicts in interest among the watershed residents that would materially delay or prevent reaching final agreement on a plan for works of improvement for the watershed.

1.013 - Establishing Planning Priorities - When technical facilities are available in a state for planning additional watersheds, the Governor or the State agency designated by him will be requested to recommend planning priorities. The priority recommendations should be based on consideration of all remaining watershed applications that meet the requirements of the law and the policy of the Department of Agriculture.

The Soil Conservation Service will select watersheds for planning from those recommended by the designated state agency in consideration of the most efficient use of available planning resources. Where National Forest System lands are involved, the Forest Service will participate in the selection of watersheds for planning.

The following general criteria should be used in developing a guide for the determination of watershed planning priorities and for requesting planning authorization. It is intended only as a suggested list and may be modified in each state to properly reflect conditions within the state.

a. The project will make a major contribution to conservation, development and utilization of water and land resources in the interest of the public welfare.

b. A high priority project will directly benefit a large number of people within the zone of influence of the watershed.

c. The size of estimated cost of the proposed project is sufficient to justify the effort required to complete a plan under the authority of P.L. 566.

d. Benefits extend beyond the project boundaries.

e. The local organization will participate in a multiple-purpose project for which a need and opportunity exist. A high priority project should provide for all flood prevention and water management needs that can be economically justified.

f. The land treatment measures needed for watershed protection and flood prevention are now on the land or the local people are ready, willing, and able to install most of the needed land treatment measures and all of the planned structural works of improvement within the proposed period of project installation.

g. Interest in and understanding of the watershed project is prevalent throughout the watershed and not confined to a few local leaders or special interest groups.

h. The local people will share in the cost of work plan development.

i. Economic justification appears to be highly probable and can be achieved without reliance on benefits from increased production of crops in surplus on additional lands, except in Appalachia or other areas that may be specifically designated.

j. The cost of flood protection is compatible with the value of the benefited land.

k. Where National Forest System or other public lands are involved, consideration will be given to the compatibility of potential watershed projects and the long-range resource management objectives of such lands.

l. All adverse environmental impacts can and will be minimized.

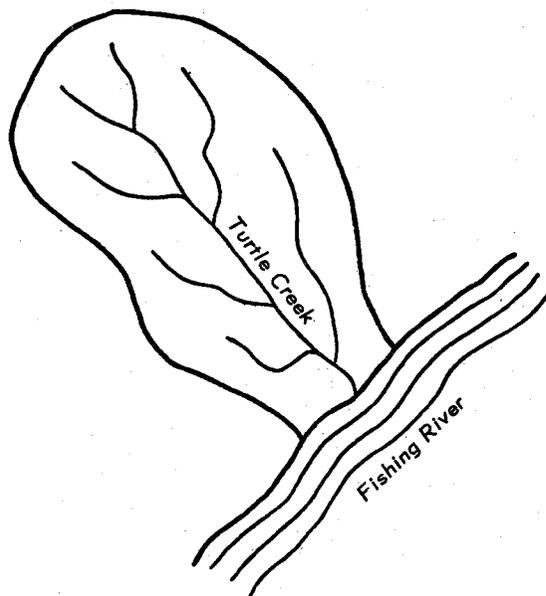
101.02 - DEFINITION OF WATERSHED AREA - A watershed area comprises all land and water within the confines of a drainage divide, or a water problem area consisting in whole or in part of land needing drainage or irrigation improvements. A watershed area may comprise the land and water of two or more minor drainageways, not tributaries to each other, but severally tributary to a stream, artificial waterway, lake, bay or other tidal area. A watershed area may exclude areas from which water is brought into it by diversion if these sources of water have no significant effect on the flood prevention and water management problems of the watershed area. The watershed area must necessarily include, however, all directly tributary drainageways and lands from which, after project installation, water and sediment could adversely affect any water management facility such as an irrigation or drainage canal, floodway, or floodwater retarding structure included in the plan.

101.021 - Examples of Watershed Areas Eligible for Assistance - The types of watershed areas eligible for assistance under the Act are illustrated in the following paragraphs.

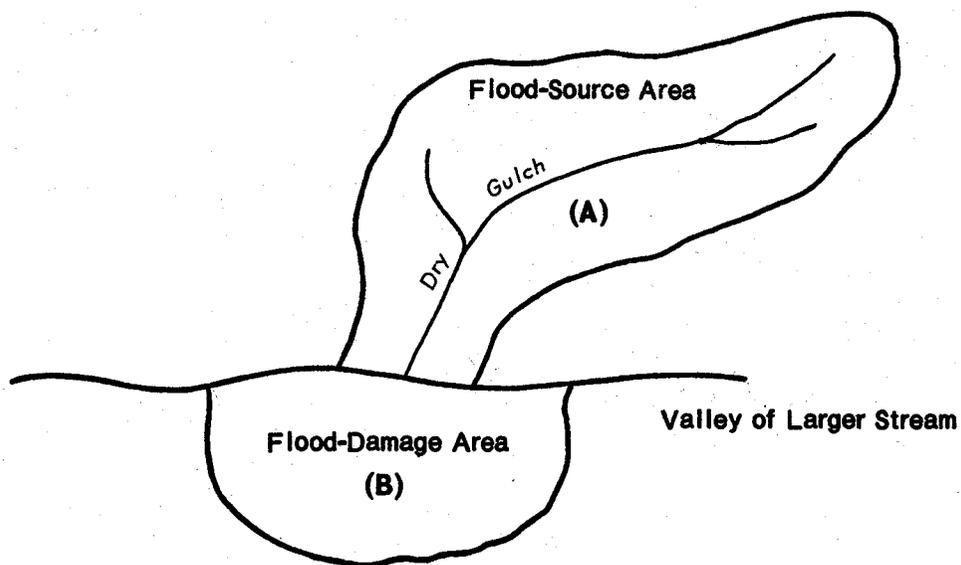
101.0211

101.0211 - Watershed Area

a. Turtle Creek Watershed (Area less than 250,000 acres)

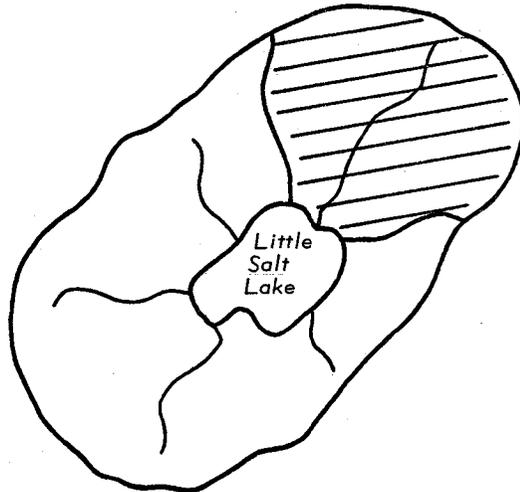


b. Dry Gulch Watershed (Area less than 250,000 acres) -
Watershed includes flood source area (A) and flood damage area (B).

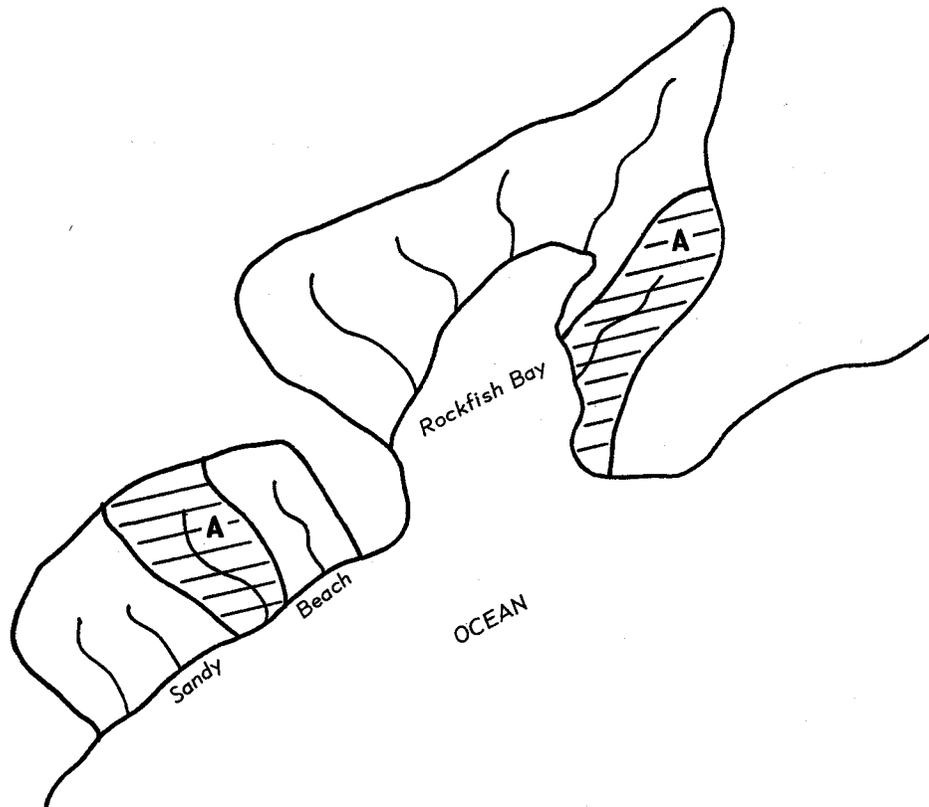


101.0212 - Separate Tributary Watershed Area

a. Little Salt Lake Watershed (Area less than 250,000 acres) - Watershed may include entire area or separate tributaries such as A.

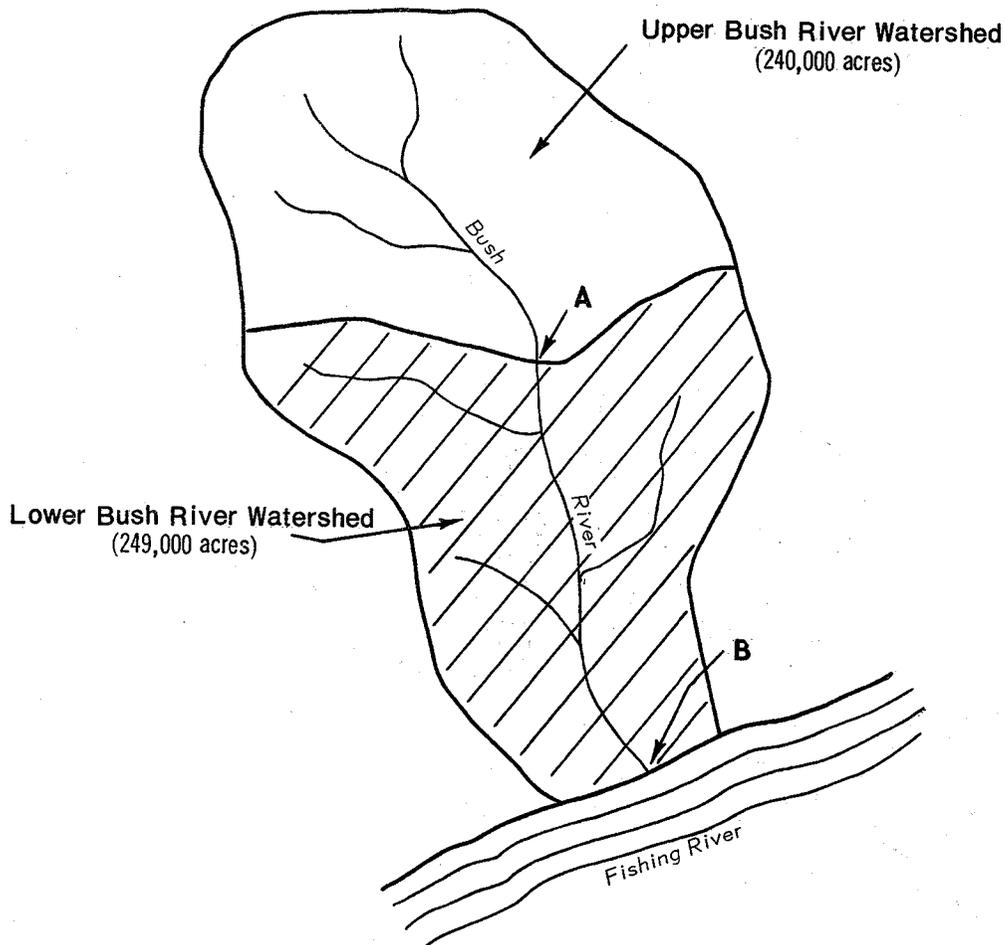


b. Rockfish Bay Watershed and Sandy Beach Tributaries Watershed (Areas of each less than 250,000 acres) - Watershed may include entire Rockfish Bay or Sandy Beach Watershed areas or separate tributaries such as A.

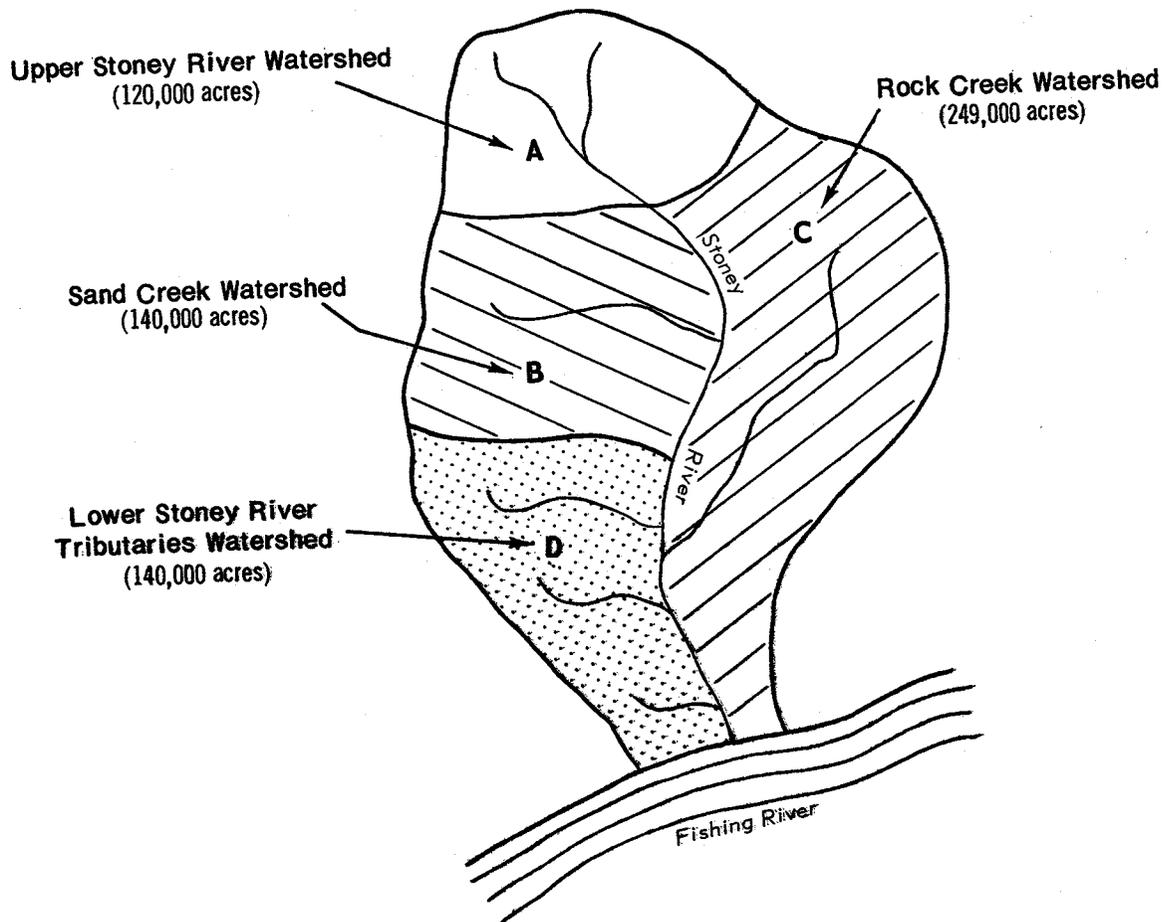


101.0213 - Component Part of Larger Watershed Area

a. Bush River Watershed (Area greater than 250,000 acres) - Watershed area above A (less than 250,000 acres) and Watershed area between A and B (less than 250,000 acres) may be planned together, if requested by local organizations and provided separate applications and separate work plans are prepared for each area. Reservoirs or floodwater retarding structures may not be planned below the point of 250,000 acres. However, channel improvements may be planned along the main water course below the point of 250,000 acres of drainage provided the area above the locations of such improvements has been planned, is being planned concurrently, or it has been determined that works of improvement are not needed. However, works of improvement will not be installed until works of improvement planned above the point of 250,000 acres of drainage have been installed or it has been determined that works of improvement are not needed or will have an insignificant effect on main stem work, or prior installation of upstream measures is not practicable.

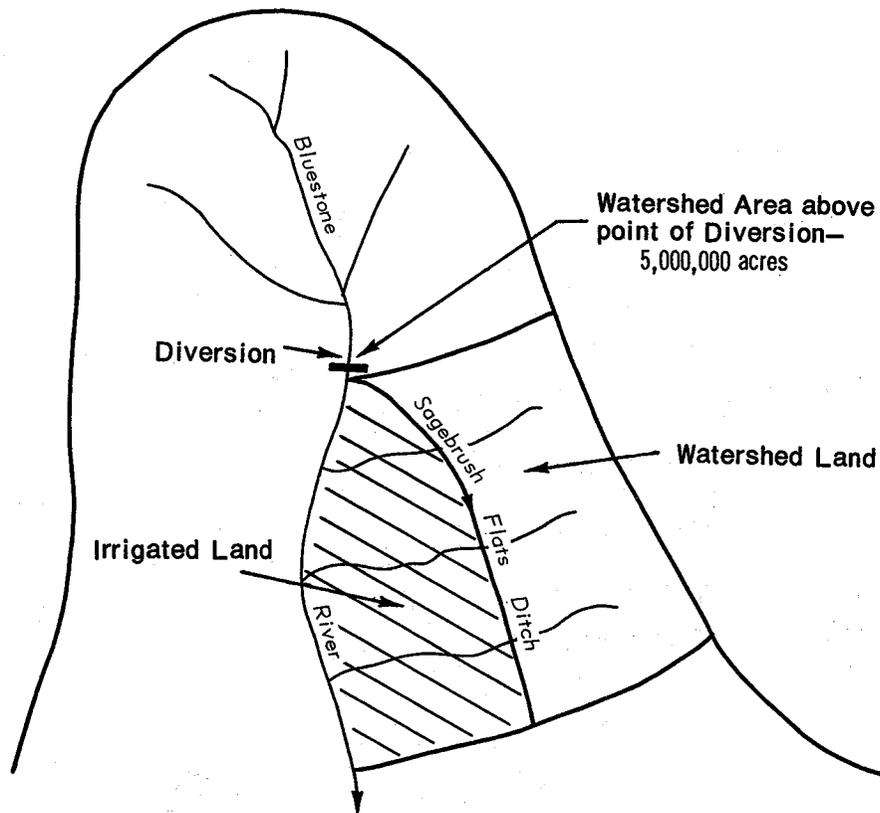


b. Stoney River Watershed (Area greater than 250,000 acres) - Watershed areas A, B, C, and D are each less than 250,000 acres. They may be planned together if requested by local organizations and provided separate applications and separate work plans are prepared for each area. Reservoirs or floodwater retarding structures may not be planned below the point of 250,000 acres. However, channel improvements may be planned along the main water course below the point of 250,000 acres of drainage provided the area above the locations of such improvements has been planned, is being planned concurrently, or it has been determined that works of improvement are not needed or feasible. However, improvements along the main water course will not be installed until the works of improvement planned above the point of 250,000 acres of drainage have been constructed, or it has been determined that works of improvement are not needed or will have an insignificant effect on main stem work, or prior installation of upstream measures is not practicable.



101.0214 - Water Problem Area

a. Sagebrush Flats Ditch Watershed (Area less than 250,000 acres) - Watershed should usually include all surface drainage into the water problem area below point of diversion. Area above point of diversion may be excluded if (a) water supply is adequate in quantity, quality, and regulation, and (b) watershed conditions are not adverse to successful installation, operation and maintenance of proposed project. If side tributary drainage areas cause the watershed size to exceed 250,000 acres they may be excluded if this will not adversely affect the project.



101.03 - SPONSORING LOCAL ORGANIZATION

101.031 - Authority - Sponsoring local organizations must have authority under State law to carry out, maintain, and operate all the planned works of improvement on non-Federal land included in a watershed project. The authority may be vested in a single local organization or collectively in two or more local organizations. This authority is not required for Federal land.

The installation, operation and maintenance of all planned works of improvement on non-Federal land must be included within the collective authorities of the sponsoring local organizations. Authority for areas of non-Federal lands within the watershed boundary is not required when all of the following conditions exist for those lands: (a) works of improvement (including land treatment measures) are not needed; (b) the lack of such works will not materially affect the justification, cost, or design of works of improvement included in the project; and (c) the requirements relating to land treatment measures above reservoirs and floodwater retarding structures and on sediment source areas can be met.

101.032 - Sponsorship - All local organizations that will participate in carrying out, maintaining, and operating works of improvement included in a watershed work plan should be sponsors of the entire project.

101.04 - LOCAL PARTICIPATION

101.041 - Local Organizations - The local organizations sponsoring watershed projects severally or collectively must meet the following requirements in order to carry out a project under the Act:

- a. Be qualified under State law to apply for assistance.
- b. Submit an application for assistance in planning and carrying out works of improvement to the Governor or a designated State agency.
- c. Agree on the plan for works of improvement by executing a Watershed Work Plan Agreement.
- d. Assume their share of the installation cost of planned works of improvement.
- e. Construct or contract for the construction of all works of improvement on non-Federal lands or request the Soil Conservation Service to contract for the construction of structural measures.
- f. Obtain required agreements to carry out "recommended soil conservation measures and proper farm plans."
- g. Acquire necessary land rights.

101.041

h. Acquire or provide evidence that landowners or water users have acquired necessary water rights in accordance with applicable State laws.

i. Provide assurance that structural works of improvement will be installed, operated, and maintained in accordance with applicable State laws.

j. Provide satisfactory evidence of adequate arrangements to operate and maintain improvements and sign an operation and maintenance agreement with the Service.

k. Inform landowners and others participating in planning and carrying out the works of improvement of their responsibilities for compliance with applicable State and Federal laws.

l. Employ or retain professional engineers or other specialists for the technical services needed for planning and installing measures for municipal or industrial water supply and for installing basic facilities for public recreation or fish and wildlife developments.

m. Submit a satisfactory plan of repayment for advances or loans obtained under the provisions of sections 4 or 8 of the Act.

101.042 - States - The States, through the Governor or an authorized State agency, must be provided an opportunity to accept the following responsibilities:

a. Review and approve or disapprove applications from local organizations.

b. Recommend priorities of watersheds for assistance within the State.

c. Participate in field examinations and preliminary investigations and in the preparation of watershed work plans.

d. Review and comment on watershed work plans.

e. Assist in financing costs assigned to local organizations for installing and maintaining works of improvement.

f. Join as a sponsoring local organization.

101.043 - Local Participation in Planning - Local organizations including the States should be encouraged to make the maximum contribution to the watershed protection program including watershed planning. However, program commitments must consider the expected availability of construction funds to avoid an excessive time lag between plan completion

and project installation. Local organizations should clearly understand that their financial participation in planning does not assure an increase in the allocation to the State of construction funds. Also they should understand the need to allow sufficient time for coordination of planning by all participating agencies.

Local organizations may participate financially in planning by such means as:

a. Providing funds to the Soil Conservation Service for paying the salaries and expenses to prepare the watershed work plan. Funds may be advanced to the Service for its use and deposited in a trust fund account or the Service may bill the State or local organization periodically to reimburse its watershed planning account. Such arrangements must be covered by a written trust fund or cooperative agreement between the Service and the local organization. These types of agreements are described in Section 300 of the Administrative Services Handbook.

b. Hiring watershed planning personnel to function as a separate planning unit or to augment the Service's planning staff. Since watershed planning requires specialized skills and training, States, rather than local sponsors, should employ such personnel so that they can be used on a continuing basis. When the Service is to provide such personnel with (1) technical supervision and guidance or (2) any form of administrative or facilitating support, such as housing, equipment or supplies, the arrangement must be covered by a written cooperative agreement between the Service and the local organization.

c. Hiring consultants or using its own staff to carry out selected surveys and investigations for which they are qualified.

d. Hiring or using its own equipment for carrying out foundation and other explorations.

101.05 - FEDERAL PARTICIPATION

101.051 - Soil Conservation Service - The Soil Conservation Service, exercising the responsibilities assigned by the Secretary of Agriculture, with the assistance of the Forest Service as provided for in Title I U.S.D.A. Regulations, under such criteria, standards, objectives, and procedures as are provided for in this Handbook, will:

a. Accept or reject applications for assistance under the Act.

b. Assign priorities for assistance after carefully considering State recommendations.

c. Conduct necessary surveys and investigations and prepare plans for works of improvement in cooperation with local organizations, concerned State agencies, Federal land administering agencies, and Fish and Wildlife Service, for all lands within a watershed regardless of ownership.

- d. Prepare plans and estimates required for adequate engineering evaluation.
- e. Make allocations of costs to the various purposes, show basis for allocations, and determine whether benefits exceed costs.
- f. Cooperate and enter into agreements with local organizations (including the States) to furnish financial and other assistance.
- g. Assist local organization in performing designs, developing drawings and specifications, awarding and administering contracts when requested, and in installing works of improvement by providing procurement assistance and the necessary engineering services or reimbursing the local organization for such services that are authorized to be borne from funds appropriated under the Act.
- h. Bear all of the construction and engineering costs of structural measures applicable to flood prevention, and that part of the installation cost of such measures applicable to other project purposes which is to be paid from P.L. 566 funds.
- i. Secure the cooperation of other Federal agencies in carrying out the plan for works of improvement.
- j. Cooperate with other Federal agencies, States, and local agencies in making investigations and surveys of the watersheds of rivers and other waterways as needed for program coordination.
- k. Hold public hearings when such action will further the purposes of the Act.
- l. Provide leadership and otherwise encourage local interests to adopt a sound management policy to prevent uneconomic uses and development of flood plain lands which increases the risk of flood losses. These objectives are set forth in Executive Order 11296, dated August 10, 1966, and in Secretary's Memorandums 1606 and 1607, dated November 7, 1966 (see Appendix 14).

101.052 - Forest Service and Other Federal Land Administering Agencies - On lands for which they have management responsibility the Forest Service and other Federal agencies will:

- a. Determine watershed conditions, works of improvement needed and justified, manner of installing, operating, and maintaining works of improvement, and evaluate such works of improvement.
- b. Require a sharing by non-Federal interests in the cost allocable to non-Federal land for the installation, operation, and maintenance of works of improvement other than land treatment measures.
- c. Install land treatment measures on Federal lands as provided for in approved work plans.

101.053 - Farmers Home Administration - The Farmers Home Administration, exercising its responsibilities for loans and repayment obligations assigned by the Secretary of Agriculture, will:

- a. Approve or disapprove applications for loans.

- b. Approve arrangements for repayment of advances before funds are advanced for site preservation or future water supply.
- c. Establish standards and criteria for repayment plans.
- d. Make loans and collect loans and advances in accordance with approved applications and repayment plans.
- e. Announce at the beginning of each fiscal year the interest rates applicable to loans and advances to be made during the year.

101.054 - Agricultural Stabilization and Conservation Service - The Agricultural Stabilization and Conservation Service, operating through State and County ASCS Offices, provides Rural Environmental Assistance Program (REAP) cost-sharing assistance to farmers and ranchers in the installation of conservation and environmental land treatment measures. Means for achieving full coordination and maximum effectiveness of this assistance in watershed projects is discussed in Chapter 4.

101.055 - Bureau of Sport Fisheries and Wildlife - The Bureau of Sport Fisheries and Wildlife may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of wildlife resources. Under arrangements satisfactory to the Secretary of Agriculture, it may participate in the preparation of a plan for works of improvement that is acceptable to the local organization and the Secretary of Agriculture. Conditions under which federal aid in Fish and Wildlife Restoration funds may be used in conjunction with watershed projects are stated in Chapter 8, Part 1 of this Handbook.

101.056 - U. S. Public Health Service - The U. S. Public Health Service of the Department of Health, Education and Welfare is concerned with the health-related aspects of all water resource and related land-use projects. Particular attention is given to those aspects involving the recreational use of water, vector prevention and control, public and private water supply and marine food-growing waters. The responsibilities include determining the health significance of water pollution, investigating water-borne diseases and means for their control, providing consultation to the Department of Interior on public health aspects of water pollution, and advising on the public health questions involved in including storage for water quality control in federal reservoirs.

101.057 - Other Related Authorities - The Service will use, and encourage other agencies to use, all resources available from appropriations made under authority of other federal and state legislation to further development of watershed projects. This may include continuance and, where essential, increases in the following kinds of assistance within the watershed project area:

- a. Educational assistance from the cooperative Federal-State Extension Service.
- b. Technical assistance by the Soil Conservation Service under its national program of assistance to soil and water conservation districts.

- c. Assistance under Great Plains Conservation Program.
- d. Assistance in Resource Conservation and Development projects.
- e. Credit and grant assistance from the Farmers Home Administration including assistance for planning and installing water and waste disposal systems in rural areas under the Consolidated Farmers Home Administration Act of 1961, as amended.
- f. Assistance under the Appalachian Regional Development Act of 1965.
- g. Assistance under the Public Works and Economic Development Act of 1965.
- h. Assistance from the Bureau of Outdoor Recreation as provided in its Organic Act and the Land and Water Conservation Fund Program.
- i. Credit assistance under the Public Facility Loans Program administered by the Department of Housing and Urban Development.
- j. Forestry technical assistance provided under the General Forestry Assistance and Cooperative Forest Management Programs.
- k. Protection of Forest areas from fire, insects, and disease under cooperative programs authorized by the Clarke-McNary Act, Forest Pest Control Act, and White Pine Blister Rust Protection Act.
- l. Preservation and improvement of fish and wildlife resources through the cooperative programs authorized under the Dingell-Johnson and Pittman-Robertson Acts and the Water Bank Act of 1970 (P.L. 91-559).
- m. Protection and treatment of federally owned lands by land-managing agencies.
- n. Collection of basic data by research and basic data collecting agencies in the Departments of Agriculture, Interior, and Commerce.
- o. State assistance programs.
- p. Assistance from Bureau of Public Roads on road relocations resulting from watershed projects. The Federal-Aid Highway Act of 1970 (P.L. 91-605) may also be a source of assistance for financing, on a demonstration basis, economic growth center development highways that will serve rural areas.
- q. The Service will continue to emphasize the advantages of the watershed approach, where applicable, to soil and water conservation programs of soil conservation districts. Where districts so desire, and have provided for it in their plan of operations, the Service will continue to assist them in watershed planning under its National program of assistance to districts.

1.06 - COOPERATION WITH OTHER FEDERAL AGENCIES - Work undertaken and performed under the Act is to be to the fullest possible extent in harmony with related work of other Federal agencies. Executive Order No. 10913, January 18, 1961, Amending Executive Order No. 10584 of December 18, 1954, prescribes rules and regulations relating to the administration of the Watershed Protection and Flood Prevention Act. Interagency coordination procedures are clearly set forth. The Soil Conservation Service will inform and cooperate with other Federal agencies in providing authorized Federal assistance. The Handbook for Coordination of Planning Studies and Reports published by the Water Resources Council is to be used to coordinate the investigations for and development of watershed work plans. Watershed projects come under the category of Type 3 planning studies in the June 1969 edition of that publication. However, the policy statement issued by the Council on July 22, 1970, describes three levels of planning, designated A, B, and C. Watershed projects would be level C, Implementation Studies. Future editions of the coordination handbook will also use this designation.

1.061 - Field - To assure appropriate coordination with other Federal agencies following receipt of a valid application, the State Conservationist will:

a. Request the views of the Regional Director, Bureau of Reclamation; the District Engineer, Corps of Engineers; or the Board of Directors, Tennessee Valley Authority, on those applications to which the provisions of Section 4 (a) (1), 4(a) (2), or 4(a) (3) of Executive Order No. 10913 are applicable. In addition, the Agreement between the Soil Conservation Service and the Corps of Engineers, dated September 23, 1965, may be applicable. These actions will be taken prior to making any commitment to sponsoring local organizations or requesting planning authorization. Where it is not possible to reach agreement with the concerned field office of the other Federal agency, full details will be forwarded to the Washington office for resolution with the other agency at that level.

b. Notify the concerned Administrative Officer of the U. S. Forest Service of the initiation of a field examination, preliminary investigation, or planning start on a watershed. Suggest the approximate dates when pertinent forestry information will be needed. Indicate whether there are National Forest System lands in the watershed.

c. Notify the Regional representatives of the U. S. Fish and Wildlife Service, U. S. Public Health Service, Water Quality Office within the Environmental Protection Agency, and other concerned Federal agency field representatives, in writing, of his intent to start preparation of a plan for works of improvement, furnishing brief information about the scope and nature of the investigation. He will ask to be advised in writing within 30 days of any interest the other Federal agency may have in the watershed and plan, and invite the submission of or reference to data the other agency may have or know of that might be pertinent to or useful in preparing the plan.

d. Afford local representatives of interested Federal agencies every reasonable opportunity to participate in and contribute to work plan preparation so as to help assure that works of improvement included in work plans are to the fullest possible extent in harmony with related work of

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other Federal agencies. Drafts of all work plans, before their completion, will be reviewed informally with field representatives of other interested Federal agencies. Copies of work plans as submitted to the Administrator, SCS, for final approval will be furnished by the State Conservationist to those representatives to facilitate interagency review at the same time, or for information.

e. Consult with the Tennessee Valley Authority with respect to development of a plan for works of improvement for any watershed located within the Tennessee Valley at the time of initiation of the investigation and survey and subsequently as prescribed in Memorandum of Understanding between TVA and SCS, dated November 6, 1958 (see Appendix 11).

f. Consult with officials of River Basin Commissions, where applicable, to assure that proposed works of improvement to be included in a watershed project are compatible with the overall resource development plans of the river basin.

g. Cooperate with the State Conservationist having leadership responsibility in an area covered by a Regional Development Plan for setting priorities and carrying out activities relating to the development of the regional plan consistent with the objectives of the Public Works and Economic Development Act of 1965. Each State Conservationist will coordinate his planning efforts under P.L. 566 with the objectives and intent of the Act and with other Federal and State agencies concerned.

h. Consult with the State Director, Farmers Home Administration, to ascertain what program activities under the provisions of P.L. 89-240 are being carried out or are contemplated in the watershed area which should be coordinated with assistance that may be provided under the Act. Coordination procedures are set forth in a joint memorandum, dated July 6, 1967 (see Appendix 7).

1.062 - Washington - To assure appropriate coordination with other Federal agencies at the National level, the Administrator of the Soil Conservation Service will:

a. Notify, in writing, heads of concerned federal agencies, concerned Senators and Congressmen, and governors of concerned states of the authorization of planning assistance.

b. Reserved

c. Furnish needed guidance to State Conservationists and coordinate with other concerned agencies and appropriate Commissions in setting program objectives and project priorities with respect to project-type developments in areas covered by Regional Development Plans carried out under provisions of the Public Works and Economic Development Act of 1965.

d. Obtain needed technical services of a special nature under appropriate memorandum of agreement with specialist agencies such as the U. S. Geological Survey, Weather Bureau, or Economic Research Service.

101.063 - Federal Land - Plans for works of improvement will be prepared on a watershed basis and, to the extent needed, will cover all lands within a watershed regardless of ownership. Work plans will provide for the installation of works of improvement on Federal lands as well as on other lands.

101.0631 - Planning - The State Conservationist is responsible for assisting local organizations in preparing work plans. For land under the jurisdiction of Federal agencies, he will arrange with the appropriate field representative of each Federal agency whose land is included in the watershed to assist in preparing the work plan. Funds may be provided by the State Conservationist under authority of section 601 of the Economy Act to the extent that such agencies, except the Forest Service, do not have funds available for such assistance. Funds are made available to the Forest Service by the Washington Office on an annual basis. If planning funds needed by other agencies are not available to the State Conservationist, he should ask for such funds in his request for planning authorization.

Works of improvement proposed for inclusion in a work plan and located on land under the jurisdiction of Federal agencies will be jointly considered by the State Conservationist, the representative of the agency responsible for the Federal land and the local organization. Structural works of improvement proposed for installation on such land will be those that are mutually acceptable to the Federal agency responsible for administering the land, to the sponsoring local organization to the extent that non-Federal interests may be involved, and to the Soil Conservation Service. Structural works of improvement that primarily benefit non-Federal land or substantially affect the size, number, or cost of structures needed on non-Federal land will be planned by the Soil Conservation Service with the cooperation of the responsible land administering agency. The design of such structures will be mutually acceptable to the responsible land administering agency and Soil Conservation Service.

101.0632 - Installation - Structural measures on Federal land shall be installed under arrangements mutually agreeable to the sponsoring local organization, the land managing agency, and the Soil Conservation Service.

The following criteria are applicable to the installation of measures on Federal land:

a. The agency administering the land will be responsible for financing and installing land treatment measures.

b. P.L. 566 funds will not be used to install land treatment measures on Federal land.

c. The cost of installing structural measures will be shared by the agency administering the land and the sponsoring local organization in the same manner as if they were installed on non-Federal land.

101.0633 - Operation and Maintenance - The following criteria are applicable to the operation and maintenance of measures on Federal land:

a. The agency administering the land will be responsible for the operation and maintenance of all measures installed on Federal land. Arrangements may be agreed upon whereby the sponsoring local organization will perform the operation and maintenance work.

b. The cost of maintaining land treatment measures will not be borne from P.L. 566 funds.

c. The cost of operating and maintaining structural measures installed on Federal land will be shared in consideration of the estimated benefits that will accrue to Federal and non-Federal land.

d. The Federal share of the cost of operation and maintenance of structural measures shall not be borne from P.L. 566 funds.

101.07 - COOPERATION WITH STATE AGENCIES - To achieve full coordination with all concerned interests, good working relations will be established and maintained with State agencies having responsibilities for important aspects of resource planning and development relating to watershed activities.

101.071 - State Game and Fish Agency - Under certain circumstances it may be desirable that the State Conservationist notify the State Game and Fish Agency as soon as local groups indicate their first interest in a watershed project. In any event, the State agency should be notified as soon as a valid application is received. Representatives of the State agency should be encouraged to participate in discussions, field examinations, and preliminary investigations with the local leadership.

101.072 - Other State Agencies - The State Conservationists shall maintain close coordination with other State agencies having functional responsibilities relating to resource planning and development.

1.073 - Coordination with State and Areawide Clearinghouses - Office of Management and Budget Circular A-95, as revised, prescribes regulations and procedures to follow in implementing specific legislative acts of the Congress or other government-wide planning requirements. Administrator's General Memorandum-5, as revised, provides further instructions (see Appendix 4).

State conservationists will establish and maintain working relations with the state and areawide clearinghouses. They will also inform potential applicants for P.L. 566 assistance of the need for them to notify the clearinghouse of their intention to apply for assistance. An application must comply with the notification and review procedures before it can be acted on.

1.08 - COMPLIANCE WITH STATE LAWS - Sponsoring local organizations, landowners, and others participating in a watershed project must be informed that it is their responsibility to comply with mandatory requirements of state laws, procedures, and regulations that do not conflict with Federal law or regulations. Where conflicts exist, they must be reconciled. Because of the many differences, no uniform procedures can be outlined for use in all states. Each state conservationist must determine the proper procedure to be followed to assure compliance with local laws, procedures, and regulations.

1.081 - Local Requirements for Construction of Facilities - Many states have laws, procedures, and regulations relating to the design, construction, and operation of such facilities as the structural works of improvement to be installed under the Act. Some states require formal approval of dams which exceed specific limitations. Plans for water diversion or spreader systems require approval under some conditions. State regulations often contain standards for types of construction involved in projects authorized under the Act. The sponsoring local organizations must secure all necessary permits and authorizations to comply with procedures and regulations relating to the types of construction involved.

1.082 - Water Rights - The sponsoring local organizations must acquire or provide evidence that landowners have acquired, pursuant to state law, such water and storage rights as may be needed in the installation and operation of the works of improvement.

1.09 - CONSERVATION OF WETLANDS - Watershed projects are to be formulated in accordance with Conservation Planning Memorandum-15.

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1.10 - LIMITATION ON LAND USE CONVERSIONS - The only limitation on land use conversions or more intensive agricultural use (including bringing additional land into agricultural production) are those shown in Conservation Planning Memorandum-15 and a reasonable assurance that any projected changes will, in fact, occur. This assurance can be provided by an examination and analysis of current uses and past, present, and future trends and consultation with local people, sponsors, other agencies, individuals, groups, and other planners.

1.11 - LANDRIGHTS - No authority for land acquisition by the Federal Government is contained in the Act. The Service may provide technical and administrative guidance needed by the sponsors to assist in obtaining landrights to the extent specified in Section 2206 of Part 2 of the Administrative Services Handbook.

The sponsors must acquire all landrights needed for the investigation, survey, installation, operation, maintenance, and inspection of works of improvement to be installed with federal financial assistance from SCS and nonfederal lands. The sponsors are required to secure needed land and water rights with other than P.L. 566 funds with the exception of those required for public recreation or fish and wildlife project developments. Details for P.L. 566 cost sharing on landrights for project developments are in Chapter 8.

1.111 - Criteria for Landrights for Retarding Structures

1.1111 - General - The sponsors are to be made aware of their responsibility for retarding floodwaters by use of structures. During a storm event of some frequency the water may reach an elevation equal to or greater than the top of the dam. Sponsors are to be informed that they should secure landrights to at least the elevation of the top of the dam. In some instances, sponsors may prefer not to secure landrights to the top of the dam elevation. In such cases the state conservationist shall determine on a case-by-case basis the minimum landrights which must be acquired as a condition to providing Public Law 566 financial assistance for construction.

In determining the landrights needed for a structure, the state conservationist will consider all pertinent circumstances including present and likely future land use and the extent of

potential damage from flooding. He will not authorize PL-566 construction assistance for the structure if it could endanger human life by flooding a residence or public roads.

The state conservationist will require that land rights be acquired for the structure, spillway and reservoir area. If the structure has an emergency spillway, the state conservationist will require land rights upstream from the dam for at least all that area below the higher elevation of either (a) the crest of the primary emergency spillway or (b) the maximum elevation of the water surface attained during passage of the emergency spillway hydrograph. If the dam does not have an emergency spillway, the state conservationist will require that land rights be acquired up to an elevation at least equal to the top of the dam.

101.1112 - Railroads, Highways, Public Roads, Dwellings, and Other Improvements

In addition to land rights requirements noted in paragraph 101.1111, the following additional considerations are required for specific improvements.

a. Railroads that are to remain in use shall not be subjected to inundation by project works of improvement.

b. Highways and public roads, except as provided in paragraph c, shall not remain in the easement area unless the road elevation is at or greater than the minimum elevation as established by the state conservationist in accordance with criteria in paragraph 101.1111 unless:

(1) The highway or public road is closed for a brief period at any given time and there is an alternate all-weather route that can be used with a minimum of inconvenience, and

(2) A written right or written permission to flood the highway or public road has been obtained from the state, county, or agency having jurisdiction over the highway or public road. Such written right or permission may be in the nature of an easement, court order, or, if such cannot legally be given, a permit. The written right or permission must be accompanied by a citation of the applicable state statute or a written opinion of the State Attorney General stating that the state, county, or agency granting the permission has legal authority to allow the road to be closed by flooding.

c. Dwellings are to be provided an all-weather road for ingress and egress that will not flood more frequently than under preconstruction conditions. If a road providing the only outlet to a dwelling is at a lower elevation than the minimum flowage line established according to criteria in paragraph 101.1111, an historical record of preconstruction flooding shall be developed and documented in the land rights file.

d. Dwellings, including basements, or any other buildings which contain valuable property or which may be used as living quarters on a permanent or seasonal basis shall not be allowed to remain in the area requiring flowage rights unless flood proofed or otherwise protected from damage to the minimum elevation established according to criteria in paragraph 101.1111.

e. Other buildings such as barns and garages may remain within the minimum flowage easement area upon written justification by the state conservationist and advance approval of the Administrator. Generally, approval for flooding buildings of this nature will not be granted if the building is used for the storage of feed, perishable items, supplies, equipment, or other items which would be substantially damaged by flooding. This also applies to any building used for other purposes when flooding would cause an interruption or delay of operations carried on in the building, or cause a hazard which may result in injury, death, or damage to contents.

g. Public utilities shall not be subjected to inundation by project works of improvement unless the utility company has determined that the function of the facility will not be affected adversely, and a subordination agreement has been obtained.

h. Burial sites, such as private family plots, cemeteries, and graveyards, shall not be subjected to inundation by project works of improvement unless floodproofed or otherwise protected in accordance with applicable state laws. Disinterment and reburial, if necessary, must be accomplished in accordance with state law.

i. Historical sites or monuments shall not be subjected to inundation by project works of improvement unless the state conservationist has complied with the provisions of PL 86-523, PL 89-665, and EO 11593.

If unusual circumstances indicate a need for a reduction in land rights requirements, the pertinent data should be presented to the Administrator with a request for an exception.

101.112 - Criteria for Land Rights for Channels - The state conservationist will designate the minimum area for which land rights will be acquired for channel work and the type of land right that will be needed, based on the following criteria:

a. Fee title or easements are to be acquired for:

(1) The designed top width of the channel plus a minimum berm on each channel bank determined by the state conservationist to be needed to insure the stability of the channel, channel banks, and side slopes;

(2) Areas needed for the placement, operation, and maintenance of appurtenances such as, but not limited to, inlet control structures, environmental features including vegetative plantings, and water flow control structures;

(3) Areas adjacent to and parallel with the channel as needed for operation and maintenance travelways;

(4) Areas needed for ingress and egress to perform operation and maintenance;

(5) Areas needed for diversions of water; and

(6) Such additional areas, including downstream areas, as may be subjected to adverse effects by changed streamflow characteristics, such as extended flooding of low-water crossings and more than negligible flood damage to property.

b. Term easements are to be acquired for areas in addition to those covered in a. above as needed for construction performance, including areas for construction ingress and egress, equipment staging areas, and parking lots.

c. Permit or term easements are to be acquired for areas in addition to those covered in a. and b. above as needed for surveys and investigations, and for one-time operations such as spoil spreading areas.

101.20 - CAPACITY AND USE OF STRUCTURES

101.201 - Definition of Capacity - Total capacity as used in the Act is construed to mean the total volume of space available for water and sediment upstream from a dam below the elevation at which discharge begins in the primary emergency spillway. (There will be no restriction on the rate of discharge of the primary emergency spillway imposed to provide planned reduction of downstream flood damages.) Floodwater detention capacity is the capacity between the crest of the principal spillway and the elevation at which discharge begins in the primary emergency spillway minus any capacity between these two elevations reserved for sediment. If such capacity is provided solely as a design feature for a structure installed wholly for a purpose other than flood prevention, it is not considered floodwater detention capacity. For natural lakes, the total capacity upstream from a structure is construed to mean the capacity between the elevation at which discharge begins in the natural lake outlet and the elevation at which discharge begins in the primary emergency spillway. Floodwater detention capacity in natural lakes is the same as that defined for other structures.

101.202 - Limitation on Capacity - The Act limits the total capacity of any single structure that may be included in a watershed work plan to 25,000 acre-feet and further limits the floodwater detention capacity that may be provided in a single structure to 12,500 acre-feet. If either of these two limits is exceeded in a single structure, proposed or existing, it may not be included as a project measure even if paid for entirely from nonfederal funds. Structures

may be included in work plans to control natural lake levels if such structures do not provide additional capacity in excess of these limitations.

1.203 - Allowance for Sediment - The allowance for sediment in all structures in a watershed project will be limited to the anticipated sediment accumulation over the period used in the economic evaluation of the project.

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If project sponsors wish to add capacity to extend the life of any multiple-purpose reservoir beyond the evaluated life of the project, the additional capacity and its cost will be assigned to the beneficial purpose served.

1.204 - Water Storage in Space Reserved for Sediment - Water may be stored in floodwater retarding structures in the space reserved for sediment. However, P.L. 566 funds may not be used to improve the water holding capacity of these structures except for structural stability. Storage of water in sediment pools is subject to the following considerations:

(1) Storage is not mandatory but should be encouraged where the beneficial effects of such storage will clearly exceed its adverse effects.

(2) Storage should be discouraged where it would interfere with the migration of anadromous fish, degrade water quality downstream or create undesirable conditions at the site or otherwise substantially impair the environment.

(3) Storage must be in accordance with all applicable State laws, including those which may require a water right or permit.

(4) Availability for public use and enjoyment of the impoundment should be encouraged.

(5) When private or public use is contemplated provision must be made for adequate sanitation and health measures.

1.205 - Minimum Capacity for Beneficial Use - When capacity for beneficial use is provided in a reservoir, there should be a reasonable relationship between the added storage capacity for which local cost sharing is required and the water made available in sediment pools without cost sharing. The minimum capacity to be added shall be governed by the following:

a. Floodwater retarding structure designed for 50-year sediment accumulation - No minimum requirement except as required for recreation and fish and wildlife developments.

b. Floodwater retarding structure designed for 100-year sediment accumulation - The capacity added for any beneficial storage of water will at least equal one-half the capacity provided for the submerged sediment expected to be deposited during the 100-year period. For public recreation and fish and wildlife developments, the requirement will be considered to have been met provided the water surface area equals or exceeds the minimum criteria set forth in WPH 8.062. If the requirements cannot be met, a request for an exception with supporting justification or explanation of site limitations, critical need for added water supply, or other extenuating circumstances, should be submitted to the Administrator.

1.206 - Seasonal Storage for Beneficial Use - Where flood occurrence is seasonal and predictable, floodwater detention capacity may be used for storage for beneficial use if permitted by State law. The responsible local organization prior to provision of P.L. 566 assistance, however, must enter into an agreement with the Soil Conservation Service or other concerned Federal agency to open and maintain fully open any outlet gate needed to drain the flood pool during such periods as the Service or other Federal agency may prescribe.

101.207 - Regulation of Reservoir - The regulation of the withdrawal and use of any accumulated water from the pool below the crest of the principal spillway of a floodwater retarding structure shall be a responsibility of a local organization which has assumed responsibility for operation and maintenance. The operation of any reservoir, providing storage for beneficial use, shall be governed by the provisions of the Operations and Maintenance Agreement, consistent with the permits or water rights held by the concerned sponsoring organizations, and the cost allocation and cost sharing for the purposes involved.

101.21 - ENGINEERING REQUIREMENTS

101.211 - Introduction - The development and formulation of plans to conserve and effectively utilize the nation's land and water resources requires a high standard of engineering work. The best engineering techniques consistent with available resources are to be used in planning and installing watershed work.

101.212 - Basis for Engineering Planning - National Engineering Handbooks, Technical Releases, National Standards, and National Engineering Memoranda will be used for planning major structural measures. Criteria of States and other Federal agencies must also be met where applicable. State Handbooks, State memoranda and technical guides based on National Standards may be used in developing the normal on-farm engineering practices included in the plan.

101.213 - Engineering Data in Work Plans - Sufficient information on structural measures will be placed in the work plan to convey clearly the problems, the investigations made, the analysis and procedures used, the results obtained and the conclusions. Narrative is to be referenced appropriately to tables and maps.

101.214 - Standard of Engineering Planning - A wide variety of problems, objectives and conditions are experienced in developing project plans. Sufficient engineering planning is to be done to determine a sound solution to the problems. The intensity of planning and investigations should be based on the complexity, size, cost, and importance of the project. It is essential to obtain design data, make quantity and cost estimates, and determine spillway discharge for each recommended structure except in cases where a number of structures of similar size and nominal cost are recommended to stabilize a gully reach. In any event, it is necessary that sufficient engineering be done to assure that all structures will function properly and produce the benefits as planned. Intensity of planning governs the accuracy of the recommendations, preliminary design, and cost estimates presented in the report. Surveys and designs must be in sufficient detail to prepare land rights maps and to make accurate cost estimates. Work normally done in the planning stage, which is deferred with justification to the post-authorization stage, is to be recorded by the State Conservationist and the Engineering and Watershed Planning Unit, and is to be completed prior to the construction stage. The completion of this work and the review and concurrence by the Engineering and Watershed Planning Unit also should be recorded.

101.215 - General Engineering Surveys and Plans - Sound planning requires a complete understanding of the needs and objectives to be

achieved. This includes knowledge of the physical characteristics of the terrain, channels, structure sites and areas damaged. Such information is to be obtained through standard engineering survey procedures. Sufficient engineering planning and surveying is to be done to establish conclusively the needs of the watershed commensurate with objectives and results of the proposed and alternative plans including detrimental effects.

101.22 - USE OF PRIVATE ENGINEERING CONSULTANTS IN WATERSHED PLANNING - Engineering services needed for the flood prevention, agricultural water management, and recreation or fish and wildlife phases of watershed planning which cannot be provided by the Service or other participating agencies or organizations may be obtained by the Service or the local organization by contract with private engineers.

Where multiple-purpose structures include agricultural water management, recreation, or fish and wildlife; and municipal and industrial water supply or other non-cost-shared water management the Service will determine that the water yield and quality is adequate and the reservoir will hold water without undue loss to meet the objectives for which PL 566 may cost share. Such study may be adequate to meet the objectives for the non-cost-shared purpose, however, private engineers employed or retained by the sponsoring organization will make independent studies or review the studies made by the Service to assure the sponsors that the non-cost-shared objectives can be met and will plan the features associated with these purposes.

Where multiple-purpose structures include only flood prevention and non-cost-shared purposes, engineers employed or retained by the local sponsoring organization will, at local cost, determine that the water yield and quality is adequate and the reservoir will hold water without undue losses. They will also plan the non-cost-shared features associated with these purposes. The Service will review the analysis made by the engineers to assure itself that the structure will function as planned and that it can be safely constructed at the proposed site at a reasonable cost.

Investigation for flood prevention, agricultural water management and recreation or fish and wildlife purposes will be made by the Service at no cost to the local sponsoring organization. The cost of investigations in addition to these that are needed to insure that the non-cost-shared objectives can be met will be paid for by the local sponsoring organization.

The Service should utilize investigations made by engineers employed or retained by the local sponsoring organization in fulfilling its responsibilities with respect to the proper functioning, safety, and stability of the structure. Likewise, the Service will make available to the engineers employed or retained by the local sponsoring organization all of the data it has regarding the structure.

101.23 - FENCING STRUCTURAL MEASURES - The State Conservationist will determine the need for protecting structural measures with a fence. Fencing of structural measures may be required to: (1) permanently protect from grazing, (2) protect during the period of establishment of vegetative cover, (3) divert recreational and vehicular traffic, (4) prevent livestock trailing, (5) permit controlled grazing as part of the maintenance program, or (6) provide for public safety from hazards created during construction or by the structure itself. Criteria for determining eligibility of fencing for P.L. 566 cost sharing assistance are given in Chapter 3 of part 1 of this Handbook.

All fences should be designed and located to achieve a minimum of interference to the structure hydraulic operation. The following guidelines will be used to determine the type of fencing:

a. Impoundment Structures

(1) A fence equal to Construction Specification No. 92 is suitable to eliminate grazing, recreational or vehicular traffic permanently, or to permit controlled grazing as part of the maintenance program.

(2) A fence comparable to that normally used on farms in the area may be satisfactory on less critical sites, but the sponsors must understand that additional maintenance will be necessary. Farm-type fences may also be used for the period necessary to establish vegetation on sites not requiring permanent protection.

(3) Farm electric fences are suitable for only the short period protection required to establish some types of vegetation in non-critical areas.

b. Channels

(1) For channels in urban areas where fences are built for public safety, a fence equal to Construction Specification No. 91 is suitable.

(2) A fence comparable to that normally used on farms in the area may be satisfactory on less critical sites where it is deemed necessary to protect the channel from intrusions or for protecting the area on which vegetation is being installed.

(3) Farm electric fences are suitable for only the short period protection required to establish some types of vegetation in non-critical areas.

101.30 - WATERSHED INFORMATION - An effective, full-scale and continuing program of public information is essential if local people are to use the Watershed Protection and Flood Prevention Act to solve their soil and water problems and to make full use of opportunities for development of their watershed resources.

Thoroughly planned and faithfully executed public information must be an operations tool in constant use if projects developed under the law are intelligently conceived and successfully carried to completion.

101.301 - Information Objectives - Information efforts must be designed to:

a. Acquaint landowners and other participants with their responsibilities in the watershed project.

b. Explain to all interested citizens the principal provisions of Public Law 566 and the ways it may be used by the watershed community.

c. Encourage active community participation and support.

d. Achieve a full understanding by local people of the inter-relationship of engineering work and the conservation treatment of land.

e. Identify the role of the Soil Conservation Service, soil and water conservation districts and other cooperating interests, each in its proper setting.

f. Encourage discussion and idea exchange by citizens to the end that the project proposals are soundly conceived and aimed toward development and management of all resources for immediate and future needs.

101.302 - Soil Conservation Service Information Responsibilities - The Soil Conservation Service will carry on public information work independently and in cooperation with other interests. Major emphasis will be at the work unit level. However, guidance and participation will be expected from line officers, state information leaders and Washington-field employees.

Aims and duties will be to:

a. Fully interpret Public Law 566, including the multi-purpose potential.

b. Prepare and carry out a specific plan of information operations keyed to the requirements of technical operations.

c. Assist in planning and preparing special information tools and arranging for informational activities, including brochures, fact sheets, slide talks, visual aids and exhibit materials, tours, public meetings and special newspaper editions.

d. Solicit the assistance of the Extension Service to include the P.L. 566 program activities in their over-all departmental information efforts.

e. Cooperate with soil and water conservation districts and other sponsoring organizations and participating agencies in information efforts.

f. Report appropriately on project progress and on the use being made of Federal funds and services in advancing the project.

g. Maintain photograph records of the various phases of interest and progress, in 4 x 5 and/or 2 $\frac{1}{4}$ x 2 $\frac{1}{4}$ black and white, and 35 mm. color. Subjects will include flooding and flood damages, before-and-after site scenes, problem areas, construction activity, upland conservation work, group and individual personalities and other project highlights.

h. Share ideas and materials, including brochures, articles, publications, public releases and suggestions for visual aids, which may have application throughout SCS. Informational material issued by State Conservationists has contributed greatly to an understanding of the watershed program. Each State Conservationist is encouraged to continue to assist in promoting this program. He should continue to keep up with what is being done in other States. He should also take advantage of any ideas that will help emphasize the value of the program. Each State Conservationist should send to other State Conservationists a copy of all information items dealing with the Small Watershed and River Basin Program that would be useful in their States. Send the information under a cover memorandum. At the same time, send a copy of the material and the cover memorandum to the Deputy Administrator for Watersheds.

101.303 - Local Participation in Watershed Information - Sponsoring organizations and participating agencies will be encouraged by the Soil Conservation Service to cooperate in information work. Local leaders can be especially helpful in defining needs in public understanding.

101.304 - Topics and Techniques - Subjects and opportunities in conducting an effective watershed information program are almost limitless:

a. Visualizing the completed project - Efforts are needed to project the treated watershed's features for public understanding through maps, models, photographs and artists' conceptions.

b. Problems - Document damages from flooding, sediment deposition and erosion affecting fields, roads, bridges, homes, businesses, factories, losses of productive land through scouring and wetness, crop losses and related farm economy, loss of fish and wildlife and their habitat, impairment of water supplies, and the personal discomfort of residents.

c. Benefits - Explain how projects reduce flood damages; provide new water supplies for irrigation, municipal use, wildlife and recreation; improve the rural and urban economy; and make the watershed a safer, healthier and more desirable place in which to live.

d. Progress - Explain the local situation, the steps involved, the requirements, easements needed, approval required, the time that must lapse as the project advances.

e. Technology - Interpret the significance and working purposes of the technical features of the project -- the function of the land treatment practices and the engineering work such as channel improvement and floodwater retarding structures. Stress how much relief can be expected under various storm and runoff conditions.

f. Watershed Protection - Explain the interrelationship of land treatment measures and structural measures in achieving project objectives. Describe types of measures and their general location which must be installed prior to or concurrent with planned structural measures and explain the basis for this requirement. Encourage early and enthusiastic compliance with this requirement, quoting on-site as well as off-site benefits expected from these measures.

g. Multiple Purposes - Convey the full potentials of the watershed project so that local people may be encouraged to explore and plan for needs well into the future. Keep the public abreast of any changes in related legislation and new opportunities.

h. Other - Draw attention to current topics of information interest, including meetings, visits by technical specialists, reports, tours, and other local activities.

1.305 - Intensive Information Program During Planning of Individual Projects - It is imperative, as a plan develops, not only that the representatives of the participating and interested local organizations and agencies be kept fully informed but also that information be provided to (1) landowners on whose property the works of improvement are to be installed, (2) other landowners or residents in the watershed area who may be assessed to help finance the works of improvement, (3) special interest groups who may be concerned over the effects of the project, and (4) the general public, particularly those downstream from the project.

A program to involve the general public is to be initiated in the application phase. Public meetings or hearings and other opportunities for public involvement should be provided on a timely basis throughout the planning process. Newspaper articles, brochures, or newsletters should be used as appropriate.

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Ideally, the information program should be carried out by the sponsoring local organizations with Soil Conservation Service and other agency assistance. In many cases, this is being done satisfactorily. Continue to encourage this practice. Be certain, also, that other Federal and State agencies that have participated in the planning or have expressed an interest in the project are given every opportunity to participate in the information program.

If the sponsors do not assume the necessary leadership, with Service guidance and encouragement, the State Conservationist must point out to them the importance of the information program. Failure on the part of the sponsors to then assume the necessary leadership will require that work on the project be suspended.

1.31 - ENVIRONMENTAL ASPECTS OF WATERSHED PLANNING - By the National Environmental Policy Act of 1969 (Public Law 91-190), the Congress declared a national policy to encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; and to enrich the understanding of the ecological systems and natural resources important to the Nation. (The Act also established the Council on Environmental Quality.) National goals enumerated in the Act are to:

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

To carry out the declared policy and to achieve these national goals, the Congress authorizes and directs that, to the fullest extent possible, the policies, regulations and public laws of the United States shall be interpreted and administered in accordance with the national policy for the environment.

1.311 - Relationship of P.L. 91-190 to Watershed Projects - Watershed projects are planned by local organizations with assistance of the U.S. Department of Agriculture and other federal, state and local agencies. Public Law 91-190 does not change that relationship. Nevertheless, as surveys and investigations are conducted, analyses are made, and alternative proposals are developed for consideration by the sponsors, consideration must be given to the environmental impacts of all proposals. Existing policies and procedures are to be interpreted and administered in such a way as to further the national goals established by the Act to the fullest extent possible. All applicable technical disciplines within the Department are to be used to provide ecological and other resource information. It is our responsibility to bring to the attention of local organizations opportunities to protect or improve the environment and to encourage them to consider fully national and local environmental objectives along with their other objectives of solving particular land and water resource problems. The expertise of other federal and state agencies should be used to the fullest extent possible. The plan the sponsors select should provide for the wise use and management of all land, water, timber, fish and wildlife, and other natural resources in the watershed consistent with local and national goals.

1.312 - Related Executive Orders and Secretary's Memorandum - Executive Orders 11507 and 11514 refer to the National Environmental Policy Act of 1969 (see Appendix 4). It sets forth policy for the design, operation, and maintenance of federal facilities in such a manner as to protect and enhance air and water quality. Because watershed projects are federally assisted and not federal projects, E. O. 11507 does not have general application other than to require adherence to state water quality standards. It does apply, however, to federal facilities such as those installed by the Forest Service and other federal agencies on public land.

Executive Order 11514 applies to watershed projects. It reaffirms the national environmental goals and describes the responsibilities of federal agencies and the Council on Environmental Quality. It requires the monitoring, evaluation, and control of agency activities so as to protect and enhance the quality of the environment. It requires that the public be given timely information through public hearings if necessary, to insure a full understanding of federal plans and programs.

Secretary's Memorandum No. 1695, as supplemented, further implements the provisions of P.L. 91-190 and Executive Orders 11507 and 11514 (see Appendix 4).

1.313 - Use of Interdisciplinary Approach to Planning -

The Act (P.L. 91-190) directs that all agencies "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment." Various technical disciplines are available within the Department. Others can be acquired when needed. To satisfy the Act, however, it is necessary that all appropriate disciplines be consulted and that their multiple judgment be seriously and objectively considered. The state conservationist is to establish operating procedures which will assure that all appropriate disciplines, including those outside the watershed planning staff, are consulted frequently throughout the planning process and early enough for their views to be given meaningful consideration. Alternatives presented to the sponsors for their consideration and recommendations given are to be based on interdisciplinary judgment and not prejudiced by the views of any one particular discipline.

1.314 - Minimizing Adverse Effects - Watershed projects

are to be planned and carried out in a way that will minimize adverse impacts.

1.3141 - Considerations for Fish and Wildlife Habitat -

Losses are to be minimized by (1) identifying areas of high value and avoiding them if practical, (2) selecting measures that are least damaging to habitat, (3) incorporating design features to reduce the damaging effect of the measures, (4) using construction methods that minimize disturbance and destruction of habitat, (5) restoring suitable vegetation to denuded areas as quickly as practical, and (6) operating and maintaining measures in a way that is least damaging to the habitat.

Losses of existing habitat caused by project works of improvement must be mitigated as fully as physically possible and economically feasible by adding measures or features of measures to minimize, restore, replace, or compensate for the losses. Such measures or features are to be included in watershed plans. The arrangements for installing, operating, and maintaining them must be just as explicit and just as firm as for other measures. The sponsors and SCS must take affirmative action to be sure that all planned mitigation measures or features are installed and maintained.

Mitigation measures are classified as structural works of improvement to differentiate them from land treatment measures in terms of cost sharing and the arrangements and responsibilities for carrying them out. As such, their costs may include elements of construction (including vegetation), engineering, land rights, operation and maintenance. Mitigation measures should, to the extent possible, provide the same kind of habitat for the same kind of fish and wildlife provided by the habitat to be destroyed. The replacement habitat is to be in the vicinity of the original. In some cases, mitigation may be achieved by improving the remaining habitat.

Land treatment measures installed by landowners and operators as part of their individual conservation plans are not to be considered as mitigation for damages caused by structural measures. The effect of land treatment on fish and wildlife habitat needs to be determined and work plans should fully explain the total effect of the project on fish and wildlife. Mitigation of losses caused by structural measures plus consideration of habitat improvement due to land treatment could result in major improvement of habitat within the project area.

For cost-sharing reasons, it is necessary to differentiate between fish and wildlife measures for mitigation and those for enhancement. In some cases, mitigation measures may, to a slight degree, more than offset the anticipated losses. If this occurs, the allocation of part of their cost to enhancement usually is not required. Unless the primary effect of the measures is clearly enhancement, their cost can be treated as a mitigation cost. If the benefits from mitigation measures do significantly exceed the losses and the excess benefits are evaluated and used in project justification, then a portion of their cost must be allocated to enhancement.

The cost of mitigating measures is allocated to the purpose(s) represented by the works of improvement causing the damage. Each element of cost is shared the same as the like element of the measure causing the need for mitigation. The local organization is required to assume the cost of operation and maintenance of mitigation measures.

101.3142 - Special Mitigation Considerations Applicable to Water Impounding Structures - Special provisions or features may be included in the plans for a water impounding structure to help mitigate losses to fish and wildlife habitat from anticipated changes in stream flow characteristics. These provisions or features are not to be confused with similar measures which may be included with appropriate justification and cost sharing for other purposes such as (1) to mitigate damages to other natural resources or (2) to comply with water quality laws.

The release of stored waters through a gated or ungated port in a principal spillway at a predetermined rate is a possible mitigation feature. The water stored in capacity provided for sediment may be used for this purpose, within its limitations. Storage capacity may be added at both single purpose and multiple purpose sites to achieve a greater or longer-lasting effect. The predetermined release rate will be based on a study of existing downstream conditions, the water storage characteristics of the reservoir, a hydrologic analysis of base flows in the stream with and without the project, and the mitigation benefits expected from the release of stored waters. For mitigation purposes, the planned release rate for the reservoir or reservoir system should not exceed the sum of all losses attributable to the project.

Additional examples of reservoir mitigation measures would include (1) multiple release openings for water quality control (e.g. temperature), (2) aeration facilities, (3) establishment of adjacent vegetation for wildlife habitat, and (4) fish ladders.

Sponsors must be fully informed of the operation of such measures, their effect on the volume of water stored, fluctuation of water level in the pool, or other effects. A thorough description of the considerations for such measures and their anticipated effects is to be contained in the work plan. The acre-feet of storage capacity for mitigation release should be specified. Since the flow rate will usually vary with the change in head, the size of the opening or port rather than a specific flow rate should usually be specified. Priorities for use of stored waters in multiple purpose structures will be established.

101.3143 - Special Mitigation Considerations Applicable to Channel Work - In a project involving channel work, a contiguous oxbow or undrained part of the channel within the construction right-of-way may have special values or potential for fish and wildlife habitat. The preservation and further development of such areas should be considered in mitigating losses of fish and wildlife values affected by the project. Additional examples of possible mitigation measures would include (1) selective placement and spreading of spoil, (2) water control structures, (3) performing all construction activities from one side of the stream channel, (4) following natural stream course meanders, and (5) special wildlife plantings on spoil areas.

101.32 - ARCHEOLOGICAL AND HISTORIC CONSIDERATIONS -

101.321 - General - In planning a watershed careful consideration will be given to archeological and historic values of significance that may be jeopardized by planned works of improvement. Although P.L. 566 funds cannot be used for salvage, display, protection, etc. of such values, the Service will take all reasonable actions to learn of their existence and to notify those in a position to provide the necessary protection or salvage.

101.322 - Public Law 86-523 - Provides for the preservation of historical and archeological materials or data, including relics and specimens which might otherwise be lost or destroyed as a result of flooding, building of access roads, relocation of railroads and highways, or other alterations of the terrain caused by the construction of a dam by any agency of the United States. The state conservationist is to notify the Secretary of the Interior whenever a work plan includes a dam that creates a reservoir larger than 40 surface acres or a floodwater retarding dam providing more than 5,000 acre-feet of detention capacity. In the case of smaller structures, if the Service finds evidence, or is presented with evidence, that historical or archeological materials exist or may be present in the proposed reservoir area, it will advise the Secretary of the Interior; further, where any such materials are encountered in the course of construction, the law requires similar notification. Applicable areas requiring notification include the area covered by the detention and sediment pool, dam and spillway, borrow, dikes, diversions, access roads, relocation of railroads and any other areas where grading, filling, or flooding might obliterate or destroy historical or archeological materials.

Notification will be through the appropriate office of the Interagency Archeological Services Division as specified in WPH Chapter 13. Provide information showing (1) the site location, (2) the approximate area to be flooded, (3) the approximate area to be disturbed, (4) approximate schedule of construction, and (5) such additional data as may be useful to the Secretary of the Interior in making his determinations. Obviously the construction should not begin or be continued until the Secretary has acted.

Public Law 93-291 states that the Secretary of the Interior shall initiate the survey and recovery effort within 60 days after notification by the federal agency (SCS) that cultural properties are to be affected by construction activities. He is expected to perform this work as expeditiously as possible, and to keep SCS informed of progress at all times. Public Law 93-291, section 4(d) states that the "Secretary shall, unless otherwise mutually agreed to in writing, compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or nonfederally owned lands." Should undue delays or a controversy develop, the state conservationist should advise the Washington office.

Arrangements for recovery, protection, or preservation, determination of ownership, publishing reports, display of artifacts, and other items are the responsibility of the Secretary of the Interior. He has the legal obligation to consult with federal and state agencies, educational and scientific institutions and organizations and private institutions, and qualified individuals for these arrangements.

1.323 - Public Law 89-665 - Provides for the preservation of certain properties including historic districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, and culture. The Soil Conservation Service, before it undertakes any work, must take into account the effect of that work on any historic district, site, building, structure, or objects listed in the National Register of Historic Places. No federal funds may be expended on such work until the Advisory Council on Historic Preservation has had a reasonable opportunity to comment. The National Register of Historic Places is listed in the index of reference material found in WPH Appendix 4. Where historic sites, places, structures, or objects are encountered in the course of our work, the state conservationist should get in touch with the appropriate State Historic Preservation Officer.

In addition to historic sites, structures or objects listed in the National Register, there are various others that may have state or local significance. The law (89-665) does not cover these specifically, but notes that it is appropriate for the federal government to assist state and local governments to expand and accelerate their

1.323

historic preservation programs and activities. As a matter of policy, therefore, the Soil Conservation Service will avoid damaging any such places, buildings, or objects of historic significance regionally, state or local, as well as nationally. Where sites that might be eligible for inclusion in the National Register of Historic Places are identified and may be affected in SCS-assisted actions, the state historic preservation officer should be called upon to assist the state conservationist in determining the next course of action. Decisions as to the best course of action should be reviewed with the soil conservation district governing body and the other sponsoring local organizations. The final decision should be adequately documented and kept on file.

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Washington, D. C. 20250

fw

April 22, 1976

WATERSHED PROTECTION HANDBOOK INTERIM NOTICE - 7

This interim notice is for the purpose of providing supplemental material for Chapter 2 involving formulation of alternative plans. This subject matter was originally contained in Chapter 5 which was revised on March 29, 1976. The attached material should be filed in the Handbook for reference until Chapter 2 is revised. Instructions in the interim notice will take precedence over existing Watershed Protection Handbook material.

The principal purpose of the notice is to provide general guidelines for formulating alternative plans under Principles and Standards.



R. M. Davis
Administrator

Attachment



Procedures for formulating systems of measures - Overall guidance in the plan formulation process is provided by the USDA Procedures for Planning Water and Related Land Resources. Detailed technical procedures are contained in other sources. General guidelines for formulating alternative plans are as follows:

- a) During the preliminary investigation phase of planning, develop and evaluate alternative systems of measures for each evaluation unit to achieve varying levels of contributions to the specified component needs. Such component needs should be identified as specifically as practicable with respect to quantity and quality of desired results. Alternatives considered initially may include any alternative suggested. Upon proceeding to draft plan development, identify the alternative systems which best address NED and EQ with due consideration of planning constraints.
- b) Review and reconsider the specified components for the planning setting. This review will require substantial professional analysis and judgment and should reflect public preferences and desires. Alternative plans considered up to this point will be modified and additional plans added, as appropriate, to assure that the best plans for NED, EQ, and mixed contribution to specified component needs are given consideration.
- c) Refine all viable alternatives and display in the four accounts. Viable plans are those which are acceptable to USDA and for which a public has expressed the capability to implement. These plans are developed with due consideration to statutory, policy, congressional, and institutional constraints.
- d) Designate the plans which most nearly optimize NED and emphasize EQ. The NED plan may exceed the specified component needs if added increments of scale produce net benefits.
- e) Compare the viable alternative plans to show tradeoffs among the specified component needs and other evaluated effects.
- f) Sponsors assisted by the affected publics select a plan from the viable alternatives based upon their perception of the tradeoffs between them.

WATERSHED PROTECTION HANDBOOK

CHAPTER 2 - PROJECT FORMULATION AND EVALUATION

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WATERSHED PROTECTION HANDBOOK

PART 1 - PLANNING AND OPERATIONS
CHAPTER 2 - PROJECT FORMULATION AND EVALUATION

102.01 - WATERSHED PROJECT FORMULATION - Watershed projects should be formulated to accomplish the purposes stated in the preamble of the Watershed Protection and Flood Prevention Act, namely:

"That erosion, floodwater, and sediment damages in the watersheds of the rivers and streams of the United States, causing loss of life and damage to property, constitute a menace to the national welfare; and that it is the sense of Congress that the Federal Government should cooperate with States and their political subdivisions, soil or water conservation districts, flood prevention or control districts, and other local public agencies for the purpose of preventing such damages and of furthering the conservation, development, utilization, and disposal of water and thereby of preserving and protecting the Nation's land and water resources."

In addition, watershed projects are to be formulated in full recognition of the National Environmental Policy Act of 1969 (P.L. 91-190), in which the Congress declares:

"that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

102.011 - Program Objectives - The development of adequate watershed project plans begins with the definition of problems and needs and the formulation of objectives by local people and the delineation of appropriate watersheds or subwatershed areas within which these objectives can be achieved. Such watershed or subwatershed areas should be delineated to encompass natural hydrologic units such as (1) creek-size watersheds tributary to streams draining areas larger than those authorized under P.L. 566 or (2) complete or self-contained water problem areas (subwatershed areas).

Obviously, if local objectives are limited they may fail to achieve the stated purpose of "preserving and protecting the Nation's land and water resources." For example, an objective limited to flood prevention would obviously be deficient in an area where water storage is needed for agricultural or municipal use or for recreation or fish and wildlife. Under such a limited objective, project formulation in many instances could not avoid the under utilization of dam sites to the detriment of future water supply development.

WFH - August 1967
(Revised - March 1971)

The formulation of a project that will provide adequate preservation and protection of the land and water resources downstream to the point or points where needed improvements fall outside the size limitations of the Act may not be possible in a watershed which is only a minor part of a natural hydrologic unit.

It should be clearly understood by local people that the Service, in administering the provisions of the Act, has a responsibility to all the people of the Nation to give primary consideration to extending assistance in those watersheds where the stated objectives of the Act can most nearly be met.

Therefore, the Service will give high priority to watersheds in which local people are willing to provide for all the land and water management needs. Such projects generally will be multiple purpose rather than single purpose.

Within this objective, watersheds having a dominant purpose of flood prevention or agricultural water management will have a higher priority than watersheds in which the dominant purpose is nonagricultural water management, such as municipal water supply, recreation or fish and wildlife. However, the inclusion of these nonagricultural water management purposes in projects developed primarily for other purposes will increase the priority rating of such projects.

The rural community development effort is recognized as a means of meeting the needs of the rural segment of the National economy. The Watershed Program provides an opportunity to develop the water and related land resources of a watershed area as the nucleus for the full economic development of the rural area within and adjacent to a watershed project. Watershed projects should be formulated with one of the objectives being the realization of maximum rural community development benefits.

Projects formulated under the Watershed Protection and Flood Prevention Act must also be consistent with the national policy for the environment established by the National Environmental Policy Act of 1969 (P.L. 91-190). One objective of every watershed project should be to restore, maintain, and enhance the quality of the environment for the overall welfare and development of man. All project objectives should be predicated to attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences.

102.012 - Consideration of Alternatives - It is important that all reasonable alternatives be identified, evaluated, and analyzed that will achieve the minimum agreed upon levels of protection and other project objectives. For each alternative combination of measures, the effect upon the natural environment should be described and objectively discussed

with the project sponsors. SCS planning personnel must not prejudice their recommendations based upon singular technical backgrounds but should rely on the multiple judgments obtained through the integrated use of an interdisciplinary approach to planning and decision making. The combination of measures finally selected should be the system that will achieve the desired results and be consistent with the national goals for the environment.

102.013 - Coordination with Programs or Projects of Other Agencies - Watershed projects must be in harmony with related work of other Federal, State and local agencies to the fullest possible extent. Early in the planning stage a determination must be made concerning the probable relation of proposed watershed projects to programs or projects of other agencies. If it is found that there is little or no significant relationship between works of improvement that may be included in the watershed projects and programs or projects of other agencies, no further detailed consideration of such programs or projects will be necessary during the development of watershed work plans. If it is found that there may be a substantial physical or economic relationship between works of improvement that may be included in watershed projects and programs or projects of other agencies, detailed consideration of such programs or projects will be required during the development of watershed work plans. The following guidelines will be observed in connection with such consideration:

a. When a program or project of another agency has been completed, initiated, or money (other than planning funds) has been appropriated for construction, the program or project generally will be considered to be in place and functioning. An exception may be made when (1) the agency responsible for such program or project expresses a desire to conduct a cooperative study to determine the modifications of design or operation that might become desirable as a result of the installation of a watershed project, or (2) actions by a river basin commission, Water Resources Council, the State, or by higher authority require a different basis of consideration.

b. When a program or project of another agency has been initiated but it is apparent that the program or project will not be completed for a long period of time, interim conditions during the period between the expected completion date of the watershed project and the expected completion date of the other agency's program or project should be considered.

c. When a program or project of another agency has been authorized but no money (other than planning funds) has been appropriated for construction, sufficient information will be obtained concerning the probable time the program or project will be completed to permit the following determinations:

(1) If it appears that funds for the initiation of construction will be appropriated soon, the program or project will be considered to be in place and functioning.

(2) If the program or project is on the inactive list of the other agency and it appears unlikely that it will be carried out, it need not be considered.

(3) If it appears that initiation of the program or project will be delayed for a considerable period but will be initiated eventually, the other agency should be invited to cooperate in developing a coordinated plan. If the other agency declines to enter into such a cooperative effort, interim conditions during the period between the expected completion date of the watershed project and the expected completion date of the other agency's program or project should be considered.

d. When a program or project proposed or recommended by another agency is economically justified and appears likely to gain Congressional approval but is not yet authorized, the procedure outlined in c above will be followed.

e. When programs or projects of other agencies have been authorized for surveys or investigations, or have been investigated and found not feasible or practicable, they need not be considered in developing watershed work plans unless arrangements are made to jointly plan the watershed project and the program or project of the other agency.

f. When programs or projects of other agencies have been authorized for construction, a determination should be made that assistance under the Act is not proposed for works of improvement that the local organizations have committed themselves to install or finance at their own expense as part of their contribution to the program or project of the other agency.

102.02 - ECONOMIC EVALUATION

102.021 - Requirements - The Act provides for Federal participation in the installation of works of improvement only after it has been determined that the benefits exceed the costs. It is the Department's policy to require a favorable ratio of monetary benefits to costs for structural measures. The Service will make such studies as may be necessary for evaluating the benefits that will accrue from the installation of watershed projects.

Land treatment measures are the basic element of any watershed project and shall be considered the nucleus or initial increment in project formulation. Realistic estimates of the types and quantities of land treatment measures which should be installed within the agreed-upon schedule for completion of the project should be used. Experience has fully demonstrated that the combined private and public benefits from the installation of land treatment measures will exceed their costs. Although their costs and physical effects must be estimated, no specific determination of monetary benefits from such measures will be required for economic justification.

Structural measures shall not be considered for inclusion in a project until it has been determined that the installation of all needed land treatment measures will not achieve the objectives sought by the sponsors. All structural measures for which P. L. 566 assistance will be made available require economic justification for inclusion in a watershed work plan. Each evaluation unit and purpose must provide benefits at least equal to its cost. Benefits will be evaluated for all purposes. An exception to the preceding requirement may be made in the case of public fish and wildlife resource improvements when managed in the public interest by local organization authorized by State law (usually a State agency) to install and maintain measures for fish and wildlife resource preservation. Benefits shall be considered at least equal to the costs of this type of development for the purpose of economic justification.

102.0211 - Period of Evaluation - In comparing benefits with costs, the time period shall be limited to (1) the expected useful economic life of the project, or (2) a period of 100 years, whichever is less.

The evaluation period usually will begin at the end of the installation period. For example, if the installation period is 5 years, the evaluation period would extend from the 6th to the 106th year if a 100-year evaluation period is used. In this example, "instantaneous installation" is assumed as having taken place in the 5th year.

2.0212 - Price Levels - Prices current at the time of the analysis will be used for estimating installation costs and operation and maintenance costs. Current normalized prices will be used for evaluation of agricultural products.

The current normalized price and cost projections to be used for individual commodities or groups of commodities and construction items will be those currently applicable.

Price levels may need to be updated at the time a final plan is proposed. See WPH 13.30.

2.0213 - Interest Rates - The interest rate to be used in plan formulation and evaluation for discounting future benefits and costs, or otherwise converting benefits and costs to a common time basis, will be determined by the Water Resources Council. The Washington office will notify the state conservationist of the rate to be used periodically as it changes.

Associated cost, incurred by private beneficiaries to obtain project benefits, should be converted to a common time basis at the prevailing local interest rate for such expenditures.

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2.022 - Project Benefits

2.0221 - Tangible Benefits - The benefit analysis of project measures shall be based on tangible benefits accruing within the zone of influence of the project. Significant benefits accruing inside or outside the watershed should be taken into account in the economic analysis:

2.02211 - Primary Benefits - The following types of primary benefits will be included in the benefit analysis:

a. Reduction in direct and indirect damages from erosion, floodwater, and sediment.

b. Increase in net income (gross less all associated costs) from changes or more intensive use of property made possible by flood prevention, drainage or irrigation.

c. Value of municipal and industrial water supply to be furnished by the project.

d. Value of benefits from recreational use by the general public associated with project works of improvement. This includes benefits achieved by incorporating recreation as a planned feature of the project. See Economics Guide for detailed evaluation procedures.

e. The value of downstream flood plain benefits which may accrue as a direct result of the project works of improvement.

f. Other primary benefits which can be evaluated in monetary terms.

2.02212 - Employment Benefits - Value of project benefits resulting from the income provided to unemployed and underemployed labor and use of other resources required for project construction, project operation and maintenance and added area employment during the project life in those areas designated under the Public Works and Economic Development Act of 1965 (PL-89-136) or such other areas as the Secretary may prescribe from time to time may be used under the following conditions:

a. The watershed must be located wholly or in substantial part in an area designated under the Act at the time the Secretary and the local organization agree on the plan.

b. Benefits from employment must be restricted to residents of areas designated under the Act.

c. The value of other resources used and on which benefits are claimed should also be restricted to those located in areas designated under the Act. These include such items as machinery and equipment, and facilities for providing material required for project construction, operation and maintenance, that would, in the absence of the project, be unutilized or underutilized.

d. The value of benefits from added area employment during the life of the project must result from opportunities created by the project for the employment of unemployed or underemployed persons residing in areas designated under the Act.

Employment benefits may be evaluated as outlined in the Economics Guide.

102.02213 - Secondary Benefits - Secondary benefits from a regional, State or local viewpoint may be evaluated in monetary terms and included in the economic justification of the project. Although secondary benefits from a national viewpoint will accrue, they normally will not be evaluated and included in the benefit-cost ratio. See Economics Guide for detailed evaluation procedures.

The requirements of Section V-A-8(a) of Senate Document No. 97 concerning secondary benefits from a National viewpoint will be observed by showing (1) that secondary benefits from a National viewpoint were not considered pertinent to the economic evaluation, (2) the benefit-cost ratio without the inclusion of secondary benefits, and (3) an additional benefit-cost ratio computed by combining secondary benefits with all other benefits. Item (1) will be shown in the section of the work plan entitled "Project Benefits": and items (2) and (3) in the section entitled "Comparison of Benefits and Costs." If local secondary benefits are included in project justification, the benefit-cost ratio resulting from their inclusion shall be used throughout the work plan.

102.02214 - Limitation of Use - It is not required that incidental recreation, redevelopment, and secondary benefits be included in project justification. When they are not included, however, this fact should be noted specifically in the watershed work plan by describing these items as unevaluated benefits. When any of these benefits are used in project justification, the work plan should describe carefully the kind, nature and significance of such benefits in the individual project. Standardized general descriptions of such benefits will not be sufficient.

102.0222 - Intangible Benefits - Certain other benefits not readily measurable in monetary terms, whether in goods, services or intangibles, may accrue as a result of the project. These include such benefits as:

- a. Prevention of loss of life.
- b. Other identifiable increases or gains in assets or values not readily measurable in monetary terms. Special consideration should be given to the following categories:

- (1) Increasing economic opportunities for low income families, (2) improving the economy of the family farm, (3) improving the social and economic environment of rural communities, thereby enhancing their potential to encourage industrial or other forms of rural development, (4) improving the health and safety aspects of the natural or man-made environment, (5) improving, restoring, or

maintaining the natural esthetics and culture of the area, (6) preserving or reducing potential damage to historic or cultural sites important to our national heritage, (7) improving the habitat for fish and wildlife, and (8) any other aspects of the project which contribute to the national goals for the environment as expressed in the National Environmental Policy Act of 1969 (P.L. 91-190).

102.023 - Evaluating Project Costs - The cost of planning services, land treatment measures, and non-project installation costs will not be included in the benefit-cost analysis. All other monetary outlays made and goods and services contributed, such as the initial investment costs (installation costs) including the cost of mitigating fish and wildlife losses, major replacements, and operation and maintenance costs shall be included in the benefit-cost analysis. Any induced costs, such as uncompensated adverse effects caused by construction or operation of the project, whether in goods or services, and measurable in monetary terms shall be considered in the evaluation of benefits in the benefit-cost analysis.

WATERSHED PROTECTION HANDBOOK

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WATERSHED PROTECTION HANDBOOK

PART 1 - PLANNING AND OPERATIONS
CHAPTER 3 - COSTS AND PROVISIONS FOR FINANCING

103.00 - INTRODUCTION - This chapter discusses cost considerations which are important in planning. More detailed discussion of some of this subject will be found in the Economics Guide. Included herein are definitions of cost, methods of cost allocation and cost sharing criteria. Also included are general provisions for making loans and advances for financing the local share of project costs.

103.01 - DEFINITION OF COSTS

103.011 - Program Cost - Program cost includes all expenditures from appropriations made under authority of the Act.

103.012 - Planning Cost - The cost of planning services includes all expenditures from P. L. 566 and Other funds for surveys and investigations and preparation of work plans prior to authorization of assistance in the installation of works of improvement.

103.013 - Project Installation Cost - Project installation cost includes all P. L. 566 and other costs, including the cost of work required to comply with mandatory State law or regulations, in cash or its equivalent, for installing the works of improvement included in a project. These obligations may be met through the following means:

a. Cash payments or expenditures.

Included are all disbursements on behalf of the project by Federal agencies, States, local organizations, other agencies, groups and individuals. This includes payments made for land, equipment, whether rented or purchased, labor and other personal services, and materials and supplies. The P. L. 566 share of the cost shall be exclusively that coming from appropriations made under authority of the Act. Other costs shall include costs incurred by States, local organizations, Federal agencies, groups and individuals, including any funds that may be provided under other Federal programs to assist these agencies, groups, or individuals to meet their responsibilities for installing the project.

b. Donated goods and services.

Included are all donations of land, materials and supplies, labor and other personal services contributed by landowners, local organizations, or others in behalf of the project, including that utilized in obtaining the necessary land rights. The services or labor must be provided directly for the primary purposes of the project, and will not include such services as those of district supervisors or other organization leaders spent at regularly scheduled meetings of such organizations.

103.0131

103.0131 - Land Treatment Measures - The cost of land treatment measures includes all P.L. 566 and other costs for planning and applying those measures included in a project.

103.01311 - Technical Assistance - The cost of technical assistance includes all P.L. 566 and other costs for technical assistance for soil surveys, planning, and applying land treatment measures on non-Federal land.

103.01312 - Installation - The cost of installing land treatment measures includes all P.L. 566 and other costs for applying the land treatment measures included in a project.

103.0132 - Structural Measures - The cost of installing structural measures includes all P.L. 566 and other costs for installing the structural measures included in a project.

103.01321 - Engineering Services - The cost of engineering services includes the direct cost of engineers and other technicians for surveys, investigations, design and preparation of plans and specifications for structural measures including the vegetative work associated therewith. It does not include the cost of similar services for land rights (Par. 103.01323) or for project administration (Par. 103.01325).

103.01322 - Water Rights - The cost of water rights includes the actual cost or the appraised value of water rights acquired by local interests for carrying out, operating, and maintaining the project.

103.01323 - Land Rights - The cost of land rights includes all costs for the following items, including elements of work involving construction and engineering services directly associated with land rights.

a. All expenditures made in acquiring land, easements, leases, and rights-of-way or their value as estimated by the local organization with the concurrence of the Service. Includes such items as: the cost of subordination agreements; the cost of complying with special provisions in land rights documents not needed for the proper construction, operation or maintenance of works of improvement, etc.

b. Removal of buildings or improvements for salvage or relocation or the construction of dikes or other protective works in lieu thereof.

c. Changes of existing telephone, power, gas, water, and sewer lines or other utilities, but not including changes to existing irrigation or drainage facilities made necessary by the works of improvement.

d. All new and changes of existing public or private road or railroad bridges, culverts and other crossings, including approaches, except reinforcing, underpinning or reconstructing existing bridge piers and abutments necessitated by modification of the channel. This does not include the cost for the excavation and installation of a closed conduit crossing a road or railroad when it is an integral part of an overall closed conduit structural measure.

e. All relocations and changes of roads and railroads that are to remain serviceable after project installations.

f. Relocation or reconstruction of fences not needed for the proper operation, maintenance, or inspection of the works of improvement. Installation of new fences or guardrails for the protection and safety of the public. (However, when such measures are needed for the protection and safety of the public using a recreation or fish and wildlife development installed with P.L. 566 assistance, their cost shall be classified as a construction cost.)

g. Salvaging fences unless the salvaged material is to be used for project purposes.

h. Salvaging timber.

i. Premiums for construction liability insurance when someone other than the construction contractor is made the principal.

3.01324 - Construction Cost - Construction costs include the contract or force account cost for constructing structural measures and any or all of the following:

a. Reinforcing, underpinning, or reconstructing existing railroad and public road bridge piers and abutments necessitated by modification of the channel. These costs are limited to those required to provide a facility of comparable quality and performance capability to the existing bridge or culvert.

b. Clearing of sites for project purposes including the cost of removing buildings, bridges, fences, or other improvements which the local organization desires to abandon.

c. Construction of pumping plants and pressure conduits, gates or other structures to carry interior drainage or sewage through dikes or flood walls.

d. Construction of diversion dikes and ditches for conducting surface water to project outlets or pumping plants for interior drainage.

e. Construction of necessary structures to provide controlled inlets for drainage from adjacent fields and lateral ditches into the project channel.

f. Flagman and protective devices such as barriers or lights required to protect workmen or the public during construction.

g. Alternation, modification, or reconstruction of existing irrigation or drainage facilities made necessary by project works of improvement. These costs will be considered as part of the construction cost of the parent works of improvement.

h. Providing needed travelways for maintenance access including necessary culverts and fords. Constructing new or changing existing county, state, or farm roads and associated crossings is a landrights cost. Such roads, however, will be used as travelways for maintenance, whenever possible.

i. Borrow material when actually purchased by the sponsoring local organization at a cost not exceeding the difference in land values before and after borrow removal.

j. Construction of catwalks, handrails, fences, gates, etc., needed for the proper functioning and operator's safety of a structural measure. This also includes any safety features needed for public recreation or fish and wildlife in a project.

k. The disposal of waste spoil in accordance with sound engineering and environmental principles, giving consideration to: (1) customary practices in the area, (2) width and planned land use of flood plain, and (3) wildlife and environmental values of contiguous oxbows and vegetation. Agreement on the specifics of spoil disposal will be reached in the planning stage.

l. Premiums for construction liability insurance when the construction contractor is made the principal.

m. Provisions for fire prevention and suppression made necessary by project construction activities.

n. Establishment of vegetation on all construction sites and areas disturbed during construction to prevent erosion, improve stability, and to restore or maintain wildlife habitat and the aesthetic quality of the environment. This includes herbaceous and woody plantings for erosion control, wildlife food, shelter, and walkways, screening or improving the appearance of structural measures.

3.01325 - Project Administration - These are the P.L.566 and other administrative costs associated with the installation of structural measures including the cost of contract administration, securing any permits needed to install the works of improvement, relocation assistance advisory services, administrative functions connected with relocation payments, review of engineering plans prepared by others, government representatives, and necessary inspection service during construction to insure that structural measures are installed in accordance with the plans and specifications. These costs will be treated as project costs but will not be considered as applicable to individual purposes served by the project nor are they a part of the cost of individual measures.

Relocation Assistance Advisory Services are not to be confused with other administrative functions associated with relocation payments. The advisory services are specified in the USDA Regulations (Appendix 4) and include such items as: (1) Determination of needs, (2) obtaining current pertinent information concerning housing programs, costs, etc., (3) developing and handing out brochures, (4) assurance of replacement dwellings, and (5) assisting in getting established. The other administrative functions to be provided as needed include such items as (1) providing by first-class mail written notice of displacement and appropriate application forms to each displaced person, business or farm operation, (2) assistance in filing applications, (3) reviewing and taking action on applications for assistance, (4) reviewing and processing grievances, and (5) making relocation payments.

3.01326 - Relocation Payments - These are the P.L. 566 and other costs associated with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646). Relocation payments are applicable to a displaced person, business, and farm operation. The amount includes moving and related expenses for a displaced person, business, or farm operation as well as financial assistance for replacement housing for a displaced person who qualifies and whose dwelling is acquired because of the project. Items eligible for inclusion in relocation payments are detailed in the USDA Regulations. (See Appendix 4)

3.014 - Non-Project Installation Costs - These include costs which will be incurred at the time of project installation for features not required for project purposes. They are not eligible for assistance under the Act. They are not included in cost tabulations or accounts nor are they considered a part of the local organizations' contribution to the installation cost of a project. Such added costs may include but are not limited to:

- a. Additions, modifications, or changes in locations of project works of improvement to serve non-project purposes, such as altering a dam to permit its use as a roadway.
- b. Change in location or modification of project works of improvement for the convenience of the sponsoring local organization.
- c. Acquisition of land rights not required for project purposes.

3.014

d. The added cost of replacing existing railroad and highway bridges, railroads, roads, highways, or utilities with facilities of higher quality or greater performance capabilities.

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3.015 - Project Operation and Maintenance Costs - These costs represent the value of materials, equipment, services and facilities needed to operate the project, and make repairs and replacements necessary to maintain structural measures in sound operating condition during the evaluated life of the project. They include the cost of repairs, replacements, or additions and an appropriate charge for inspection, engineering, supervision, custodial services, and general overhead.

Operation costs become a significant element of project cost when features such as recreational facilities, gated reservoirs, pumping plants, or other facilities requiring operating services are involved.

Maintenance costs must be considered and provided for all structural works of improvement. Where the design life of a measure is less than the evaluated economic life of the project, provisions for replacement will be made by including sufficient funds for this purpose in the maintenance cost of the project.

3.016 - Associated Costs - Associated costs are the value of goods and services needed over and above project measures costs to make the immediate products of the project available for use or sale.

As an example, the increase in the cost of farm operations involved in crop production where land use change or enhancement results from flood prevention is an associated cost and is deducted from gross income.

3.017 - Induced Costs - These costs are all uncompensated or unmitigated adverse effects caused by the installation or operation of the project.

Any evaluated losses not mitigated in accordance with service policy will be deducted in determining total project benefits. This procedure includes other economic costs which may be associated with the acquisition of land rights.

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3.02 - ALLOCATION OF COSTS - The Act provides that an allocation of costs to the various purposes be made and that the basis of such allocations be shown. Where a single work of improvement is planned to serve more than one purpose, cost shall be allocated so that each of the purposes share equitably in any resulting savings. The method or basis of such allocations shall be described in watershed work plans.

In order that the costs of multiple-purpose structural measures be shared in accordance with the requirements of the Act and Departmental policy, such costs shall be allocated to purposes served as follows:

- a. Flood prevention.
- b. Agricultural water management.
- c. Recreation.
- d. Fish and wildlife.
- e. Municipal and industrial water supply.
- f. Water quality management.
- g. Other water management.
- h. Non-project purposes.

103.021 - Multiple-purpose Reservoir-type Structures - Acceptable methods for making allocations in reservoir-type structures listed in order of preference are (1) Use of Facilities Method, (2) Alternative Justifiable Expenditure Method, and (3) Separable Costs-Remaining Benefits Method. The Use of Facilities Method is simple to apply and easy to explain. It requires a minimum amount of cost and benefit estimation for its use. The principle that it embodies of distributing joint costs in proportion to capacity is readily understandable by non-technical people and generally is accepted as being equitable. For these reasons, it is the preferred cost allocation method. Additional guides for making acceptable allocations follow:

a. The Alternative Justifiable Expenditure Method or the Separable Costs-remaining Benefits Method may be used if (1) the Use of Facilities Method does not result in an equitable allocation, (2) it is practical to assign benefits by purposes to individual structures, and (3) it is either unnecessary to undertake additional studies to develop benefit and cost estimates for the use of these methods, or, if considered necessary, the justification therefor is submitted to the Administrator for his approval in advance of undertaking such studies. Since the principal difference between the Alternative Justifiable Expenditure Method and the Separable Costs-Remaining Benefits Method is the substitution of specific costs for separable costs, the former is the preferred method when the cost of making studies necessary to estimate separable costs is excessive.

b. When a structure already planned is modified to serve additional purposes, the costs allocated to the added purposes should be at least equal to their separable costs. Conversely, the cost allocated to the original purposes in the modified structure should be no greater than in the originally planned structure, for the same price base.

c. Costs assigned to sediment storage in reservoirs including floodwater storage may be allocated in full to flood prevention under the following conditions:

(1) When there are sediment problems downstream and it can reasonably be assumed that the benefits from the alleviation of these problems will equal the assigned costs, and

(2) The allowance for sediment storage in the structure does not exceed the anticipated sediment accumulation over the period used in the economic evaluation of the watershed project.

Further explanation of the cost-allocation methods and their application are contained in the Economics Guide.

103.022 - Multiple-Purpose Channels - Channels may be planned to serve one or more than one purpose. When more than one purpose is served, it will be necessary to allocate costs to the several purposes. Costs need not be allocated to a purpose when (1) the existing channel is adequate in depth and capacity for that purpose, and (2) the channel is not downstream from other channels serving that purpose.

103.0221 - Flood Prevention and Drainage - Allocations to flood prevention and drainage are required when (1) the existing channel is too shallow or small for drainage and flood prevention and it will be deepened or enlarged to serve both purposes, and (2) the channel improvement is contiguous to and downstream from other channels serving both purposes, either jointly or singly.

Costs may be allocated by one of two methods, depending on the characteristics of the watershed. The choice of method should be on the basis of which one most nearly fits the watershed conditions in the concerned watershed.

The first method is applicable to coastal plain, river delta, or similar watersheds where joint flood prevention and drainage problems extend over most of the drainage area of the channel. This method provides for allocating the cost of the channel improvement equally to each purpose.

The second method is applicable to watersheds where joint flood prevention and drainage problems extend over only a portion of the drainage area of the channel. This method is based on areal relationships of wet and non-wet land in the drainage area of the channel. That portion of the cost of the channel improvement is allocated to flood prevention which is equal to the ratio of the area of non-wet land to the uncontrolled drainage area of the channel. The remainder of the cost is allocated equally to flood prevention and drainage. For the purpose of determining this ratio, any area benefited by the multiple-purpose channel which now has or may require on-farm drainage ditches or tile will be classed as wet land. All other land in the uncontrolled drainage area of the channel will be considered non-wet.

103.0222 - Other Purposes - When channel improvement (or a canal) is planned with capacity to serve more than one purpose, either with or without flood prevention and drainage, joint costs will be allocated on the basis of relative conveyance capacity. If both drainage and flood prevention are involved, they will be considered as a single purpose in the initial allocation. Sub-allocations to flood prevention and drainage will then be made in accordance with Par. 103.0221.

Any cost of appurtenances or alterations to a channel which serves a single purpose will be treated as a specific cost.

103.03 - COST SHARING - Cost sharing arrangements for carrying out a watershed project will be documented in the watershed work plan agreement and will prevail throughout the installation period of a project unless subsequently modified by the execution of a supplemental watershed work plan agreement. The use of P.L. 566 and other funds are set forth in the following paragraphs.

103.031 - Public Law 566 Funds - Funds appropriated under the authority of the Act will be limited to:

a. The cost of additional technical assistance to accelerate the application of land treatment on non-federal land.

b. The cost of financial assistance in the installation of certain land treatment measures on non-federal land at a rate of cost sharing not exceeding that available under other national programs.

c. The entire cost of construction of measures applicable to flood prevention; up to 50 percent of such costs applicable to agricultural water management, public recreation, and public fish and wildlife including associated basic facilities; and no part of such costs applicable to municipal or industrial water supply, water quality management, or other nonagricultural water management purposes not otherwise specified.

d. The entire cost of engineering services for measures applicable to flood prevention; up to 100 percent of such costs applicable to agricultural water management, public recreation, and public fish and wildlife measures; up to 50 percent of such costs applicable to basic facilities for public recreation or public fish and wildlife; no part of such costs applicable to municipal or industrial water supply, water quality management or other nonagricultural water management purposes not otherwise specified; and a percentage of the cost of relocation payments based upon the ratio of P.L. 566 funds to "Total Project" cost excluding relocation payments.

e. Up to 50 percent of the cost of land rights for public recreational or public fish and wildlife developments but no part of such costs for any other purpose.

f. All S.C.S. administrative costs needed for project installation. This may include the cost of awarding and administering contracts where the Service contracts for the construction of structural measures, but only to the extent that the Secretary is authorized to bear the cost of the installation of works of improvement under Section 4 of the Act. With respect to inspection the Service will, at P.L. 566 cost, provide construction inspection for all structural works of improvement on which P.L. 566 construction funds are spent. It will also inspect all other features of project installation where malfunction or failure could adversely affect the stability or functioning of cost-shared items of work. Service inspection of local cost items is solely for this purpose and does not relieve the sponsors of the responsibility for providing, without P.L. 566 cost sharing, construction inspection necessary to assure that the installation conforms with contract requirements.

g. Loans to sponsoring local organizations for carrying out their share of the costs.

h. Advances to local organizations for the cost of future water supply or for site preservation.

103.032 - Other Funds - Funds from sources other than P.L. 566 will be required to bear:

a. The installation cost of land treatment measures except as noted in paragraphs 104.04 through 104.042.

b. The entire cost of construction of measures applicable to municipal or industrial water supply, water quality management, or other nonagricultural water management purposes not otherwise specified, and at least 50 percent of such costs applicable to agricultural water management, public recreation, and public fish and wildlife, including associated basic facilities.

c. The entire cost of engineering services for measures applicable to municipal or industrial water supply, water quality management or other nonagricultural water management purposes except public recreation, and public fish and wildlife; and at least 50 percent of such costs applicable to basic facilities associated with public recreation or public fish and wildlife developments.

d. The entire cost of land rights for purposes other than public recreation or public fish and wildlife; and at least 50 percent of such costs applicable to public recreational or public fish and wildlife developments.

e. The entire cost of acquiring water rights.

f. The sponsor's cost of relocation payments, awarding and administering contracts, and other project administrative costs not included in 103.031f. In connection with construction inspection, sponsors will, without P.L. 566 cost-sharing, provide such service for the installation of 100 percent local cost items of work. They may, at their own option and without P.L. 566 cost-sharing, inspect the installation of any portion of works of improvement.

g. The entire cost of operating and maintaining all land treatment and structural works of improvement.

h. The entire cost of relocation assistance advisory services.

103.033 - Performance of Work - Where structural measures or land treatment work are to be shared on a percentage basis, a description of the work will be included in the work plan narrative, cost estimates will be included in table 1, and the percentage rate of cost sharing will be included in the work plan agreement. P.L. 566 procurement methods are set forth in Part 2 of the Watershed Protection Handbook. With certain exceptions, they require competitive bid contracts for construction and vegetative type activities and negotiated contracts for engineering services. These methods have been successful on cost-share work where the sponsors are able to provide funds for their share of the cost.

However, it may not be practicable for some local organizations to provide cash for all the local share of the cost, or to maintain accurate records of cost of work performed by force account. Some of these sponsors may be able to perform certain elements of the project work with their own forces or with contributed labor, equipment, and materials in lieu of providing cash. When these conditions exist, the State Conservationist may approve such arrangements when he determines that:

- a. The estimated value of the work the sponsors are to perform does not exceed the sponsors' share of the cost-shared items.
- b. The price for the work will be established by negotiations between the Service and the sponsors and will be included in the project or engineering agreement covering the work. A financial settlement will be made between the Service and the sponsors upon the completion of work covered by each project or engineering agreement.
- c. This action is in the interest of the project, the watershed program, and the Federal Government.
- d. The organization or agency which is to perform the work has the necessary equipment and work force, and is skilled in performing the type of work contemplated.
- e. Performance will conform to drawings and specifications approved by the Service and will be in accordance with an agreed upon time schedule.
- f. The sponsors will assume full financial and other responsibility for any work that must be torn out, replaced, or repaired because of construction error or other causes which would be the responsibility of a contractor if the work were performed by contract.

Service-approved cost estimates will establish the maximum price that may be negotiated for the work the sponsors are to perform. The cost estimates must, therefore, be the most factual and accurate that can be made and must be approved in writing by the State Conservationist. Since working and site conditions, as well as other circumstances affecting

work performance may change, cost estimates for the respective element of work involved in this type of arrangement will be made immediately before preparing the project or engineering agreement. Therefore, the cost estimate for work the sponsors are to perform should not be identified in the watershed plan narrative or watershed plan agreement. The plan narrative and plan agreement should identify the types of work the sponsors are to perform, but should not specify the quantities of work they are to perform. The plan agreement should include a statement that (1) the sponsors will provide a portion of their share of the cost by performing a specified type of work, and (2) the quantity and value of such work will be determined by mutual agreement immediately prior to the signing of the appropriate agreement and will be set forth in the project or engineering agreement.

3.034 - Division of Work - This method of providing Public Law 566 cost sharing is limited to the installation of land treatment measures. Where the work is to be shared on a division-of-work basis, the work is to be described in the plan narrative, cost estimates are to be included in table 1, and the plan agreement is to specify the increments of the installation work for which the sponsors and SCS are responsible, without reference to a percentage rate of cost sharing. The plan supporting file is to include detailed cost estimates showing that Public Law 566 costs for the land treatment work will not exceed the percentage rate authorized. These data will suffice to insure compliance. Actual records of sponsors' expenditures will not be required.

3.04 - PROVISIONS FOR FINANCING

3.041 - Watershed Loans - The Secretary of Agriculture is authorized to make loans to qualified local organizations to help finance the local share of project costs set forth in approved watershed plans. The Farmers Home Administration has the responsibility for administering the loan provisions of the Act including repayment thereof. Loans are made for periods up to 50 years at the Federal long-term borrowing rate. The U. S. Treasury Department announces at the beginning of each fiscal year the interest rate that will be applicable for all watershed loans approved during the year. The total amount of loans authorized for any project is limited to \$10,000,000.

3.042 - Advance of Funds - The Secretary of Agriculture is authorized to advance construction funds to local organizations (1) for the purchase of landrights when immediate purchase is essential to preserve sites for works of improvement proposed in approved watershed plans, and (2) to pay up to 30 percent of the total installation cost of any structure for including storage capacity to meet the anticipated future demands or needs for municipal or industrial water.

103.0421 - Site Preservation - Funds will be made available to local organizations which have legal authority to purchase land rights only after the following conditions are met:

- a. A watershed work plan has been approved.
- b. The Service and the local organization have mutually determined that immediate purchase is necessary to assure the site's use for project purposes.
- c. The Service and the local organization have executed an agreement setting forth provisions for carrying out the acquisition of land rights. As a minimum, these provisions shall include the following:
 - (1) A listing of the land rights needed.
 - (2) A statement that the sponsor will acquire all necessary land rights including those currently listed and any additional land rights subsequently needed, as approved by the Service.
 - (3) A statement that the sponsor has powers of condemnation and will use such powers should it be determined that acquisition by direct negotiation would be unreasonably delayed.
- d. The Farmers Home Administration has approved the arrangements for repayment of the advance.

Interest charges will begin to accrue on funds advanced to pay the sponsor's share of the cost of land rights as soon as funds are advanced to the local organization. All such funds are to be repaid by the local organization prior to construction of the works of improvement. The repayments will be credited to construction funds by transfer from the Farmers Home Administration.

Advance of these funds will affect in no way the eligibility of the local organization to obtain loans under the provisions of Section 8 of the Act if it is eligible otherwise for such loans. The loans may be made to help local organizations repay the amounts advanced prior to construction.

103.0422 - Storage Capacity for Future Municipal or Industrial Use - Local organizations should be encouraged to develop potential multiple-purpose sites to meet anticipated municipal and industrial water supply needs. Storage capacity may be included for both immediate and future municipal or industrial use in the same reservoir. Capacity for future municipal or industrial use also may be included in reservoirs providing capacity for immediate use for other eligible purposes even though no capacity for immediate municipal or industrial use is included.

See
WPH #43

WPH - August 1967
(Revised - July 1969)

The maximum amount that can be advanced from P. L. 566 funds for storage capacity in any structure for future use will be 30 percent of the estimated total installation cost of the structure in which such capacity is provided. The P. L. 566 advance for storage capacity for future municipal or industrial water supply must be repaid with interest by the local organization within fifty years after the reservoir is constructed or such shorter period as may be required by applicable State laws. Interest will not be charged until the water supply is first used from such capacity or until ten years after the date of completion of a structure, whichever is earlier.

**4. Watershed
Protection**

WATERSHED PROTECTION HANDBOOK
CHAPTER 4 - WATERSHED PROTECTION

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WATERSHED PROTECTION HANDBOOK

CHAPTER 4 - WATERSHED PROTECTION

4.00 - ROLE OF LAND TREATMENT - Land treatment is an element that distinguishes the watershed program from any other Federal or federally-assisted program for the conservation and development of water and related land resources. To assure proper emphasis and attention to the importance of land treatment, the State Conservationist shall work closely with the Governor or the designated State agency to give priority to those watershed applications where sponsors have shown a high degree of accomplishment or interest in applying land treatment. Before requesting planning authorization for a watershed, the State Conservationist will assure that the sponsors understand the importance of land treatment and are committed to accomplishing the land treatment needs.

Accelerated land treatment is that land treatment installed with Public Law 83-566 technical or financial assistance to solve resource problems which cannot be adequately handled within an acceptable time by other conservation programs. Financial assistance for accelerated land treatment may be provided only when it can be clearly demonstrated that cost-share assistance from other sources is not sufficient to accomplish project goals within the project installation period. Public Law 83-566 funds may not be used to replace funding from other programs or to compete with them on a program-against-program basis.

4.01 - EMPHASIS DURING PLANNING PHASE - Watershed planning should consider land treatment and structural and nonstructural measures to assure that a full range of alternatives are analyzed to solve identified resource problems. Watershed plans will be formulated with the same emphasis on land treatment as other works of improvement. Projects consisting solely of land treatment are acceptable where they contribute to national economic development and/or environmental quality. Such contributions may include reducing floodwater, erosion, or sediment problems; providing water conservation or other management benefits; enhancing fish and wildlife habitat; improving water quality; and producing other environmental quality benefits.

Land treatment identified during the watershed planning process as eligible for Public Law 83-566 financial assistance must be reviewed and approved by the State Conservationist prior to inclusion in any plan eligible for selection by the sponsors. Such action will help insure that technical and financial assistance can be provided in a timely manner in view of personnel ceilings, budgetary constraints and existing commitments.

Before giving technical concurrence on a watershed plan, the Technical Service Center will be responsible for reviewing the land treatment aspects of the plan, including supporting data. This review should be as detailed as the review of structural measures in a watershed plan.

4.02 - LAND TREATMENT PLANNING - Watershed plans must clearly demonstrate the need (or lack thereof) for accelerated land treatment to be carried out under Public Law 83-566. Plans must show the basis for plan formulation, decisions to provide technical and financial assistance, and expected impacts. Discussion of goals and decisions must be in sufficient detail to serve as a baseline for monitoring accomplishments during the project installation period.

Land treatment decisions recorded in the plan and/or environmental documents must clearly distinguish between what will be achieved with other programs and with accelerated assistance from Public Law 83-566 funds. If financial assistance is to be provided, the plan must identify the types of land treatment (exclusive of amounts), the rates of cost-share assistance established and the total cost. Technical assistance should be recorded in manyear and dollar amounts under each of the following categories: (1) resource surveys, (2) soil survey, (3) conservation planning, (4) conservation application, and (5) other.

Evaluation of certain basic factors is needed to make and support decisions to accelerate application of land treatment. Factors which should be considered in determining the need or lack of need for accelerated application of land treatment in a watershed project include, but are not limited to:

1. The extent and location of critically eroding areas.
2. The extent and location of land needing treatment and the type of practices that, to an important degree, will reduce erosion and sediment, control runoff, conserve water, enhance fish and wildlife habitat or improve water quality.
3. The acreage of land adequately protected and the kind and extent of land treatment now on the land that is meeting conservation needs.
4. The number and location of active cooperators and acres they control
5. The number, acreage, and location of conservation plans where land treatment is already applied or in the process of being applied.
6. The extent and location of adequate soil surveys and other inventory data.

7. The ability of other ongoing programs to satisfy land treatment needs during the project installation period.
8. The extent to which local sponsors and landowners are willing to commit their resources to installing land treatment.
9. Workload estimates for additional soil surveys and planning, application, and maintenance of land treatment to meet land treatment goals during the project installation period.
10. Operations schedule, developed in keeping with other multiyear plans, for meeting land treatment goals.
11. Estimates of the cost of technical and financial assistance for planning, application, and maintenance of land treatment in the plan.

4.03 - REQUIRED LAND TREATMENT -

4.031 - Interpretation of Requirements of Public Law 83-566 -

The Act requires that local organizations shall "obtain agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than 50 per centum of the lands situated in the drainage area above each retention reservoir to be installed with Federal assistance." (SEC. 4 (5)). This requirement is interpreted to mean that owners of not less than 50 percent of (a) farm lands (as defined in the Census) or (b) lands requiring soil conservation practices or (c) a combination of (a) and (b) above each retention reservoir must have signed agreements "to carry out recommended soil conservation measures and proper farm plans."

"Proper farm plan" for non-Federal land shall mean a conservation plan which provides for the essential treatment to maintain or sustain use of the resource base in accordance with the field office technical guide.

To meet the requirements of the law, it is important to determine the required acreage. Required acreage is limited to the land within the structure drainage area, but does not include the land under the structure site or its retention reservoir. This information must be included in documentation supporting certification that requirements of the Act have been met. Land which is not classified as farm land by the Census (such as commercial timberland, "wild" land or wildlife land, urban or other land not used for agricultural purposes) need not be included in determining the 50 percent requirement unless soil conservation practices need to be applied (not just maintained) on such land.

4.032 - Additional Requirements - Watershed plans are to require installation of land treatment necessary to assure that at least 50 percent of the land upstream from a floodwater retarding or multiple-purpose dam is adequately protected prior to construction of the dam. This requirement is in addition to requirements of Public Law 83-566, SEC. 4 (5). State Conservationists may require a higher percentage of land treatment to be installed if conditions warrant. The required acreage will be determined in the same manner as under Section 4.031.

Exceptions to the 50 percent adequately protected requirement may be granted by the Administrator on a case-by-case basis for specialized types of agriculture or other special situations.

4.04 - ACTIONS TO ACCELERATE APPLICATION OF LAND TREATMENT -

4.041 - Utilization of Existing Cost Sharing - To insure coordination between watershed projects and other USDA programs, the State Conservationist will take the following steps during project planning and installation:

1. Advise the State ASC Committee and each affected County ASC Committee, in writing, as soon as planning assistance is authorized for a watershed project.
2. As soon as tentative land treatment goals are developed for a project, cooperate with the sponsoring local organization in making this information available to the affected County ASC Committees so that these committees may consider how existing cost sharing can be adjusted within the respective counties to accomplish the land treatment goals.
3. Make certain that: (1) representatives of the affected County ASC Committees are invited to participate in the consideration of the proposed project and the informal field review of each watershed plan; and (2) the watershed plan explains the opportunities for land treatment cost-share assistance using existing programs.
4. Provide for meetings with the State ASC Committee to periodically review the current status and future outlook for watershed activities. Similarly, make certain that county ASC committees are invited to periodically review the status of watersheds in each county for which assistance has been requested. Each review should include: (1) consideration of possible steps to accelerate the rate of applying land treatment, and (2) information needed by the State and County ASC Committees in planning the use of their resources.

4.042 - Agreements - Agreements between the Service and sponsoring local organizations or individual land owners or operators may be used to provide cost-share assistance for installation of accelerated land treatment. There are three types of agreements which can be used. Agreements may be (1) between the Service and the sponsoring local organizations; (2) between the Service and the sponsoring local organization with a long-term agreement between the sponsoring local organization and the land owner or operator; or (3) long-term agreement between the Service and the land owner or operator.

Watershed plans must specify the types of agreements to be used for installation of land treatment and how payments are to be made for each type of agreement to be used in the watershed project. Procedures for executing these agreements are in Section 2000 of the Administrative Services Handbook.

4.0421 - Project Agreements Between the Service and Sponsoring Local Organizations - This agreement provides for the sponsoring local organization to install specified land treatment. Each agreement will be accompanied by an operation and maintenance agreement. Sponsors are responsible for obtaining all landrights and permits.

Typical work to be installed under this type of agreement might include critical area treatment, grade stabilization, and debris basins. Cost-sharing methods used by the sponsoring local organization could include construction contract, vegetative contract, small purchase agreement, force account, division of work or performance of work. The watershed plan agreement will describe cost-sharing and installation arrangements.

4.0422 - Agreements Between the Service and the Sponsoring Local Organization with a Long-Term Agreement Between the Sponsoring Local Organization and the Land Owner or Operator - This approach uses a project agreement with the sponsoring local organization. The project agreement provides funds for cost-share payments to land owners or operators for installation of land treatment. Project agreements detail the working arrangements and applicable operating regulations between the Service and the sponsoring local organization. The Service will execute a project agreement with the sponsoring local organization which will identify the parties involved, their responsibilities, and the amount of project funds to be encumbered by the Service. This agreement is the fund-obligating document. Project agreements must support the kind, amount, and general location of land treatment agreed upon in the watershed plan. Agreements for Services may be used to provide technical assistance for planning and installation of land treatment. The Service must approve any technical assistance and conservation plans prepared by others.

Cost-sharing arrangements for land treatment installation will be carried out through long-term agreements between the sponsoring local organization and individual land owners or operators for land treatment installed on land which these individuals own or control. Cost sharing is to be based on eligible land treatment in a conservation plan approved by the conservation district. The conservation plan of operations is a part of the long-term agreement which provides for essential treatment to maintain or sustain use of the resource base. The O&M requirements are included in the conservation plan of operations.

Noncost-shared management practices will be required as a condition for cost-share assistance for permanent practices which such management practices are necessary to achieve project objectives. Non-cost-shared management practices may be installed concurrently with cost-shared permanent practices.

The length of the long-term agreement with the land owner or operator will be at least 5 years and not more than 10 years. All cost-shared land treatment should be installed 3 years prior to termination of the agreement. Cost-share payments are to be made by the sponsoring local organization after an eligible unit of the conservation practice has been completed and certified. Payment shall be based on the cost-share documents prescribed by the Service. The participant must file claim for payments.

Prior to the signing of an agreement for land treatment cost sharing, the sponsoring local organization will obtain all necessary landrights and permits. Soil Conservation Service Property Management Regulations, Subparts 104I-70 and 72, provide detailed information on landrights and O&M agreements.

4.0423 - Long-Term Agreements Between the Service and the Land Owner or Operator - This type of agreement provides for the Service to contract directly with land owners or operators.

Cost-sharing arrangements for land treatment installation will be carried out through long-term agreements with individual land owners and operators for land treatment installed on land which these individuals own or control. Cost sharing is to be based on eligible land treatment in a conservation plan approved by the conservation district. The conservation plan of operations is a part of the long-term agreement which provides for essential treatment to maintain or sustain use of the resource base. The O&M requirements are included in the conservation plan of operations.

Noncost-shared management practices will be required as a condition for cost-share assistance for permanent practices where such management practices are necessary to achieve project objectives. Noncost-shared management practices may be installed concurrently with cost-shared permanent practices.

The length of the long-term agreement with the land owner or operator will be at least 5 years and not more than 10 years. All cost-shared land treatment should be installed 3 years prior to termination of the agreement. Cost-share payments are to be made by the Service after an eligible unit of the conservation practice has been completed and certified. Payment shall be based on the cost-share documents prescribed by the Service. The participant must file claim for payments.

Prior to the signing of an agreement for land treatment cost sharing, the landowner will provide all necessary landrights. Soil Conservation Service Property Management Regulations, Subparts, 104I-70 and 72, provide detailed information on landrights and O&M agreements.

4.043 - Coordination with Public Land Administering Agencies - It is essential that full agreement is reached between public land administering agencies (municipal, county, State, or Federal), the sponsoring local organizations, and the Soil Conservation Service relative to establishing and maintaining land treatment on all public lands within the watershed. The State Conservationist and an authorized representative of any public land administering agency must come to a definite understanding about the agency's intent and willingness to carry out land treatment on public land under its jurisdiction. Agreements and understandings should be documented in the project file. Land treatment plans which meet the technical standards of an affected Federal agency are acceptable as agreed-on plans.

The Forest Service, through its cooperative programs, may be involved in any commitments made by State Foresters involving non-Federal forested lands. For this reason, the State Conservationist should consult and cooperate with the appropriate Forest Service representative in any arrangements with the State Foresters.

4.05 - FUNDING LAND TREATMENT - Public Law 83-566 funds may be used to provide technical and financial assistance for planning and installing accelerated land treatment necessary to achieve project goals. Financial assistance for accelerated land treatment can only be used to supplement funds available from other USDA programs and State and local sources. Land treatment eligible for such assistance must meet the following conditions:

- (a) be effective in reducing erosion or sedimentation hazards, or
- (b) have measurable physical effects in reducing flood-water, erosion or sediment damages; providing water conservation; enhancing fish and wildlife habitat; improving water quality; or producing other environmental quality benefits; or

- (c) be necessary to assure realization of benefits used in the economic justification of structural measures in the watershed plan (drainage practices are eligible for technical assistance only except where drainage is an integral part of another otherwise eligible practice, e.g., grassed waterway or outlet).

Land treatment intended solely for income production is not eligible for Public Law 83-566 technical and financial assistance except as specified in 4.05 (c).

4.051 - Land Treatment on Non-Federal Land- Cost-share assistance available under the Agricultural Conservation Program for soil and water conservation practices is administered at the local level by elected committees in each county under rules and regulations prescribed by the Secretary of Agriculture. The State ASC Committee and the county committees have considerable latitude in allocating available funds in accordance with conservation needs. The Service will encourage the sponsors to seek an allocation of funds through ASCS so as to provide timely cost-share assistance for land treatment included in watershed plans.

The Service will also encourage the sponsors to obtain cost-share assistance from programs operated by local and State government as well as from USDA programs.

The need for accelerated technical and financial assistance will be determined and substantiated in the plan on the following basis. It will be assumed that assistance available in the district(s), county(ies), or other geographical area(s) will be continued in at least the same amount as in the fiscal year in which the plan is completed and will serve a proportionate number of farms and ranches, or other operating units, within and outside the watershed boundaries. If the amount of assistance expected to be available within the watershed is insufficient to install remaining eligible land treatment during the project installation period, Public Law 83-566 assistance may be provided as needed to meet project goals.

The Public Law 83-566 costs of providing accelerated assistance are considered costs to be paid with funds provided under authority of the Act. Installation costs incurred by land owners and operators, including assistance provided under other cost-share programs, are considered as Other Costs. Costs of providing technical assistance for installation of land treatment under other programs are also considered as Other Costs of a project.

4.0511 - Land Treatment Eligible for Financial Assistance - The following land treatment is eligible for accelerated financial assistance when approved by the State Conservationist for a watershed project.

1. Intensified fire prevention and control measures.
2. Vegetative practices for stabilization of critically eroding areas. After treatment and stabilization, such areas will be maintained in continuous vegetative cover with limited use consistent with technical standards.
3. Gully, streambank and grade stabilization -- primarily by structures.
4. Special-purpose terraces and other onfarm land treatment used in lieu of downstream flood prevention structures.
5. Long-term practices and land use conversions effective in reducing erosion. Eligible practices include field windbreak, grassed waterway or outlet, hillside ditch, heavy use area protection, terrace and windbreak renovation.
6. Water conservation practices which improve the efficiency of existing irrigation systems. Eligible practices include irrigation canal, irrigation lateral, irrigation field ditch, irrigation land leveling, irrigation pit or regulating reservoir, irrigation ditch lining, and irrigation pipeline -- provided that these practices are also eligible for cost-share assistance under other USDA programs for the affected areas. Irrigation practices to be cost shared, as a part of an overall resource management system for a watershed, must be specifically developed and spelled out (by practice and sub-area) in the watershed plan. However, cost sharing will not be available for purchase or installation of power sources or irrigation equipment which is portable or which could be sold or salvaged for use at another location.
7. Fish and Wildlife practices. Eligible practices include field border and hedgerow plantings to provide food and cover for wildlife species, structure for water control and wildlife watering facility (wildlife watering facility does not include farm pond). Cost-share assistance for these practices is available only for land in private or local government ownership.
8. Water quality practices. Eligible practices include critical area planting, grade stabilization structure, grassed waterway or outlet, sediment basin, streambank protection, terrace, and waste storage pond and waste treatment lagoon for agricultural wastes.

Public Law 83-566 funds will not be available for easily movable capital equipment improvements.

4.0512 - Land Treatment Requiring Approval of the Administrator - Approval must be obtained from the Administrator prior to making any commitment to local organizations to furnish financial assistance for land treatment other than that included in section 4.0511. Such assistance may be authorized for a watershed only when the State Conservationist, in requesting approval, furnishes assurances that:

1. Project objectives cannot be achieved unless such specific land treatment for which financial assistance is requested is installed during the agreed-upon installation period of the project.
2. Financial assistance under other programs cannot reasonably be expected to be adequate for the installation of such specific land treatment during the agreed-upon installation period.
3. Funds made available under authority of the Act will not be used to furnish financial assistance during any year of the project installation period when assistance under other programs is adequate for that year.

4.0513 - Criteria for Establishing Rate of Federal Assistance - The rate of assistance authorized for each practice under existing national programs in the county in which a proposed watershed project is located shall be used in determining the rate of assistance that can be provided under that Act. When a practice has not been adopted in the county or a rate of assistance has been adopted that is lower than the rate generally used in the State, the State Conservationist, in consultation with the representative of the Federal agency administering the existing national program concerned, may establish a rate consistent with the provisions of the national handbook or regulations governing that program. If a watershed extends into two or more counties and a higher rate has been established for one of the counties, the higher rate can be used for the entire watershed.

Any national program in existence at the time a plan is prepared can be used in determining the permissible rate of assistance. The rate established at the time the sponsoring local organization signs the watershed plan agreement shall prevail throughout the installation period of a project unless the rate is modified by mutual agreement between the Soil Conservation Service and the sponsoring local organization.

4.052 - Land Treatment on Federal Land - The need for any additional funds for installation of land treatment on Federal lands, during the agreed-upon period of project installation, should be determined by the land administering agency and those costs reflected in the watershed plan. The cost of installing, operating, and maintaining land treatment on Federal land will not be paid from Public Law 83-566 funds. Any supplementary funds needed to install land treatment will be sought by the land administering agency through its usual budgetary process.

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CHAPTER 5 - FLOOD PREVENTION

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WATERSHED PROTECTION HANDBOOK

CHAPTER 5 - FLOOD PREVENTION

5.01 - DEFINITION - Flood prevention is defined as any undertaking which reduces hazard from floodwater, sediment, or erosion. To differentiate flood prevention from drainage on flatlands, flood prevention is considered as any undertaking for reducing or preventing damages due to surface water caused by abnormally high direct precipitation, stream overflow, or floods aggravated by or due to wind or tidal effects.

5.02 - PROJECT MEASURES - Project measures for flood prevention consist of land treatment measures, structural measures, or nonstructural measures that produce flood prevention benefits to groups of landowners, to communities, or to the general public. A flood plain management system is often composed of a combination of land treatment, nonstructural, and structural measures. See Exhibit 5.10.

5.021 - Land Treatment Measures - Land treatment measures are an integral part of flood prevention projects because of their physical effect of reducing runoff, erosion, or sedimentation.

5.022 - Nonstructural Measures - These measures are installed and maintained to modify the susceptibility to damage from floodwater, sediment, or erosion. On nonfederal land they are installed and maintained by responsible local organizations. On federal land they are installed and maintained in accordance with mutually satisfactory arrangements between the sponsoring local organization, the land administering agency, and the Soil Conservation Service.

Nonstructural measures ordinarily require group action for their installation and always require group benefits. They must be planned on a watershed-wide basis and are not necessarily included in individual farm or ranch conservation plans.

Nonstructural measures include, but are not limited to (1) landrights acquisition in flood plains, (2) relocations, (3) floodproofing, and (4) flood warning. Relocations, as used here, refers to permanent movement of households, property, and/or people out of a flood prone area. It should not be confused with relocations of persons, businesses, or farm operations made necessary as a result of installation of structural measures.

Land use and control regulations, flood insurance, post flood recovery, etc., are not appropriate as project measures (even though they are considered nonstructural measures) because they are primarily administrative actions rather than installations. See Exhibit 5.10. However, such measures may be needed to reduce the impact of flooding, especially in areas which may be subjected to future development pressures.

5.023 - Structural Measures - These measures are installed and maintained to control damaging floodwater, sediment, or erosion. On nonfederal land they are installed and maintained by responsible local organizations. On federal land they are installed and maintained in accordance with mutually satisfactory arrangements between the sponsoring local organization, the land administering agency, and the Soil Conservation Service.

Structural measures ordinarily require group action for their installation and always require group benefits. They must be planned on a watershed-wide basis and are not necessarily included in individual farm or ranch conservation plans.

Structural measures include, but are not limited to (1) floodwater retarding structures, (2) channel work, (3) levees and dikes, (4) debris and sediment basins, (5) floodways, (6) floodwater diversions, (7) drop spillways, (8) chutes, (9) vegetation, and (10) riprap.

Measures installed for the stabilization of critical areas primarily by vegetation will be classified as structural measures for flood prevention when they meet all of the following conditions.

- a. Stabilization is needed to prevent downstream sediment damage or for the efficient construction, operation, and maintenance of downstream structures.
- b. Total beneficial effects of the evaluation unit with which they are a part must exceed total adverse effects of the unit.
- c. The income from the stabilized areas would be so small or so long deferred that individual landowners or operators would not invest their own funds for stabilization.
- d. Stabilized areas will be maintained in trees, grass, or other protective cover which will not be harvested except for management purposes.
- e. Sponsors will obtain title to or easements on, and access to, the land to be treated.
- f. Sponsors will install the measures in accordance with the terms of a project agreement with the Soil Conservation Service.
- g. Sponsors will maintain and operate the works of improvement under an operation and maintenance agreement with the Soil Conservation Service.

Similar measures installed, operated, and maintained by landowners or operators through agreements with sponsors will be classified as land treatment measures.

5.03 - INELIGIBLE MEASURES - The following measures for flood prevention are ineligible for assistance from Public Law 566 or Public Law 534 funds:

a. Measures that do not provide direct benefits to two or more beneficiaries.

b. New storm and sanitary sewers, or relocations and changes to existing sewer facilities, in urban or built-up areas. Storm sewers include facilities for the collection and conveyance of urban runoff to outlets in natural drainageways or channels. However, this restriction does not apply to measures to improve natural drainageways or channels to prevent significant flood damage to existing developed property. Such measures are not considered to be storm sewers and are, therefore, eligible for assistance.

5.04 - MANAGEMENT OF FLOODS - The following policy is established to guide the formulation of flood plain management systems included in watershed projects:

5.041 - Areas Affected by Project Measures - In all areas of the watershed which are affected by project measures, the level of flood protection provided must be compatible with the projected land use. In addition, in all urban and built-up areas 1/ within the watershed which are affected by project measures, there must be no apparent risk to loss of life (as determined by the state conservationist) in any residence, building, or other improvement from the 100-year, with-project flood. This does not necessarily mean that the 100-year frequency event will be kept within bank. In determining the apparent risk to loss of life, consideration should be given to the structural and use characteristics of the improvement and the depth of flooding and velocity of flood flow in and immediately adjacent to the improvement. For example, the risk to loss of life from flooding in a camping development in a mountain valley may be quite high, whereas the risk on an athletic field in a flatland area may be quite low.

Flood protection in addition to the minimum level required above may be provided if it has a net contribution to a planning objective.

If the required level of protection cannot be reasonably assured, the state conservationist may request an exception from the Administrator. Requests for exceptions should include the following:

1/ Urban and built-up areas, as used here, are considered as present or likely future residential, industrial, commercial, or other similar areas. The basis for likely future development should fully account for existing land use plans, trends, and local, state, and federal policy concerning land use regulation.

(1) A clear showing that a higher degree of protection cannot be justified.

(2) A description of the alternative level of protection that can be economically justified.

(3) A thorough description of the remaining flood hazard for the 100-year event including approximate number, kinds, and locations of properties subject to continued flooding and the depths and velocities of flooding.

(4) A map showing the area expected to be flooded by the 100-year event after the project is installed.

(5) Provision for the sponsors to publicize, at least once annually, the nature and extent of the remaining hazards to life and property in those areas subject to damage by the 100-year event.

(6) The sponsors' legal authority and willingness to control development (improvements, reconstruction, and new) in the area subject to flooding by the 100-year event.

(7) If local, state, or federal regulations or policy are also not being met (e.g., compliance with Flood Insurance Program), show how sponsors propose to be granted the necessary exceptions.

Flood protection may be provided by various combinations of land treatment measures, nonstructural measures, and structural measures. For example, structural measures could reduce damages in a built-up area but may not eliminate apparent risk to loss of life from a 100-year event. However, the addition of relocations, flood proofing, flood warning systems, or other nonstructural measures (either project or nonproject) are required to prevent loss of life, these measures are to be implemented or their installation assured prior to the commitment of federal construction funds for other flood control measures with which they are associated.

5.042 - Other Areas - Within the watershed boundary, all areas which under with-project conditions, have an apparent risk to loss of life from the 100-year flood should be noted in the plan or EIS. Attention should be given to both existing and likely future areas such as urban fringe areas. Existing farmsteads, rural residences, park areas, etc., should receive similar attention. It is not intended that additional detailed data be obtained for this purpose but rather that the discussion present known facts and available data. If detailed data concerning the flood hazard is available in these areas, it should be shown in the plan or EIS. It is important that the plan or EIS indicates the general extent of the hazard so that there is no implication that the planned project will remove such hazard.

5.05 - PUBLIC LAW 566 AND PUBLIC LAW 534 ASSISTANCE FOR FLOOD PREVENTION

5.051 - Land Treatment Measures

5.0511 - Nonfederal Land - Assistance for land treatment measures in watershed projects from funds available under authority of the Act generally is limited to technical assistance. Financial assistance, however, may be provided in accordance with the provisions of paragraphs 4.04 through 4.0413. Measures for which financial assistance may be furnished usually consist of vegetative and minor structural control and include but are not limited to (1) tree planting, (2) seeding, (3) sodding, (4) establishment of shrubs and vines, (5) special purpose terraces and diversions, (6) minor check dams and gully plugs, (7) sediment and debris basins, (8) drop inlets, (9) chutes and diversions for stabilization of critical runoff and sediment producing areas, gullies, and minor waterways, and (10) firebreaks, towers, roads, shelters, and other means to increase fire protection to serve flood prevention purposes.

5.0512 - Federal Land - On federal land the land treatment measures will be installed and maintained by the agency administering such land utilizing other than Public Law 566 ~~or Public Law 534~~ funds.

5.052 - Nonstructural Measures - Public Law 566 and Public Law 534 assistance for nonstructural measures is limited to technical assistance.

5.053 - Structural Measures - Public Law 566 and Public Law 534 assistance for flood prevention purposes must include all construction and engineering costs and an appropriate share of the relocation payments and may include loans or advancements to help local organizations meet their share of the cost.

5.06 - LOCAL RESPONSIBILITIES FOR FLOOD PREVENTION

5.061 - Land Treatment Measures

5.0611 - Nonfederal Land - Local organizations, through individual landowners and operators, are responsible for the installation and maintenance of land treatment measures on nonfederal land. In carrying out this responsibility, they may use any assistance available from existing national programs when financial assistance is not furnished from Public Law 566 funds. When Public Law 566 financial assistance is provided, local interests must participate at the same rate as they would under existing national programs.

5.0612 - Federal Land - Local organizations are not directly responsible for the installation and maintenance of land treatment measures on federal land. They are responsible, however, for working with the

land administering agencies and the Soil Conservation Service to coordinate the installation and maintenance of these measures with the other measures included in a watershed project.

5.062 - Structural and Nonstructural Measures

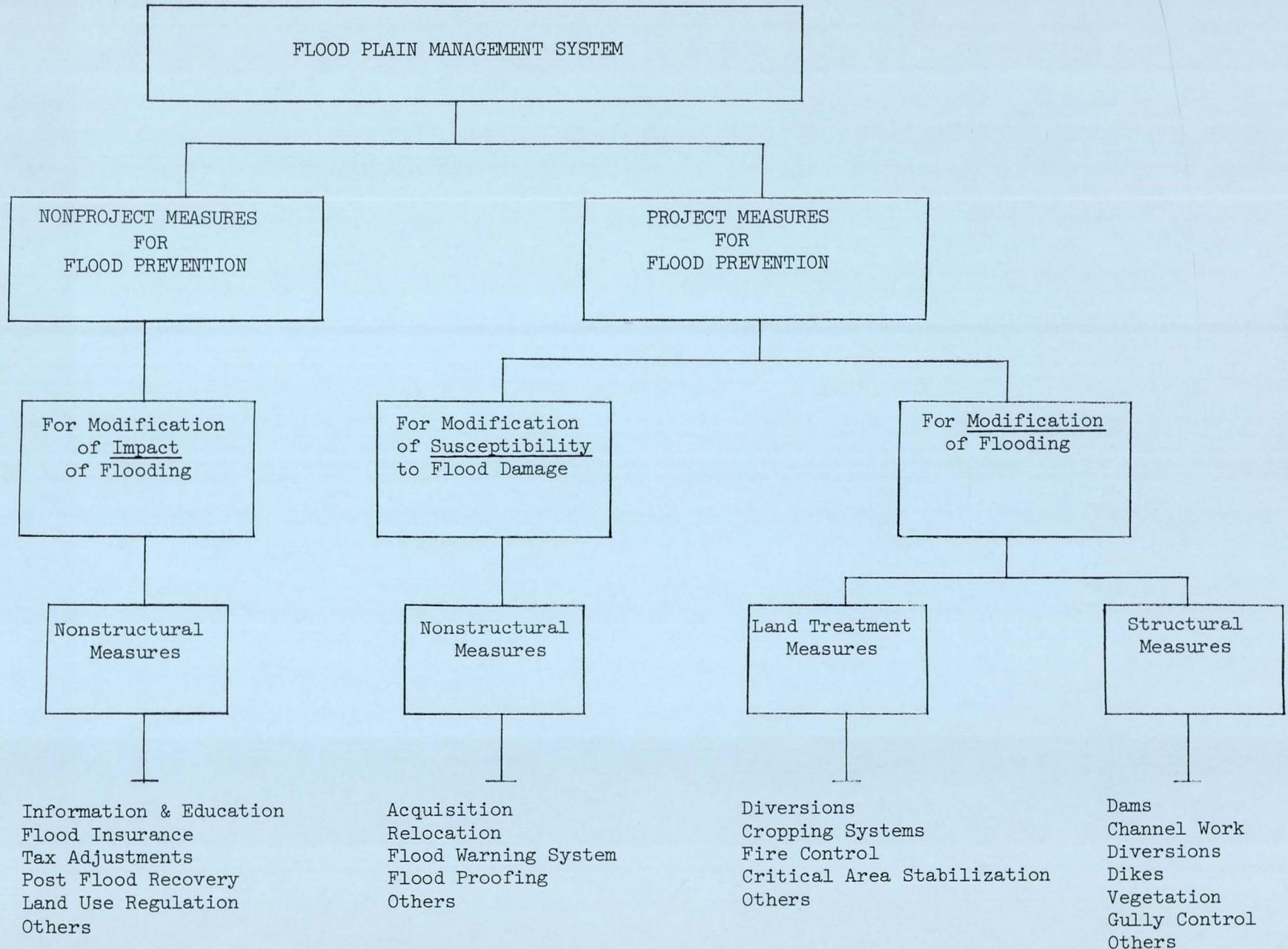
5.0621 - Nonfederal Land - Local organizations must (1) acquire without program cost (with certain exceptions for Public Law 534 projects) all necessary landrights, (2) acquire or provide assurance that landowners or water users have acquired necessary water rights, (3) obtain agreements for carrying out recommended soil conservation measures above reservoirs or floodwater retarding structures, (4) defray costs of operation, maintenance and replacement, and (5) provide the local share of relocation payments.

5.0622 - Federal Land - Except for operation and maintenance, local organizations must assume the same responsibilities for structural and nonstructural measures on federal land as they would if the measures were installed on nonfederal land. Operation, maintenance, and replacement of project measures on federal land will normally be performed by the concerned federal agency. Local interests will participate in the costs to the extent that benefits accrue to nonfederal beneficiaries.

5.07 - URBAN PROTECTION - Projects developed primarily for the flood protection of urban areas can be planned and carried out by the Corps of Engineers or by local organizations with assistance from the Soil Conservation Service. Prior to providing assistance to local organizations for planning a project, compliance with the provisions of Executive Order No. 10584 of December 18, 1954, as amended and supplemented by Executive Order No. 10913 of January 18, 1961, is required. See Appendix 2.

Compliance with the provisions set forth in the Agreements between the Soil Conservation Service and the Corps of Engineers (Appendix 5) is also required. Before providing assistance under the Watershed Protection and Flood Prevention Act, a mutually satisfactory decision should be reached between the Soil Conservation Service, the sponsoring local organizations, and the Corps of Engineers that the assistance requested by the sponsoring local organizations should be provided under the authority of the Act. This decision should be based on the kind of measures required to provide an adequate level of protection rather than the type of property to be protected. The need for a combination of both land treatment and other related measures should be a key criterion in deciding whether or not assistance should be provided under authority of the Act.

The use of the land in a watershed is a more significant factor in determining whether assistance should be provided under the Act than whether the watershed lies entirely or partially within incorporated limits. Corporate boundaries might encompass significant areas on which land treatment measures need to be applied or maintained with reasonable expectation that these measures would continue to function as effective supplements to structural measures to accomplish the purposes of a plan.



WPH Notice - 34 - 3/29/76

6. Drainage

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CHAPTER 6 - DRAINAGE

6.01 - DRAINAGE - Drainage is classified as a form of agricultural water management. Drainage projects include measures planned primarily to increase the efficiency of land use on farms or ranches by the rehabilitation and improvement of existing drainage systems or the construction of new drainage systems to serve cropland, woodland, and grassland by lowering the water level in areas where naturally high water tables, normal precipitation or normal tidal action, seepage, or excess irrigation water limit agricultural production. Drainage projects include measures planned for either or both surface drainage and subsurface drainage. Surface drainage is the removal of excess water present above the surface of the ground; subsurface drainage is the removal of excess ground water present below the surface of the ground. Such projects involve watershed or subwatershed areas composed in whole or in part of lands drained or proposed to be drained. The area may be a water problem area the boundaries of which may consist of artificial barriers that prevent the inflow of water originating outside of the area.

6.02 - CRITERIA FOR PROVIDING ASSISTANCE - The following criteria shall be observed in providing assistance on projects where drainage is a purpose:

a. Directly tributary watershed land that produces runoff and sediment flowing through an area served by drainage works of improvement shall not be excluded from the project area even though little or no damage may be presently caused by such runoff and sediment (see paragraph 1.0214).

Watershed land above the area served by drainage works of improvement may be excluded from the watershed or subwatershed area if: (1) special provisions, such as levees, dikes, or natural levee closures, are included as part of the drainage system to prevent the inflow of water originating outside the project area; (2) existing artificial barriers, such as road fills, levees, dikes, or diversions, have effectively isolated the water problem of the area to be served by drainage works of improvement from that of the balance of the watershed; and (3) the installation and maintenance of works of improvement on such land are not needed or feasible to prevent adverse effects on the successful operation and maintenance of the drainage system.

b. The contemplated improvements and the number of beneficiaries represented by the sponsors are of such magnitude that the improvements would not normally fall within the scope of assistance currently being provided under other USDA assistance programs.

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c. The sponsoring local organization presents satisfactory evidence that:

(1) adequate land rights have been obtained for any increased streamflow that may occur downstream as a result of the project;

(2) the owners of water rights are agreeable to such changes, exchanges, waivers, or modifications of their rights as may be required for the effective functioning of the contemplated improvements;

(3) it has the funds available or financial capacity to meet the local share of costs for the contemplated improvements or to repay a loan for such costs; and

(4) a substantial majority of the benefiting landowners and operators have or can be expected to adopt conservation plans to carry out the on-farm soil and water management measures necessary to assure the accrual of the potential benefits from the contemplated project improvements.

6.03 - WORKS OF IMPROVEMENT - Works of improvement for drainage consist of land treatment measures and structural measures that produce direct measurable drainage benefits to groups of landowners, to communities, and to the general public.

6.031 - Land Treatment Measures - These measures are planned, installed, and maintained by individual or groups of landowners and operators on their own farms or ranches to (1) increase the efficiency of land use in existing farms and ranches through improved drainage made possible by rehabilitated, improved, or new drainage systems included in a project, (2) obtain maximum benefits for existing and proposed investments in drainage developments, (3) realize the benefits used in justification of structural measures, or (4) reduce runoff and sediment production that would adversely affect the drainage improvements. On public land, they are planned, installed, and maintained by public land administering agencies.

6.032 - Structural Measures - Structural measures for drainage are installed and maintained on non-Federal land by responsible local organizations to serve groups of landowners. Individual landowners would not generally install them on their own land with the forms of assistance supplied directly to them under other national conservation programs. They ordinarily require group action for their installation and maintenance and always require group benefits for their justification. On Federal land, they are installed and maintained in accordance with mutually satisfactory arrangements between the sponsoring local organization, the land administering agency, and the Soil Conservation Service. They include, but are not limited to, the construction or rehabilitation of artificial channels (open drains) or covered (tile) drains and the rehabilitation and improvement of natural channels. The drains may have

gravity outlets or may convey drainage water to pumping plants for disposal. These measures will include all component parts of the group drainage system such as (1) drops, (2) checks, (3) flumes, (4) control gates, (5) manholes, (6) appurtenant control and stabilization measures, and (7) pumping plants and appurtenances to provide outlets for gravity drains or to reduce and control accumulations of ground water related to subsurface drainage and salinity problems.

6.033 - Ineligible Works of Improvement - The following works of improvement for drainage are ineligible for assistance from P.L. 566 funds:

a. Independent or interdependent groups of measures that do not serve two or more beneficiaries, except those needed to provide one outlet to each non-contiguous tract in a single farm unit.

b. Drainage facilities primarily for non-rural areas. *

* 6.04 - P.L. 566 ASSISTANCE FOR DRAINAGE -

6.041 - Land Treatment Measures

6.0411 - Non-Federal Land - P.L. 566 assistance for land treatment measures on land not in Federal ownership generally is limited to technical assistance needed in addition to that being provided under other Federal programs. Accelerated technical assistance is justified to assure the planning and application of needed measures during the period scheduled for completion of the project. Financial assistance, however, may be provided in accordance with the provisions of paragraphs 4.04 through 4.0413.

6.0412 - Federal Land - On Federal land, the land treatment measures will be installed and maintained by the agency administering such land utilizing other than P.L. 566 funds.

6.042 - Structural Measures - Cost sharing assistance from P.L. 566 funds shall not exceed 50 percent of the construction cost plus the entire cost of engineering services allocated to the drainage phase of agricultural water management. Loans are available to help local organizations meet their share of the cost.

6.05 - LOCAL RESPONSIBILITIES FOR DRAINAGE

6.051 - Land Treatment Measures

6.0511 - Non-Federal Land - Local organizations, through individual landowners and operators, are responsible for the installation and maintenance of land treatment measures on non-Federal land. Local interests may, however, use any assistance available from existing national programs to help them meet this responsibility.

6.0512 - Federal Land - Local organizations are not directly responsible for the installation and maintenance of land treatment measures on Federal land. They are responsible, however, for working with the land administering agencies and the Soil Conservation Service to coordinate the installation and maintenance of these measures with the other measures included in a watershed project.

6.052 - Structural Measures

6.0521 - Non-Federal Land - Local organizations must pay at least 50 percent of the construction cost allocated to structural works of improvement for drainage. In addition local organizations must, with other than P.L. 566 funds, acquire all necessary land rights and defray costs of operation, maintenance, and replacement.

6.0522 - Federal Land - Except for operation, maintenance, and replacement, local organizations must assume the same responsibilities for structural measures on Federal land as they would if the measures were installed on non-Federal land. Operation and maintenance of structural measures on federal land will normally be performed by the concerned federal agency. Local interests will participate in the costs to the extent that benefits accrue to non-Federal beneficiaries.

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WATERSHED PROTECTION HANDBOOK

CHAPTER 7 - IRRIGATION

7.01 - IRRIGATION - Irrigation is classified as a form of agricultural water management. Irrigation projects include measures planned primarily to make more efficient use of water on land, cropland, grassland, and woodland and to obtain the maximum practical benefits for existing investments in irrigation. Such projects involve watershed or subwatershed areas composed in whole or in part of lands irrigated or proposed to be irrigated. The area may be a water problem area the boundaries of which may or may not coincide with surface drainage divides.

7.02 - CRITERIA FOR PROVIDING ASSISTANCE - The following criteria shall be observed in providing assistance on projects where irrigation is a purpose:

a. Directly tributary watershed land that produces runoff and sediment flowing through an irrigated area normally shall not be excluded from the project area. An exception may be made in case little or no damage is caused by such runoff and sediment and inclusion of the tributary area would cause the project area to exceed the 250,000 acre limitation (see paragraph 1.0214).

Watershed land above the point or points of diversion serving the irrigated lands may be excluded from the watershed or subwatershed area if (1) the irrigation water supply is adequate in quantity, quality, and regulation (together with any other available surface or underground supplies) to supply the essential needs for efficient irrigation of those lands that are now or will be irrigated after the contemplated improvements are installed and (2) the watershed which is the source of water supply has adequate cover and is so managed that watershed conditions are not an adverse factor to the successful operation and maintenance of the works of improvement in the irrigated area (see paragraph 1.0214).

b. The contemplated improvements and the number of beneficiaries represented by the sponsoring local organization are of such magnitude that the improvements would not normally fall within the scope of assistance currently being provided under other USDA assistance programs.

c. The sponsoring local organization presents satisfactory evidence that:

(1) Water rights are held or can be obtained by landowners or their organizations for the use and storage of water, if required, necessary to supply the contemplated needs for efficient irrigation.

(2) The owners of water rights are agreeable to such changes, exchanges, waivers, or modifications of their rights as may be required for the effective functioning of the contemplated improvements.

(3) It has the funds available or financial capacity to meet the local share of costs for the contemplated improvements or to repay a loan for such costs.

(4) For projects in the seventeen Western States and Hawaii and after consultation with officials of the Bureau of Reclamation, that (a) assistance available under the Small Reclamation Projects Act will not meet their objectives, (b) the contemplated improvements are not of the nature and scope of those commonly provided for by that Act, and (c) they will not seek assistance under that Act on the basis of engineering plans prepared by the Service from funds made available under the provisions of Public Law 566.

(5) A substantial majority of the benefiting landowners and operators have or can be expected to adopt farm conservation plans to carry out the on-farm soil and water management measures necessary to assure the accrual of the potential benefits from the contemplated project improvements.

7.03 - WORKS OF IMPROVEMENT - Works of improvement for irrigation consist of land treatment measures and structural measures that produce direct measurable irrigation benefits to groups of landowners, to communities, and to the general public.

7.031 - Land Treatment Measures - These measures are planned, installed, and maintained by individuals or groups of landowners and operators on their own farms or ranches to (1) make more efficient use of water on land used for agricultural purposes, (2) obtain maximum benefits for existing and proposed investments in irrigation developments, (3) realize the benefits used in justification of structural measures, or (4) reduce runoff and sediment that would adversely affect the irrigation improvements. On public land they are planned, installed, and maintained by public land administering agencies.

7.032 - Structural Measures - Structural measures for irrigation are installed and maintained on non-Federal land by responsible local organizations to serve groups of landowners. Individual landowners would not generally install them on their own land with the forms of assistance supplied directly to them under other national conservation programs. They ordinarily require group action for their installation and maintenance and always require group benefits for their justification. On Federal land, they are installed and maintained in accordance with mutually satisfactory arrangements between the sponsoring local organization, the land administering agency, and the Soil Conservation Service.

They include, but are not limited to, (1) water supply reservoirs, (2) division dams, (3) pumping plants, (4) sluiceways, (5) canal headworks, (6) canal and laterals, (7) main distribution system pipelines to convey project water to each farm unit or noncontiguous tract within a farm unit, (8) canal lining and lining or sealing storage reservoir, (9) appurtenant sediment control and stabilization measures, (10) measuring devices, and (11) such other measures needed to conserve and efficiently use present and potential water supplies and to convey them to individual farms with the least practical loss.

7.033 - Ineligible Works of Improvement - Independent or interdependent groups of irrigation measures that do not serve two or more beneficiaries are not eligible for assistance from P.L. 566 funds, except those needed to provide not more than one outlet for water to each noncontiguous tract in a single farm unit.

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7.04 - P.L. 566 ASSISTANCE FOR IRRIGATION

7.041 - Land Treatment Measures

7.0411 - Non-Federal Land - P.L. 566 assistance for land treatment measures on land not in Federal ownership generally is limited to technical assistance needed in addition to that being provided under other Federal programs. Accelerated technical assistance is justified to assure the planning and application of needed measures during the period scheduled for completion of the project. Financial assistance, however, may be provided in accordance with the provisions of paragraphs 4.04 through 4.0413.

7.0412 - Federal Land - On Federal land, the land treatment measures will be installed and maintained by the agency administering such land utilizing other than P.L. 566 funds.

7.042 - Structural Measures - P.L. 566 assistance for group irrigation works of improvement shall be governed by the following criteria:

a. Cost sharing from P.L. 566 funds shall not exceed 50 percent of the construction cost plus the entire cost of engineering services allocated to the irrigation phase of agricultural water management, except as provided in "b" below.

b. An exception to the above stated requirements of Federal and local participation may be involved in projects in the seventeen Western States and Hawaii in which the Reclamation Acts are applicable. The exception is applicable to projects that include separate works of improvement or classes of improvement which (1) have

a major part of the installation cost allocated to irrigation and (2) are of a size and cost greater than that which would be eligible for cost sharing under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the current USDA programs for cost sharing of land treatment practices.

To maintain comparability between federally administered programs when these conditions prevail, the PL-566 contribution to the total installation cost of such separate works of improvement or classes of improvement will be an amount equivalent to the present worth of the interest foregone on an interest-free loan for the total amount of such installation cost during a 50-year amortization period at the current rate established under Section 8 of the Act. The applicable interest rate will be announced when it changes.

c. The loan provisions of the Act are available to help local organizations meet their share of the cost.

7.05 - LOCAL RESPONSIBILITIES FOR IRRIGATION

7.051 - Land Treatment Measures

7.0511 - Non-Federal Land - Local organizations, through individual landowners and operators, are responsible for the installation and maintenance of land treatment measures on non-federal land. Local interests may, however, use any assistance available from existing national programs to help them meet this responsibility.

7.0512 - Federal Land - Local organizations are not directly responsible for the installation and maintenance of land treatment measures on federal land. They are responsible, however, for working with the land administering agencies and the Soil Conservation Service to coordinate the installation and maintenance of these measures with the other measures included in a watershed project.

7.052 - Structural Measures

7.0521 - Non-Federal Land - Local organizations must pay at least 50 percent of the construction cost allocated to structural works of improvement for irrigation, except for projects of the category described in paragraph 7.042 b. In those instances the local contribution will be based on a percentage of the total installation cost of the separate works of improvement or classes of improvement defined therein. In any event, the local organization must, with other than PL-566 funds, (1) acquire all necessary land rights, (2) acquire or provide assurance that landowners or water users have acquired necessary water rights, (3) obtain agreements for soil conservation measures above reservoirs, and (4) defray costs of operation and maintenance.

7.0522 - Federal Land - Except for operation and maintenance local organizations must assume the same responsibilities for structural measures on federal land as they would if the measures were installed on non-federal land. Operation and maintenance of structural measures on federal land will normally be performed by the concerned federal agency. Local interests will participate in the costs to the extent that benefits accrue to non-federal beneficiaries.

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WATERSHED PROTECTION HANDBOOK

PLANNING AND OPERATIONS
CHAPTER 8 - RECREATION AND FISH AND WILDLIFE

108.01 - RECREATION AND FISH AND WILDLIFE - These purposes are classified as nonagricultural water management. Projects will not be developed primarily for the management of water for recreation or for fish and wildlife. However, measures to provide recreational opportunities or to improve the habitat or environment for the breeding, growth, and development of fish and wildlife may be included in projects when such measures are an integral part of a watershed plan. These undertakings may involve complete project developments with recreational facilities or may be limited to water resource improvements.

108.011 - Incidental Recreation - Whenever a body of water is created it is likely to attract people even though no storage is specifically provided for recreational use. The water impounded in sediment pools of floodwater retarding structures may afford recreational opportunities. The benefits accruing to recreation or fish and wildlife under these circumstances are incidental to the purposes for which the works of improvement were installed. The potential for such use must be appraised, recognizing both beneficial and adverse impacts. Additional measures or modifications to the plans must be included to minimize any adverse effects caused by the incidental recreation use.

108.02 - WORKS OF IMPROVEMENT - Recreation or fish and wildlife works of improvement consist of water resource improvements, associated recreational and fish and wildlife facilities, land treatment, or combinations of these measures.

108.021 - Land Treatment Measures - Chapter 4 covers land treatment measures applicable to recreation and fish and wildlife.

108.022 - Water Resource Improvements - A water resource improvement for recreational or fish and wildlife purposes may be a reservoir, a lake level control structure, stream channel work, or a similar measure. Water resource improvements may include:

a. Storage capacity in multiple-purpose reservoirs or in single-purpose reservoirs. This capacity may either be for in-reservoir use or for downstream use. Storage capacity in single-purpose reservoirs will be considered only for those situations where a multiple-purpose reservoir would not result in a savings in cost or where topographic or engineering considerations would prohibit developing a multiple-purpose reservoir.

b. Structural features in reservoirs which provide for such items as (1) regulation of water level needed for fish and wildlife habitat improvement or recreation, (2) level ditches, pits, or ponds, and (3) fish ladders and fish shelters.

c. Stream channel work including such practices as (1) sloping, riprapping, vegetative plantings, and jetties, (2) tree and shrub plantings, (3) channel clearing and deepening including gravel removal, (4) constructing sills and other facilities to create pools, (5) fencing streambank areas, and (6) other similar and related practices for the enhancement of recreation and fish and wildlife resources in and along streams.

d. Marsh and pit development to provide fish pools in marshes and breeding and nesting areas for migratory waterfowl and aquatic mammals.

A recreational water resource improvement creates or improves a water area for the enjoyment of any or all forms of recreation that are based on use of or proximity to the water.

A fish and wildlife water resource improvement creates or improves a water area primarily for the preservation, production, or harvest of fish and wildlife. This may include the creation or improvement of habitat solely for the preservation of fish and wildlife with no fishing or hunting permitted.

108.023 - Recreational and Fish and Wildlife Facilities - Adequate and appropriate facilities are necessary to realize the recreational potential of a water area. Facilities will provide for use, enjoyment, and safety.

108.03 - PROJECT DEVELOPMENTS - The terms "Project Recreational Development" and "Project Fish and Wildlife Development" refer to a water resource improvement with necessary facilities where P.L. 566 funds and technical assistance are provided for land rights and/or facilities. The term "project development" as used in this chapter applies to both recreation and fish and wildlife unless otherwise indicated. It may be associated with a reservoir, a lake, or a well-defined reach of a perennial stream. However, it shall not include the entire stream system of a watershed. Adequate and appropriate facilities for the planned recreational use will be included.

The number of project developments within a watershed shall be limited by the size of the watershed: one development in a watershed project of less than 75,000 acres, two developments in a project containing between 75,000 acres and 150,000 acres, or three developments in a project of more than 150,000 acres.

108.04 - PROJECT FORMULATION - Systems of measures are to be formulated to include measures of public significance that will contribute to the recreational and fish and wildlife needs. A recreation specialist, biologist, and other technical specialists, as appropriate, should be called upon to assist watershed planning staffs and local organizations in formulating plans for recreation and fish and wildlife. Measures must be planned in consideration of their compatibility with other project purposes. Within this framework and consistent with the objectives enumerated in Chapter 2 of this Handbook, some of the primary considerations in formulating systems of measures for recreation or fish and wildlife are set forth in the following paragraphs.

108.041 - Criteria for Formulating Recreational or Fish and Wildlife Features of Projects - The following criteria shall guide the formulation of a system of measures for recreational or fish and wildlife purposes included in watershed projects:

a. The primary purpose of the measures shall be to provide opportunities for various kinds of water-related recreation (this may include fishing and hunting), or to preserve, improve, or create habitat or environment for the breeding, growth, and development of fish and wildlife.

b. The system of measures shall be formulated to make full and efficient use of available water for recreational or fish and wildlife purposes in accordance with needs, sound planning and management principles, and the resources of the sponsors.

c. Consideration shall be given to community needs for recreation, existing appraisals of recreation potential, and to statewide plans for the orderly development of the recreational and fish and wildlife resources of the state in which the works of improvement are proposed.

d. Watershed sponsors should be encouraged to develop complete, long-range plans for project measures, including facilities over and above those for which P.L. 566 cost-sharing assistance is available. If such plans indicate a need for future expansion or for installation of additional desirable facilities that are not eligible for P.L. 566 cost-sharing assistance (e.g., golf courses, boat houses, youth camps, riding stables, swimming pools, etc.), watershed project sponsors should be encouraged to initially acquire sufficient additional land to meet total needs for either initial or long-range use. Experience has proven that as soon as a reservoir to be used for recreational purposes is filled with water and made available for public use, the value of adjacent land increases and the cost becomes prohibitive if needed for future expansion.

e. Consideration should be given to measures which will preserve, enhance or protect natural beauty and prevent environmental pollution. Inclusion of such measures will be governed by the following guidelines:

1. Pollution - The introduction of pollutants to the environment must be avoided. Particular attention in project planning and design should be given to sewage effluents, contaminated water, burning, dumps, garbage and solid waste disposal, and sediment. Project measures are to be designed and managed to minimize erosion, water-suspended solids and deposits of silt. Fill, borrow pits, cuts and other raw soil surface areas are to be protected to the maximum practicable extent during and after construction.

Many areas surrounding and/or draining into proposed reservoir sites or existing lakes are subject to intensive uses such as housing, feedlots or industry. Local organizations should be strongly encouraged to work with local units of government to regulate use of these areas to prevent pollution or degradation of the works of improvement as well as the surrounding areas. Uses should not be permitted which would detract from the full use and enjoyment of the works of improvement. It is recognized that local units of government will need to use existing authorities and/or seek new authorities to implement such regulations.

2. Utility Lines -

(a) In general, improvements should not be planned in proximity to existing overhead high voltage transmission lines for safety and esthetic reasons. The possibility and feasibility of burial, screening, or change in location should be fully explored before a decision is made to locate near exposed overhead wires. If the advantages of and need for the improvement outweigh safety and esthetic considerations, the final decision and justification by the state conservationist are to be documented.

(b) Proposed transmission and telephone lines are to be buried or screened, unless there is very strong justification for doing otherwise.

(c) Mass recreational uses (swimming, picnicking, crowded spectators, etc.) are not to be planned under existing or proposed overhead power transmission lines.

3. Roads and Trails - Roads, trails, and parking areas should be designed to blend with existing surroundings. Road rights-of-way should be landscaped and parking areas screened by selective clearing or plantings.

4. Architecture and Landscaping - Structures should be designed with sensitivity to the natural surroundings. Buildings and developed areas should be landscaped to harmonize with the natural environment. Unsightly areas should be screened from view.

f. All recreational facilities installed with federal cost sharing must be open to the general public.

g. All recreational facilities in which federal cost sharing is involved shall be designed and constructed to assure accessibility and usability by physically handicapped people in accordance with P.L. 90-480. The American Standard Specifications for making buildings and facilities accessible to, and usable by, the physically handicapped, will be used as guidelines. (See Appendix 15.)

108.042 - Procedures for Formulating the Recreational or Fish and Wildlife Features of Projects - The following procedures will be used in formulating systems of measures to service recreation and fish and wildlife needs:

a. Evaluate the potential public recreational and fish and wildlife values of all impounding sites, streams, and existing lakes or reservoirs which are reasonably available for project action. An interdisciplinary team should be utilized for this evaluation. All available reports or recommendations concerned with the recreation and fish and wildlife aspects of the project area will be reviewed and appraised.

b. Advise, in writing, the sponsors and appropriate state and federal agencies of the recreational, fish and wildlife, and other beneficial use potential of sites which have significant public values. This will include the recommendation of appropriate measures for the type of development(s) desired and an encouragement of local organizations to include project developments or water resource improvements for recreation or fish and wildlife in watershed projects when the opportunities exist. The Bureau of Sport Fisheries and Wildlife, the Bureau of Outdoor Recreation, and state fish and game, recreation, and water resource agencies will be encouraged to participate actively in project formulation and to use authorities available to them to incorporate needed measures in each project to the maximum extent feasible.

c. Reach agreement with the sponsoring local organization on the objectives, types of measures, and the general locations for measures to be installed. This will be based on the capabilities of the sponsors and other cooperating agencies, and on the needs of the area.

d. Determine that state and local health agencies have been contacted concerning adequacy of water quality for intended uses. This will include an appraisal of means for assuring that water quality can be maintained or improved.

e. Determine the legality and technical feasibility of measures proposed for recreation or fish and wildlife.

f. Determine if water is available or can be made available in consideration of water rights and water yield and existing and proposed uses for other purposes.

g. Impress upon the local organizations the need for protecting health and water quality whenever there is a potential for incidental recreational use of project works of improvement. Where it appears probable that recreational use may take place the work plan should:

1. Describe the potential for incidental recreation resulting from the project and the provisions for sanitary facilities at those sites expected to be used for various forms of recreational activities.

2. Identify the sites at which public access will be provided.

3. Provide for installing needed sanitary facilities meeting the requirements of state and local health agencies and otherwise protecting water quality at reservoirs where recreation use is planned. Show that the sponsors will prohibit use where there is no reasonable assurance of such protection.

h. Plans will indicate which sites, if any, have no potential for incidental recreational use. (Sponsors may provide for public access at some of these sites, but SCS will not require it.)

i. Develop a system of measures that will meet the agreed upon objectives, and be compatible with facilities and esthetics of the surrounding area.

j. Whenever consideration is given to locating recreational measures within or adjacent to public lands, the agency responsible for managing such lands will be requested to participate in the formulation of proposals and to review the final proposal to assure coordination with existing or planned programs of the agency.

k. Reach agreement with the sponsoring local organization that it can and will bear its share of the installation, operation, and maintenance cost of planned works of improvement.

108.043 - Standards for Planning Recreational Project Developments - Sufficient planning is to be done to determine the location and size of major elements of the development, such as picnic areas, campgrounds, and swimming beaches, and to determine the types, quality, and quantity of the various features to be included in each, such as roads, trails, picnic tables, shelters, comfort stations, and grills. A soils map, with interpretations, of the proposed improvement will be one of the tools used in planning. P.L. 566 funds will not be used for developing final layout and structural details until after federal installation assistance is authorized. It is recognized that final detailed plans may show some variation of quantities from those indicated in table 2B for such items as picnic tables and grills. A footnote on the table should be used to designate quantities which are estimated and those which are firm.

The proposed plan, along with table 2B and basic file data, should be in sufficient detail to develop and administer a contract for engineering services and to prepare construction drawings and specifications that will be commensurate with the intended development.

Prior to providing P.L. 566 cost sharing for facilities, the local organization and the Service will agree on specifications for the type and quality of facilities. If local organizations desire to install a greater number or more elaborate facilities than those which meet Service standards for cost sharing, they may do so if they bear the additional costs.

8.05 - RECREATION OR FISH AND WILDLIFE BENEFITS - These benefits stem primarily from the public enjoyment of water-related recreational opportunities including sport fishing and hunting. The procedure for estimating and describing these benefits is given in this Handbook and in the Economics Guide.

8.051 - Evaluation of Benefits -

8.0511 - Use by the General Public - Monetary benefits from the recreational or fish and wildlife use of project works of improvement by the general public may be used for project justification. These may include benefits achieved by incorporating recreation or fish and wildlife as a planned purpose of the project. Benefits will be based on the value of a recreation visit and the estimated number of visits annually. A recreation visit is defined as a visit by one person to a recreational or fish and wildlife site during a day regardless of how long he stays or in what kind of recreational or fish and wildlife activity he may participate. The value assigned per recreation visit will be based on the degree to which facilities are developed to serve the various kinds of recreational uses.

8.0512 - Fish and Wildlife Habitat Improvement - Because of the long history of federal and state participation in measures to enhance fish and wildlife resources, the Secretary of Agriculture has determined that benefits shall be considered at least equal to the costs for the purpose of economic justification when (1) state and local organizations agree to the SCS requirements for local cooperation; (2) fishing and hunting are either not permitted or the benefits cannot be fully evaluated; and (3) the measures are managed in the public interest by a local organization authorized by state law (usually a state agency) to install and maintain measures for fish and wildlife resource preservation. The benefits from these measures shall be described in the watershed work plan but no attempt shall be made to place a dollar value thereon or derive a benefit-cost ratio for this aspect of the watershed project.

8.06 - CRITERIA FOR PROVIDING P.L. 566 ASSISTANCE - The following criteria shall be observed in providing assistance for measures which are included in watershed projects for recreation and fish and wildlife.

8.061 - General - To be eligible for assistance, measures for recreation and fish and wildlife must be an integral part of a watershed project which includes structural measures providing substantial benefits for flood prevention, irrigation or drainage, or any combination thereof. P.L. 566 financial assistance for recreation and fish and wildlife in any plan may not exceed 30 percent of the total estimated P.L. 566 project cost without prior approval by the Administrator.

8.0611 - Public Use - The improvement must be available to the general public (not limited to certain classes or organized groups) unless the improvement is for fish and wildlife propagation. Applicable state laws and regulations must be followed in providing public access for public purposes.

8.0612

8.0612 - Public Health - Adequate sanitary facilities must be provided to serve the public use contemplated. If public use is not contemplated, adequate provisions should be made to exclude the public, if necessary, to prevent the creation of unsanitary conditions. The provisions relating to the prevention, control, and abatement of water pollution set forth in Executive Order 11507 and 11514 must be complied with (see WPH Appendix 4). Water resource improvements must meet the requirements of state and local health departments. In the absence of, or in addition to such requirements, standards, and practices recommended in Department of Health, Education and Welfare Publication No. (HSM) 72-10009, "Environmental Health Practice in Recreational Areas," should be used as a guide to the planning, design, operation, and maintenance of recreation areas.

8.0613 - Water Rights - Water rights will be provided, if required, for the quantity, seasonal use, and storage of water to supply the contemplated needs.

8.0614 - Land Rights - Fee simple title is required for all privately owned land acquired for recreation or fish and wildlife purposes in a water resource improvement or a project development where P.L. 566 cost-sharing assistance is provided for the recreation or fish and wildlife purpose. Fee simple title is preferred for all non-federal public land needed; however, if it is not feasible to obtain fee title to non-federal public land required, the granting of a perpetual easement generally will suffice. An acceptable permit from the agency administering the land will be sufficient for land rights required on federally-owned land.

Rights-of-way required for public utilities, such as power lines and pipe lines, needed to serve the recreational area must be acquired by at least a perpetual easement.

Construction of private facilities within the minimum land rights boundary is prohibited except for essential service facilities which are constructed or operated by private concessionaires on a controlled permit basis to serve the planned use of the improvement or development.

8.0615 - Sponsors Financing and Operating - The sponsors must present satisfactory evidence that they have the financial capacity to meet the local share of costs and the legal authority, experience, and capability to install, operate and maintain the improvement or development.

8.062 - Water Resource Improvements - There is no limit with respect to the number of recreation or fish and wildlife water resource improvements that may be included in a project. However, the cost limitation set forth in paragraph 8.061 does apply. The requirement for added storage capacity set forth in paragraph 1.205 is applicable.

There are no minimum requirements for increasing the surface area of the sediment pool for use as a recreation or fish and wildlife pool, unless the improvement is part of a project development; then a reservoir must provide for a substantial addition to the surface area that would otherwise be occupied by the sediment pool at the end of the evaluation period. It will be considered that this requirement has been met if the surface area of the sediment pool is increased by at least 50 percent providing that the enlarged pool has a surface of at least 50 acres. If this requirement is not met, the local organization may submit a proposal and statement of justification for consideration by the Administrator in determining the eligibility of the development.

108.0621 - Criteria Applicable to Reservoirs - The following criteria are applicable to a reservoir water resource improvement for which PL-566 financial construction assistance is to be provided but which is not part of a project development.

a. The plan will provide for sponsors to furnish adequate facilities for the anticipated recreational use without PL-566 cost sharing assistance.

b. The plan will provide for sponsors to acquire land rights on nonpublic lands, without PL-566 cost sharing assistance, as follows:

(1) By fee simple title for the dam site, spillway area, and land in the reservoir area up to at least the designed maximum water elevation reached during passage of a 100-year frequency storm, or 100 feet horizontally from the perimeter of the designed permanent pool, whichever is greater, except that acquisition by fee title may be terminated 200 feet upstream from the head of the beneficial pool in each arm of the reservoir.

(2) By fee title for additional area needed for public access and use of the pool and adjacent shore, and to extinguish outstanding rights and prevent future development that would impair the planned use of the site, and

(3) By fee title or easement for all additional areas needed to meet the land rights requirements established by the state conservationist in compliance with 101.111 of this handbook.

c. Nonfederal public lands should be acquired in fee title, if this is not feasible, the granting of a perpetual easement generally will suffice.

d. If federal land is involved, the plan will provide for sponsors to arrange with the land administering agency for use of the land for the water resource development by agreement or permit as provided in 108.0614.

108.0622 - Criteria Applicable to Streams - For stream channel modifications, land rights on areas in addition to those the state conservationist determines to be needed in accordance with the criteria in 101.112 will be acquired, to the extent they are

necessary to insure use of the improvement by the general public or for protection of wildlife habitat if habitat improvement is involved.

An acceptable permit from the agency administering the land will be sufficient for land rights required on federally owned land. If it is not feasible to obtain fee title to non-federal public lands required for the development, the granting of a perpetual easement generally will suffice.

Adequate facilities for the anticipated recreational use will be provided and included in the plan.

108.0623 - Criteria Applicable to Private Developments -

If sponsors grant permission to any individual, group, corporation, or other interest to add storage capacity to a reservoir improvement involving P.L. 566 financial or credit assistance for purposes such as private recreation or nonagricultural land value enhancement, the sponsors are required to:

1. Acquire land rights, in the name of the sponsors, that will be adequate to:

a) Permit public access to the entire reservoir surface.

b) Provide access corridor(s) of adequate width and quality to safely accommodate public use of the site to one or more locations on the reservoir perimeter.

c) Provide space for parking areas and sanitary and other facilities needed to accommodate the public.

2. Obtain water rights as required by state law for the planned use.

3. Provide public access, without discrimination, to the area described in item 1 and to any facilities thereon.

4. Provide an adequate parking area and boat launching ramp where needed to accommodate the public.

5. Provide and maintain adequate public sanitary facilities and comply with local and state safety and health regulations.

6. Be responsible for all costs related to the additional storage and for all costs of facilities and access to be used by the general public.

7. Limit the charge of admission and use fees to the amount necessary to amortize costs and to provide adequate operation and maintenance.

8. Prohibit construction of private facilities on public use areas and prohibit construction of any facility on the dam and appurtenances thereto.

9. Limit the installation of private facilities on the periphery of the reservoir to those meeting Service criteria established to insure the proper functioning of the structure and to protect the quality of the environment.

108.063 - Recreational Facilities - Facilities are eligible for P.L. 566 assistance when they are part of a project development. Only those facilities owned, operated and maintained by the sponsoring local organization are eligible for cost sharing. Eligible facilities may include:

a. Site preparation, including land clearing, shaping and disposal of material necessary for installation of approved recreational and service facilities.

b. Roads, trails, paths, and walks providing access from improved public highways and between different parts of the development. (Includes bridges, culverts, guard rails and barriers, and other necessary related facilities.)

c. Parking areas (including bumper guards, spurs in camping areas, barriers, and vegetative "islands").

d. Scenic overlooks, including observation towers, platforms or shelters, as appropriate.

e. Trails for horseback riding, hiking, bicycling, off-road vehicles, and environmental education.

f. Public water supply facilities and distribution lines, preferably underground. This may include drinking fountains, hose connections, etc., and development of a water source with associated equipment such as pumps, pressure tanks, pump houses, chlorinators, etc.

g. Electric power facilities (preferably underground), including night lighting facilities necessary for health and safety and electric hookups for camping areas.

h. Sanitary facilities, including rest rooms, showers, laundry rooms, sewage and garbage disposal; treatment systems including sewer lines, lift stations, treatment plants, septic tanks, disposal fields, hookups, and dumping stations; incinerators; and trash and garbage stands and containers.

i. Beach developments, including water treatment facilities and lagoons created by use of sheet piling or dikes to isolate swimming waters from a lake or stream. Appurtenant facilities, such as bath houses, lounging lawns, life guard towers and chairs, diving platforms, life rings, safety ropes and marker buoys, retaining walls and bulkheads, chlorinators, and surface water disposal measures are included.

j. Boat launching ramps, docks and piers.

k. Fish cleaning facilities.

1. Picnicking and camping facilities, such as:

1. Tent mounds or platforms.
2. Picnic tables (surfaced bases optional).
3. Fireplaces or grills and campfire rings.
4. Group picnic shelters and/or individual table shelters at picnic area where climatic conditions warrant.
5. Sanitary, parking, water, and power facilities.
6. Associated playgrounds, athletic fields or courts, and permanent-type playground apparatus.

m. Landscaping and other vegetative treatment, shoreline improvement, land stabilization, and other measures to preserve, protect or enhance the appearance and use of the area.

n. Exterior fences, entrance control gates and booths, cattle guards, and other facilities to protect the development and/or adjacent lands. Service equipment buildings limited in size and features to that necessary for the cost-shared development, and fences necessary for control and safety of swimming beaches are also eligible.

o. Appropriate identification, location, and directional signs. (Ref. Administrative Services Memorandum - 37)

p. Other similar or related permanent-type facilities needed for public health and safety, access to, and use of a development.

8.064 - Ineligible Works of Improvement -

8.0641 - Ineligible for Assistance - The following measures are ineligible for PL-566 installation assistance: golf courses, swimming pools, dining halls, concession buildings, cabins, motels, administration or community buildings, dance pavilions, caretakers' residences, boathouses, ski facilities, riding stables, stadiums, athletic fields or courts (except those in connection with camping or picnic areas and intended primarily for users of such facilities), sports floodlighting, artificial skating rinks, amphitheaters, operating equipment (e.g. tools, mowers, vehicles, washing machines and dryers, vending machines, etc.), facilities for the artificial propagation of fish and wildlife such as fish hatcheries and rearing ponds, and similar or related facilities. The Service may agree for these measures to be located on PL-566 cost-shared land provided they do not interfere with the intended use and function of eligible facilities. The state conservationist is the designated official to review, and act on requests for inclusion of ineligible measures on PL-566 cost-shared land. Agreements with watershed sponsors must provide for review and approval of the type, location, and quality of the measures by the responsible state conservationist.

If measures that are ineligible for assistance are permitted to be installed they must meet all requirements of a project development. The measures must be open to the general public without regard for race, color or national origin. They must also be operated and maintained in a manner that does not conflict with any of the provisions of the operation and maintenance agreement and that is satisfactory to the watershed sponsors.

108.0642 - Ineligible for Financial Assistance - The costs of the following items for recreation and fish and wildlife are ineligible for P.L. 566 financial assistance but are eligible for credit assistance:

a. Land acquired for the project development in addition to the land for which cost-sharing assistance is provided.

b. All flowage easements including acquisition by fee title when used as a substitute for flowage easements.

c. All other non-federal costs for project measures for recreation or fish and wildlife.

108.0643 - Ineligible for Inclusion in Watershed Work Plans - Works of improvement that do not meet the requirements specified in paragraph 101.012 are ineligible for inclusion.

108.07 - P.L. 566 ASSISTANCE FOR RECREATION OR FISH AND WILDLIFE - P.L. 566 assistance for project recreation or fish and wildlife developments or water resource improvements shall be guided by the following:

108.071 - Construction and Engineering Costs -

a. P.L. 566 cost sharing shall not exceed 50 percent of the construction cost plus the full cost of engineering services for water resource improvement measures which are allocated to recreation or fish and wildlife.

b. P.L. 566 cost sharing for the construction costs of recreational facilities will not exceed 50 percent. For engineering services, Service personnel may assist, as available, with on-site locations and designs. If the local organization does not have a regularly employed staff, it should secure engineering and architectural services from other sources. The P.L. 566 cost sharing will not exceed 50 percent of the payments made for such engineering and architectural services.* In no event may P.L. 566 funds pay more than 50 percent of the total engineering services cost for facilities.

108.072 - Land Rights Costs - Project Developments Only - Land rights are eligible for cost sharing when the works of improvement are included in a project development, subject to the following:

a. P.L. 566 cost sharing shall not exceed 50 percent for the cost of land rights acquired in fee title or land rights acquired by perpetual easement for public utilities by the sponsoring local organizations for public recreation or fish and wildlife purposes.

b. Areas acquired by flowage easements are not eligible for cost sharing (see paragraph 108.0642b).

c. In a project development involving a reservoir for recreational use the sponsoring local organization must acquire sufficient land rights in fee simple title to provide for public use of and protection for the development. This will include the dam site, spillway area, all lands up to the level of the uncontrolled outlet for floodwater release in the principal spillway, and such additional lands above this level as may be required (1) to allow public use of the shoreline contiguous to the pool, (2) to provide access to all planned facilities for which P.L. 566 cost sharing is provided at any water stage, and (3) to prevent private property development that would impair the public's full use of the reservoir within and immediately contiguous to the storage pool at any water stage. These requirements will be considered as being met if land rights are acquired for a development area defined by the contour line at the elevation of the crest of the emergency spillway, or 100 feet horizontally from the perimeter of the permanent pool at its normal stage, or to the maximum elevation attained by the water surface in the reservoir during passage of the emergency spillway hydrograph (without regard to backwater effect), whichever is greatest. Where not needed for recreational use, this line may be terminated 200 feet upstream from the head of the water supply pool in each arm of the reservoir. In lieu of fee simple title, flowage easements may be acquired for the balance of the reservoir area to meet the requirements established by the state conservationist in compliance with paragraph 101.111 of this handbook provided outstanding rights in these areas will not conflict with public use of the development. Except as needed for public utilities (see 108.0614), areas acquired by easement are not eligible for cost sharing. Any proposal which does not meet these requirements, or which provides for cost sharing in excess of these requirements, must be submitted to the Administrator for individual consideration and approval.

The cost of land rights needed for recreational facilities outside the requirements for the reservoir may also be eligible for P.L. 566 cost sharing under the following conditions:

1. The land is acquired in fee title and adjoins the reservoir area.
2. The area is limited to that required for facilities, recreational use, and buffer area. The maximum area is limited to twice the area of the permanent recreational or fish and wildlife pool plus such additional land as is needed for access roads. An exception to this requirement may be granted by the Administrator on the basis of proposals made by the local organization.
3. At least one access road is provided to all principal recreational areas. Existing public roads may be improved with cost sharing assistance to serve as access roads. Payment for the right to use such roads is not eligible for PL-566 cost sharing assistance.

The cost of land rights for a fish and wildlife development for habitat improvement is eligible for cost-sharing assistance. The amount of lands eligible for cost-sharing assistance will be determined by the Administrator on a case-by-case basis based on justification presented.

When capacity for purposes other than flood prevention (such as municipal or industrial water supply, irrigation, or water quality control) is included in a multiple-purpose reservoir, the P.L. 566 share of the cost of land rights acquired in fee title for the entire reservoir shall be less than 50 percent. In this instance, the P.L. 566 share of the cost of land rights shall not exceed one-half of the percentage determined on the basis of the total eligible area required for the dam and reservoir minus the reservoir area for other purposes divided by the total eligible area. Only those areas to be acquired by fee title shall be used in this determination. For example, if the total area acquired in fee title is 1,000 acres and the area between the top of the recreational or fish and wildlife pool and the top of the water supply pool is 200 acres, 800 acres or 80 percent of the total area occupied by the recreational or fish and wildlife pool is eligible for cost sharing, or an equivalent of 40 percent cost sharing from P.L. 566 funds for the entire area.

d. In a project development involving a stream, natural lake, or marsh, the following requirements must be met as a condition to cost sharing for land rights:

1. The recreation or fish and wildlife use will be associated with the stream, natural lake, or marsh.

2. The land rights are clearly required to meet the needs established for the project development.

3. The stream, natural lake, or marsh contains an adequate quantity and quality of water to support the proposed use or can be made adequate.

4. Provisions are made for the installation of the facilities needed for the intended use.

5. Cost sharing for land rights will be limited to that required for access roads and not more than 50 acres per mile of stream or lake shoreline for both the water resource improvement and facilities. Specific exceptions may be made by the Administrator on the basis of proposals by the local organization, such as marsh or wetland areas adjacent to proposed channel work where dikes, water control structures, etc. will be used to improve the area for recreation and fish and wildlife.

e. P.L. 566 funds cannot be obligated for sharing in the cost of land rights for a project development until the project is approved for operations and prerequisites for entering into a land rights agreement have been satisfied. (See chapter 2, Section 2000 of the Administrative Services Handbook.) Sponsors need not delay in acquiring land rights until the project is approved for operation. However, they must understand that they proceed with acquisition of land rights at the risk that the project may not be approved and SCS cost-sharing funds will not become available. This possibility must be recognized. Also, the sponsors must understand that the value of the land upon which

P.L. 566 cost sharing is provided must be in accordance with SCS policy and procedures enumerated in paragraphs 2215 through 2215.11, Part 2, ASH. With full knowledge of these implications it may be of considerable advantage to the sponsors to proceed with land rights acquisition as soon as they have been provided the land rights work map.

f. P.L. 566 assistance shall not exceed 50 percent for the cost of appraisals for determining the fair market value of land included in the development and on which there is P.L. 566 cost sharing for the acquisition.

g. No cost sharing will be provided for the cost of land rights acquired by the local organization prior to the date of authorization for planning assistance under P.L. 566 or prior to the date planning was initiated in a subwatershed of the eleven authorized watershed projects.

h. No cost sharing will be provided for the engineering, legal, or administrative costs incurred by the local organizations for acquiring land rights. (Does not apply to land rights appraisal costs when land rights cost sharing is approved or to other direct costs related to expert testimony by appraiser(s) in the acquiring agency's behalf.)

8.073 - Relocation Payments - P.L. 566 will share in the cost of relocation payments to displaced persons, businesses, and farm operations in accordance with the provisions of paragraph 103.031d. Availability of P.L. 566 cost sharing covered in paragraph 108.072c applies to relocation payments also.

8.074 - Loans - Loans may be made available to help local organizations meet their share of the installation cost of recreation or fish and wildlife measures.

8.075 - Agreements Required - P.L. 566 financial assistance will be provided only under appropriate agreements executed by a sponsoring local organization and the Soil Conservation Service. These agreements are:

a. A Project Agreement which provides for the installation of works of improvement.

b. An Agreement for Engineering Services which provides for engineering services.

c. A Relocation Agreement which provides for furnishing authorized benefits to displaced persons.

d. A Land Rights Agreement which provides for cost-shared land rights.

e. An Operation and Maintenance Agreement which provides for the operation and maintenance of the works of improvement. This agreement will require special agreements with secondary recipients (such as concessionaires) which will include a provision that facilities be operated in accordance with the Civil Rights Act of 1964.

108.08 - USE OF FEDERAL AID IN FISH AND WILDLIFE RESTORATION FUNDS -
The Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service,
U.S. Department of the Interior has advised that federal aid in Fish
and Wildlife Restoration funds may be used to finance an appropriate
part of the cost of units of the P.L. 566 program, subject to the
following conditions:

a. Pittman-Robertson funds may not be used to mitigate losses to wildlife habitat and Dingell-Johnson funds may not be used to mitigate losses to fishery habitat resulting from small watershed programs. A proposal to develop waterfowl habitat within a watershed where a P.L. 566 project will cause substantial losses to waterfowl habitat may not be approved. Conversely, in small watershed projects where channel modification or other activities will create losses to fishery habitat, Dingell-Johnson funds may not be used to construct fishing impoundments or improve streams unless these losses are replaced with funds from other sources. Under such conditions, it may be possible to use Pittman-Robertson funds to improve waterfowl habitat. All project proposals shall continue to be justified on the basis of expected benefits derived from the particular program funds expended.

b. When Dingell-Johnson or Pittman-Robertson funds are used to supplement other federal funds in financing fish and wildlife restoration features, the combined federal funds shall not exceed 75 percent of the costs of such features. The term "federal funds" is intended to mean federal funds from all sources including those made available from P.L. 566 and the Pittman-Robertson and Dingell-Johnson programs.

c. Lands, water, and facilities provided by the small watershed program must be open to the public when hunting and/or fishing is permitted, as a condition of utilizing Pittman-Robertson and Dingell-Johnson funds. This does not prohibit a state from managing an area as a refuge if such a feature is needed and justified.

d. The costs of lands or interests in lands needed in connection with works of improvement (including lands needed for public recreational purposes) included in small watershed projects carried out under P.L. 566, as amended, may not be borne in any degree by federal aid in Fish and Wildlife Restoration funds. This includes lands for fish and wildlife recreation. Funds could be used to purchase lands separate and apart from those needed for works of improvement included in the small watershed work plan. Such lands might be those needed to provide an access road, parking area, camping site, or additional lands above the impoundment that would be of particular value for upland game or waterfowl restoration projects.

e. Fees, if any, charged for access by the public to areas where federal aid in Fish and Wildlife Restoration funds have been or are to be invested, must be modest in rate and limited in total to the amounts required to recover no more than the non-federal share of construction costs allocated to fish and wildlife together with the non-

federal share of operation and maintenance costs. This condition is imposed as protection against the assessment of user fees on hunters and fishermen to repay the costs of lands which the local sponsors must contribute without cost to the federal government and to reduce the likelihood of charges for improvements or services that are not essential for hunting and fishing. This does not mean that a state or concessionaire cannot charge for the use of improvements or facilities such as boats, picnic areas, and swimming beaches not financed with federal aid funds provided they are not a prerequisite payment to gain access for fishing and hunting.

108.09 - LOCAL RESPONSIBILITIES - Local organizations must assume the following responsibilities for recreation or fish and wildlife.

108.091 - Non-federal Land

a. Pay all the engineering, legal, or administrative costs it incurs in acquiring land rights.

b. Acquire or provide assurance that landowners or water users have acquired necessary water rights.

c. Obtain agreements for soil conservation measures above retention reservoirs.

d. Defray costs of operation and maintenance.

e. Provide for public access and use except for those project developments installed and maintained for fish and wildlife resource preservation.

f. Provide engineering and architectural services for recreational facilities from its regularly employed staff, if available, without P.L. 566 cost sharing.

g. Pay at least 50 percent of the

1. Construction cost for the water resource improvement allocated to recreation or fish and wildlife purposes;

2. Construction cost for recreational facilities and land rights costs allocated to recreation or fish and wildlife purposes which are included in a project development. Local organizations must bear 100 percent of those costs for measures not part of a project development.

3. Cost of engineering services for recreational facilities when the sponsoring local organization does not have a regularly employed staff with this capability.

h. Provide necessary relocation assistance advisory services and pay the non-federal share of relocation payments in accordance with P.L. 91-646.

8.092 - Federal Land - Local organizations must assume the same responsibility for structural measures on federal land as they would if the measures were installed on non-federal land, except for -

a. Relocation responsibilities under P.L. 91-646 where the purpose causing the displacement is for the benefit of the federal land administering agency's program, such as a project measure on National Forest land.

b. The performance of operation and maintenance on structural measures on federal land. Local interests will be expected to participate in the costs of operation and maintenance to the extent that benefits accrue to non-federal beneficiaries.

8.10 - OPERATION REQUIREMENTS - Local organizations may charge admission or use fees provided such fees do not produce revenues in excess of the local organizations' requirements to amortize their investment and provide adequate operation and maintenance. Where private concessionaires are involved, local organizations will be required to establish a schedule of maximum admission or use fees which may be charged to yield a reasonable profit to the concessionaire. The schedules of admission and use fees together with other requirements for operation and maintenance of the fish and wildlife or recreational facilities must be mutually agreed to by the local organization and the Service and set forth in the Operation and Maintenance Agreement. Prior approval by the Farmers Home Administration must also be obtained in those cases where a watershed loan will be made and repaid from project revenues.

Local organizations must agree that all land acquired or improved with P.L. 566 financial or credit assistance will not be sold or otherwise disposed of for the evaluated life of the project except to a public agency which will continue to maintain and operate the development in accordance with the Operation and Maintenance Agreement. Any lease contract of land for concessions for purposes such as lunch stands, boat rental docks, etc. must require the lessee to operate the concession in accordance with the Civil Rights Act of 1964.

8.11 - RESERVOIR OPERATION - Water stored in recreation pools of multiple-purpose reservoirs with P.L. 566 assistance should not be withdrawn and used for any other purpose.

Reservoir operation studies should reflect the evaporation and seepage losses expected under operational conditions so that the anticipated requirements for water supply can be met without encroaching on the recreation pool. Additional storage should be provided to offset expected evaporation and seepage losses. This capacity should be distributed equitably to recreation and other beneficial purposes served.

To insure against withdrawal of public recreation or fish and wildlife water, work plans should specify the operating plan for the reservoir including, but not limited to:

a. Showing the capacity provided for municipal water or other conservation use and its normal operating range in surface area and elevation. (The lower end of the range will be the top elevation of the capacity provided for public recreation or fish and wildlife including that for evaporation and seepage.)

b. Showing the capacity (including that for evaporation and seepage losses) which is provided for public recreation or fish and wildlife and its range of surface area and elevation when the reservoir is operated in the normal range. (The lower end of the range will be at the dimensions remaining after all capacity for evaporation and seepage losses and municipal water or other conservation use have been evacuated and must be above the elevation of the sediment pool unless the water stored for recreation or fish and wildlife is intended to be used to augment streamflow.)

c. Providing for the local organization responsible for the structure to notify the Service, through the state conservationist, whenever the reservoir is operated below the specified ranges, and to participate with him in determining whether there is a continuing need to so operate it. If it is found that there is a continuing need for the use of the recreation or fish and wildlife storage for municipal or industrial purposes, show that the sponsoring local organization agrees to reimburse the Federal Government for all P.L. 566 funds used for the public recreation or fish and wildlife costs associated with the reservoir (construction, engineering services, land and facilities).

8.12 - APPROVAL FOR EXCEPTIONS - Some recreation and fish and wildlife proposals may involve exceptions to the provisions stated in this chapter of the Handbook. Exceptions noted in paragraphs 8.061, 8.062, 8.0641, and 8.072c require preliminary approval of the Administrator before the proposal is included in a draft work plan or supplement and before commitments are made with the local organization.

When preliminary approval is required, the concerned state conservationist will submit the proposal to the Administrator. The proposal must include a full explanation of the nature of the exception and an adequate explanation of the need for the exception. The state conservationist will also send a copy of the proposal to the RTSC serving his state. The RTSC will review the proposal and transmit the comments to the Watershed Planning Division for consideration in evaluating the proposal.

9. M & I Water Supply

WATERSHED PROTECTION HANDBOOK

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WATERSHED PROTECTION HANDBOOK

PART 1 - PLANNING AND OPERATIONS
CHAPTER 9 - MUNICIPAL OR INDUSTRIAL WATER SUPPLY

109.01 - MUNICIPAL OR INDUSTRIAL WATER SUPPLY - These purposes fall under the broad heading of non-agricultural water management. Projects will not be developed exclusively to provide facilities for municipal or industrial water supply. Storage to serve these purposes, however, may be incorporated in multiple-purpose structures that are an integral part of a plan for the protection and improvement of an entire watershed or subwatershed area through flood prevention, irrigation, or drainage, or any combination thereof.

109.02 - CRITERIA FOR PROVIDING ASSISTANCE - In order that measures for municipal or industrial water supply may be eligible for inclusion in watershed projects the sponsoring local organization must:

- a. Provide, without reimbursement, professional engineers or other technical specialists as required by the Soil Conservation Service to (1) develop the features of a watershed work plan relating to municipal or industrial water supply, and (2) prepare final plans and specifications for installation of those measures.
- b. Present satisfactory evidence that the proposed water supply will be adequate in quantity and quality to meet the anticipated needs, and that the site has the ability to hold water.
- c. Evaluate the monetary benefits and present satisfactory evidence in support of its evaluation.
- d. Present satisfactory evidence that rights are held or can be obtained by landowners, or their organizations for the quantity, seasonal use, and storage of water to supply the contemplated needs.
- e. Present satisfactory assurances that the owners of water rights are agreeable to such changes, exchanges, waivers, or modifications of their rights as may be required for the effective functioning of the contemplated improvements.
- f. Present satisfactory assurances that it has the funds available or financial capacity to meet the entire installation cost for the contemplated improvements or to repay a loan for such costs.
- g. Furnish a written statement for inclusion in the work plan that they intend to use the water from the storage capacity provided for future use within the life of the reservoir, when applicable.

h. Present satisfactory assurances that fifty percent of the land above each retention reservoir involving storage of municipal or industrial water supply shall be covered by conservation plans.

109.03 - WORKS OF IMPROVEMENT - Works of improvement generally consist of providing additional storage capacity in multiple-purpose reservoirs to increase the availability of water for present and/or future municipal or industrial use. This may include needed outlet works and pipelines to convey water from the reservoir to the existing or proposed treatment facilities or water system. It also may include special features in project structures to permit increasing their capacity at a later date.

109.031 - Provisions for Storage Capacity in Structures for Future Municipal or Industrial Use - Section 104 of Public Law 87-703, approved September 27, 1962, which amends Public Law 566, authorizes the Secretary of Agriculture to pay in the form of an advance up to 30 percent of the total installation cost of any structure for including storage capacity to meet anticipated future demands or needs for municipal or industrial water. The advance must be repaid in full during the life of the project.

a. Storage capacity may be included for both immediate and future municipal or industrial use in the same reservoir. Capacity for future municipal or industrial use also may be included in reservoirs providing capacity for immediate use for flood prevention, irrigation, fish and wildlife, or recreation purposes, or any combination of these purposes even though no capacity for immediate municipal or industrial use is included.

b. Subject to the usual approval procedures, individual structures (including new structures) in projects already authorized for installation of works of improvement may include provisions for storage capacity for future municipal or industrial use provided a construction contract has not been executed for the specific structure.

109.032 - Ineligible Works of Improvement

109.0321 - Ineligible for Assistance - The following works of improvement for municipal or industrial water supply are ineligible for assistance from funds made available under authority of the Act:

a. Water treatment plants and pipelines or other facilities for distributing water in urban, suburban, or other non-rural areas substantially developed for residential and commercial uses.

b. Electric generating, transmission, and distributing facilities.

c. Independent or interdependent groups of measures that do not directly benefit two or more beneficiaries.

109.0322 - Ineligible for Inclusion in Watershed Work Plans - The following works of improvement may not be included in watershed work plans prepared under authority of the Act:

a. Measures that are not an integral part of a watershed project also serving flood prevention, irrigation, or drainage purposes, or any combination thereof.

b. Structures providing more than 12,500 acre-feet of floodwater detention capacity and/or 25,000 acre-feet of total capacity, including modifications of existing structures exceeding these limitations.

c. Reservoirs on channels at locations draining more than 250,000 acres.

109.04 - PROJECT FORMULATION - Proposals to meet the needs for municipal or industrial water supply in a watershed project are to be formulated to include physically and economically feasible measures that will provide the optimum solution of water problems in a watershed community. These measures must be planned in consideration of their efficient operation as an addition to measures serving flood prevention, irrigation, or drainage purposes, or any combination of these purposes. Within this framework, and consistent with the objectives enumerated in Chapter 2, Part 1 of this Handbook, some of the primary considerations in formulating these aspects of project development are set forth in the following paragraphs.

109.041 - Criteria for Formulating M & I Aspects of Projects - The following criteria shall guide the formulation of measures serving municipal and industrial water supply needs in watershed projects:

a. Flood prevention, irrigation, or drainage, or any combination thereof, together with the land treatment measures serving these purposes, are the basic element of a watershed project and shall be considered the initial increment for project formulation.

b. The feasibility of providing additional water storage for municipal or industrial use shall be based on the relative need for water, within the limits of the available supply, to serve the other purposes included in a watershed project.

c. Consideration shall be given to both immediate and anticipated future water requirement, and the proposed development of the available water resource should be directed toward providing optimum use.

d. Consideration shall be given to the additional non-project measures required to utilize fully the proposed development and to the ability of the sponsors to install and operate these measures.

e. All planned improvements must be installed, operated and maintained in accordance with State law. State health standards must be met.

109.042 - Procedures for Formulating Projects Containing M & I Water Supply Measures - Local organizations should be encouraged to develop potential multiple-purpose sites to meet anticipated municipal and industrial water supply needs. The broadened authority contained in Section 104 of the Food and Agriculture Act of 1962 provides favorable financial arrangements to local organizations to encourage this maximum resource development. The following procedures will be used in formulating systems of measures to serve these needs:

a. Reach agreement with the sponsoring local organizations on the objectives to be met by the measures:

(1) Type of development.

(2) General location and number of people to be served by each proposed development.

(3) Amount and quality of water needed to meet the projected needs.

(4) Adequacy of existing distribution and treatment facilities to meet requirements of proposed development.

b. Determine the extent to which the needs for water can be met in consideration of water rights, water yield, and water quality; existing or proposed uses for other purposes; and existing or proposed distribution and treatment facilities.

c. If it is determined that the need for water can be met, develop the least costly system of measures (including installation, operation, maintenance, and replacement) that will meet the need.

d. Request the sponsoring local organization to evaluate the benefits that will accrue to each proposed development. If these benefits are acceptable to the Service and exceed the cost of the development, the measures may be included in the watershed project.

e. Proposals by local organizations for including storage capacity in reservoirs for future municipal or industrial water supply to be financed by an advance will be transmitted to the Administrator of the Soil Conservation Service. Prior to transmittal to the Administrator, the proposals must be concurred in by

the State Conservationist and the FHA State Director, following the procedure outlined in paragraph IIB of FHA instructions 447.1. Commitments will not be made with local organizations before their proposals have been approved by the Administrator.

109.05 - MUNICIPAL OR INDUSTRIAL WATER SUPPLY BENEFITS - These benefits stem from the improvement, development, or utilization of water. They include the values created by the more efficient utilization of available water supplies by nonagricultural interests which often contributes to expanded economic growth and development of urban areas.

109.06 - EVALUATION OF BENEFITS - The monetary value of the benefits accruing to M & I water supply purposes will be determined by the sponsoring local organization and must be satisfactory to the Soil Conservation Service.

109.07 - P. L. 566 ASSISTANCE FOR MUNICIPAL OR INDUSTRIAL WATER SUPPLY - P. L. 566 assistance for M & I water supply purposes is limited to loans or advancements to be repaid in not more than 50 years from the date when the principal benefits first become available, with interest. The applicable rate will be announced by Advisory Notice from time to time. The following modification may be made when storage capacity for municipal or industrial water for future use is a provision of the proposed project:

a. P. L. 566 advances for future municipal or industrial water supply will be limited to the cost allocated to the storage capacity provided in a structure for this purpose and the cost of facilities for the release or withdrawal of water stored for water supply purposes when such facilities are part of the structure. P. L. 566 advances will not be used for conveyance facilities.

b. The maximum amount that may be advanced from P. L. 566 funds for storage capacity in any structure for future use will be 30 percent of the estimated total installation cost of each structure in which such capacity is provided. Costs in excess of this amount must be paid by the local organization during construction in the same manner as costs allocated to capacity for immediate use.

No loan or advancement for a single watershed work plan shall exceed five million dollars.

109.08 - LOCAL RESPONSIBILITIES FOR MUNICIPAL OR INDUSTRIAL WATER SUPPLY - Local organizations must pay the entire cost of installing and operating and maintaining works of improvement for M & I water supply purposes. They must also provide professional engineers or other needed technical specialists as required by the Soil Conservation Service to assist in developing the features of a watershed work plan relating to these purposes and in preparing final plans and specifications for their installation. When storage capacity for municipal or industrial water for future use is included in a project the following modifications may be made:

a. Local organizations will be responsible for projecting water supply needs, estimating benefits, and developing a schedule of future use and financing that will permit repayment of the cost within the useful life of the reservoir. This will include evidence that it is more economical to include provisions for future supply in the initial construction of the project than it would be to defer such provisions until the demand for the water supply arises.

b. When P. L. 566 advances for future municipal or industrial water supply are planned, local organizations must pay, before or during construction, all other installation costs of a structure, allocated to municipal or industrial water supply, including costs for land rights, water rights, storage capacity for immediate use for municipal or industrial water supply, and all conveyance facilities for municipal or industrial use; and their share of the costs allocated to other purposes. These costs may be financed through loans obtained in accordance with section 8 of the Act.

c. P. L. 566 advances for storage capacity for future municipal or industrial water supply must be repaid with interest by the local organization within the life of the reservoir but no later than fifty years after the reservoir is built. Interest will not be charged until the water supply is first used from such capacity or until ten years after the date of completion of a structure, whichever is earlier. If the water supply is not used during the ten-year interest-free period, interest will be charged after the tenth year. Ordinarily, payments of principal and interest will start one year after water is first used or eleven years from the scheduled completion date of a structure, whichever is earlier. The interest rate will be the rate determined in accordance with the provisions of section 8 of the Act.

d. Before execution of a project agreement, an agreement for repayment approved by the Farmers Home Administration must be executed by the local organization.

**10. Water Quality
Management**

WATERSHED PROTECTION HANDBOOK
PART 1 - PLANNING AND OPERATIONS
CHAPTER 10 - WATER QUALITY MANAGEMENT

NOTE: This chapter will be issued at a later date.

**11. Other Water
Management**

WATERSHED PROTECTION HANDBOOK
PART 1 - PLANNING AND OPERATIONS
CHAPTER 11 - OTHER WATER MANAGEMENT

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WATERSHED PROTECTION HANDBOOK

PART 1 - PLANNING AND OPERATIONS

CHAPTER 11 - OTHER WATER MANAGEMENT

111.00 - DEFINITIONS

111.001 - Water Management - In the broad sense water management includes measures for the conservation, development, utilization, and disposal of water for either agricultural or nonagricultural purposes.

111.0011 - Agricultural Water Management - Agricultural drainage and irrigation represent the main categories under agricultural water management. Chapters 6 and 7 of Part 1 of the Handbook are devoted to a discussion of those purposes. Other agricultural water management may include group water supply and distribution systems primarily for agricultural use in rural areas, recharge of ground water aquifers, salt water intrusion control, and stabilization of annual streamflow through phreatophyte control or other means for rural community use, livestock, orchard and crop spraying, and other similar agricultural purposes.

111.0012 - Nonagricultural Water Management - The principal categories of nonagricultural water management are recreation or fish and wildlife, municipal or industrial water supply, and water quality management. Each of these purposes is assigned full chapter status in Part 1 of the Handbook, namely: Chapter 8 - Recreation and Fish and Wildlife; Chapter 9 - Municipal or Industrial Water Supply; and Chapter 10 - Water Quality Management. Other nonagricultural water management may include measures for ground water recharge and salt water intrusion control serving nonagricultural interests.

111.01 - CRITERIA FOR PROVIDING ASSISTANCE - The following criteria shall be observed in providing assistance for other water management included in watershed projects. The measures must be an integral part of a watershed plan developed for flood prevention, drainage, or irrigation, or any combination thereof. To satisfy the requirements for local participation and carry out the assigned responsibilities, the sponsoring local organization(s) will:

a. Present satisfactory evidence that rights are held or can be obtained by the landowners or their organizations or associations for the quantity, seasonal use, and storage of water, if required, to supply the contemplated needs.

b. Present satisfactory assurances that the owners of water rights are agreeable to such changes, exchanges, waivers, or modifications of their rights as may be required for the effective functioning of the contemplated improvements.

c. Provide, without reimbursement, professional engineers or other technical specialists as required by the Soil Conservation Service to (1) develop the features of a watershed work plan relating to other nonagricultural water management, and (2) prepare final plans and specifications for installation of those measures.

d. Present satisfactory evidence that any proposed water supply for nonagricultural uses will be adequate in quantity and quality to meet the anticipated needs, and evaluate the monetary benefits accruing thereto.

e. Present satisfactory assurances that it has the funds available or financial capacity to meet the local share of costs for the contemplated improvements or to repay a loan for such costs.

f. Present satisfactory assurances that at least fifty percent of the land above each retention reservoir involving storage for other water management shall be covered by a conservation plan. When contemplated works of improvements do not involve storage reservoirs evidence must be presented that a substantial majority of the benefiting landowners and operators have or can be expected to adopt conservation plans to carry out the on-farm soil and water management measures necessary to assure the accrual of the potential benefits from the contemplated project improvements.

g. Present assurances that at least one of the sponsoring local organizations is legally qualified to represent the area to be benefited by increased ground water recharge, improved streamflow resulting from stabilization measures or phreatophyte control, or other increases in the currently available water supply.

h. Present evidence that the contemplated improvements and the number of beneficiaries are of such magnitude that the improvements would not normally fall within the scope of assistance currently being provided under pooling agreements with the Agricultural Conservation Program, or that might be carried out more advantageously under some other authority.

111.02 - WORKS OF IMPROVEMENT - Works of improvement for other water management consist of land treatment measures and structural measures that produce direct measurable benefits to groups of landowners, to communities, and to the general public.

111.021 - Land Treatment Measures - These measures are planned, installed, and maintained by individual or groups of landowners on their own farms or ranches to (1) make more efficient use of the water for contemplated purposes, (2) obtain maximum benefits for existing and proposed investments in water management developments, (3) realize the benefits used in justification of structural measures, or (4) prevent excessive runoff and sediment production that would adversely affect the water management improvements. On public land, they are planned, installed, and maintained by public land administering agencies.

111.022 - Structural Measures - These measures are installed and maintained on non-Federal land by responsible local organizations to serve groups of landowners. Individual landowners would not generally install them on their own land with the forms of assistance supplied directly to them under other national conservation programs. They ordinarily require group action for their installation and maintenance and always require group benefits for their justification. On Federal land, they are installed and maintained in accordance with mutually satisfactory arrangements between the sponsoring local organization, the land administering agency, and the Soil Conservation Service. They include, but are not limited to, (1) water supply reservoirs, (2) group distribution systems, (3) measures for control of saline water intrusion, (4) eradication of salt cedar and other phreatophytes, (5) water spreading systems and other measures to recharge ground water, and (6) such other measures needed to conserve and efficiently use present and potential water supplies for the planned agricultural or nonagricultural purposes.

111.023 - Ineligible Works of Improvement -

111.0231 - Ineligible for Assistance - The following works of improvement for other water management measures are ineligible for assistance from P.L. 566 funds:

- a. Independent, or interdependent groups of measures that do not directly benefit two or more beneficiaries.
- b. Storm and sanitary sewers.
- c. Drainage facilities primarily for non-rural areas.
- d. Water treatment plants and pipelines or other facilities for distributing treated water to the users. This does not exclude pipelines for distributing untreated water to agricultural users.

111.0232 - Ineligible for Inclusion in Watershed Work Plans - The following works of improvement may not be included in watershed work plans prepared under authority of the Act:

- a. Measures that are not an integral part of a watershed project also serving irrigation, drainage, or flood prevention purposes, or any combination thereof.
- b. Structures providing more than 12,500 acre-feet of floodwater detention capacity and/or 25,000 acre-feet of total capacity including modifications of existing structures exceeding these limitations.
- c. Reservoirs on channels at locations draining more than 250,000 acres.

111.03 - PROJECT FORMULATION - Systems of measures to meet agricultural and nonagricultural water management needs in addition to those discussed in Chapters 6 through 10 of Part 1 of this Handbook are to be formulated to include physically and economically feasible systems that will provide the optimum solution of the remaining water management problems of a watershed community. These measures must be planned in consideration of their efficient operation in conjunction with measures serving flood prevention, irrigation, or drainage purposes or any combination of these purposes. Within this framework and consistent with the objectives enumerated in Chapter 2 of Part 1 of this Handbook, some of the primary considerations in formulating systems of other water management measures are set forth in the following paragraphs.

111.031 - Criteria for Formulating Other Water Management Aspects of Projects - The following criteria shall guide the formulation of systems of measures for other agricultural and nonagricultural water management included in watershed projects:

a. The system of measures shall be formulated to make full and efficient use of the available water supplies for the intended purposes.

b. Flood prevention, irrigation, or drainage, or any combination thereof, together with the land treatment measures serving these purposes, are the basic element of a watershed project and shall be considered the initial increment for project formulation.

c. The estimated need for additional water for the intended purposes shall be based on a reasonable level of efficiency in conveyance and use.

111.032 - Procedures for Formulating Other Water Management Aspects of Projects - The following procedures will be used in formulating systems of measures to serve other agricultural and nonagricultural water management needs:

a. Reach agreement with the sponsoring local organization on the objectives to be obtained by the measures -

(1) General location, area, and farmers, rural residents, or nonagricultural interests to be served by the water management developments.

(2) Amount of water needed to meet the projected needs.

b. Determine the extent to which the needs for water can be met in consideration of water rights, water yield, water quality, and existing and proposed uses for other purposes.

c. If it is determined that the need for additional water can be met, develop the least costly system of structural measures (including installation, operation, maintenance, and replacement) that will meet this need.

d. Evaluate the benefits that will accrue from the system of structural measures. The sponsoring local organizations will be responsible for estimating the value of benefits accruing to rural community use and nonagricultural interests for consideration by the Service.

e. If the system of water management measures initially agreed upon is feasible and other needs exist, additional increments which produce benefits in excess of costs may be included in the project.

111.04 - OTHER WATER MANAGEMENT BENEFITS - These benefits stem from the improvement, development, or utilization of water. They consist primarily of increases in income, improved living conditions, and betterment of other social and economic aspects of the watershed community resulting from improved or more efficient use of available water supply.

111.05 - EVALUATION OF BENEFITS - Systems of measures for other water management must be evaluated in accordance with the principles and procedures set forth in Chapter 2 of this Handbook and the Economics Guide. Estimates of benefits mutually agreed upon by the sponsors and the Service will be used in economic evaluation, cost allocation and cost-sharing computations.

111.06 - P.L. 566 ASSISTANCE FOR OTHER WATER MANAGEMENT -

111.061 - Other Agricultural Water Management - Cost sharing from P.L. 566 funds shall not exceed 50 percent of the construction cost plus the entire cost of engineering services allocated to other agricultural water management.

111.062 - Other Nonagricultural Water Management - P.L. 566 assistance for other nonagricultural water management is limited to loans to qualified local organizations to help finance the local share of project costs set forth in approved watershed work plans (see paragraph 103.041).

111.07 - LOCAL RESPONSIBILITIES FOR OTHER WATER MANAGEMENT -

111.071 - Other Agricultural Water Management - Local organizations must pay at least 50 percent of the construction cost allocated to other agricultural water management.

111.072

111.072 - Other Nonagricultural Water Management - Local organizations must pay the entire installation cost allocated to other nonagricultural water management. They must also provide professional engineers or other needed technical specialists as required by the Soil Conservation Service to assist in developing the features of a watershed work plan relating to these purposes and in preparing final plans and specifications for their installation.

In addition to the local responsibilities set forth in the two preceding paragraphs the sponsoring local organizations must, with other than PL-566 funds, assume the following responsibilities for works of improvement installed on non-federal land: (1) acquire all necessary land rights; (2) acquire or provide assurance that landowners or water users have acquired necessary water rights; (3) obtain agreements for soil conservation measures above reservoirs; and (4) defray costs of operation and maintenance.

WATERSHED PROTECTION HANDBOOK

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12.052 - Assistance in Preparing Application - The organizations who have indicated an interest in sponsoring the application should be responsible for its preparation. This does not prevent them from seeking or receiving assistance from the SCS or other sources. Ordinarily the assistance provided for this purpose should be comparable to the type of assistance provided under other technical assistance programs, i.e., providing basic information for the application and technical guidance in its preparation.

The SCS will encourage the designated state agency to actively assist local organizations in preparing applications. The assistance will not only be helpful to the local organizations but will usually give the designated state agency an adequate basis for acting on the application.

12.053 - Signing the Application - The governing official of each local organization should sign the application and his authority to sign should be attested. Organizations not having the requisite authority to sponsor the application should be encouraged to support the watershed project by endorsing the application by letter. Endorsement letters may accompany but are not considered part of the application.

12.054 - Clearinghouse Review of Application - The sponsors should send a copy of the completed application to the state and areawide clearinghouses for a 30-day review period. Any comments received by or through the clearinghouses should be attached to the application, along with a statement that such comments have been considered prior to submission of the application. If no comments are received on the application, a statement should be added indicating that the procedures for informing clearinghouses of an intention to apply have been followed and that no comments have been received. (See, also, OMB Circular A-95.) This does not replace the procedure whereby a designated state agency accepts applications and determines priorities for project assistance.

12.055 - Submission of Application to the Designated State Agency Applications will be prepared in sufficient number to provide for the original and one copy to be submitted to the designated state agency, one copy to each appropriate clearinghouse (for information), and one copy to the state conservationist.

* 12.06 - ACTION BY STATE AGENCY - An application must be approved by the designated state agency. Approval can be indicated by signature on an attached sheet or by separate letter. The original signed application should be forwarded to the state conservationist. *

If an application is disapproved by the designated state agency, no further action on it will be taken by the SCS.

12.061 - Additional Studies by the State - If sufficient information is not already available on which to act on the application, the designated state agency may ask for additional studies. If additional studies are made, the state should be given every encouragement to take the leadership. The state conservationist should offer appropriate assistance.

Full use should be made of existing information, such as a reconnaissance study made before the application was sent to the designated state agency. Participation should include representatives of the SCS as appropriate. When difficult technical problems in the vegetative, biological or engineering fields are found, assistance may be requested from the technical service center director. The contribution that other directly concerned state and federal agencies can make should not be overlooked.

* 12.07 - RESERVED *

12.08 - ACKNOWLEDGING APPLICATION - The state conservationist will acknowledge receipt of the application by letter to the designated representative of the sponsoring local organizations after ascertaining that the application is valid. The state conservationist will provide the Forest Service Area (or Regional) Office with a copy of the application and any subsequent amendments. Copies of the letter of acknowledgement are to be sent to the Administrator and TSC director. An information sheet containing a list of the sponsors, county(ies), congressional district(s), WRC region and sub-region, and watershed size along with a map are to be attached to the Washington office copy of the acknowledgement letter. The Administrator will furnish a copy of the letter of acknowledgement and attachments to the Chief of the Forest Service.

12.09 - POST-APPLICATION ACTIVITY - It is seldom possible to provide planning assistance as soon as the application is submitted. To capitalize on the interest that has been generated in the proposed watershed project, the local organizations should develop and carry out an aggressive interim program to speed completion of the project. Some of the things that can be done in many watersheds with the available assistance include:

- a. Determine the status and needs of land treatment or critical area treatment.
- b. Accelerate the application of land treatment measures particularly those that are effective in retarding runoff or reducing erosion.
- c. If necessary, explore steps to organize a special purpose district that will serve as an appropriate vehicle for carrying out a project.
- d. Continue efforts to broaden the probable scope of the project by encouraging all groups and organizations having an interest in water and related land resources to fully explore the opportunities for improved resource development, management, and environmental quality in the watershed.

e. Make preliminary arrangements to accumulate funds or other resources needed to implement a watershed project.

f. Gather appropriate data on the present environmental quality in the watershed identifying water, land, vegetative, archeological, historical, and biological resources which could be affected by project measures.

12.10 - AMENDMENT TO APPLICATION - Occasionally, it may be necessary to amend an application to reflect changes that have occurred since the original application was submitted. Under certain conditions, this may also make an amendment to the planning authorization necessary. However, changes which only modify or supplement the information contained in the application can be handled by correspondence.

If area is added to a watershed or if, prior to planning authorization, area is withdrawn from the watershed, an amended application is required. If area is withdrawn from a watershed after planning authorization, the change in area may be made either by an amended application, or a watershed plan (including supplement or revision). Adding area to a watershed or withdrawing area from a watershed is defined to mean a significant change in the watershed boundaries so as to add or withdraw land. It does not mean changing watershed boundaries to correct inaccuracies in the original delineation.

Sponsors can be officially added or dropped only by an amended application or a watershed plan (including supplements or revisions). Unless a change in sponsors will affect a watershed's priority rating, there is usually no advantage to using an amended application to reflect only a change in sponsorship.

12.101 - Submitting an Amendment - The amendment to the application should be submitted in the same manner as the original application, including the clearinghouse review (12.054). It may be desirable to submit the amended application with Form SF-424 in lieu of Form AD-624. The reason(s) for the amendment should be shown and all local organizations sponsoring the application should sign the amendment, to which a revised watershed map is attached, if appropriate. The designated state agency should
* approve the amendment. *

12.11 - NOTIFICATION OF CHANGES IN THE APPLICATION BY CORRESPONDENCE - After an application is submitted, changes will almost certainly occur or new information will be developed that has a bearing on the priority of the application. The sponsoring local organizations should be encouraged to keep the designated state agency and the state conservationist advised of such changes in order that the establishment of priority criteria will be based on current information. If Form AD-624 or SF-424 is used for revision of the application, it will require submission of changed pages only.

12.12 - WITHDRAWAL OF APPLICATION - If the field examination or other studies make it clear that there is no possibility for the development of a feasible or acceptable project, consideration should be given to asking the sponsors to withdraw their application. An application which has not been authorized for planning may be withdrawn at any time the sponsors feel the interest is no longer adequate to develop a project. The sponsors

should indicate by letter that they wish to withdraw their application. Upon receipt of such request from the sponsors, the state conservationist will return the application and notify the Administrator of the withdrawal.

After planning is authorized in a watershed, the application cannot be cancelled or withdrawn. It will be retained to support the planning costs that were incurred even though planning may be terminated.

12.20 - FIELD EXAMINATION - As soon as it is known that a watershed will be considered for planning priority by the designated state agency, the state conservationist should conduct a field examination. Appropriate technicians of the watershed planning staff, state program and technical support staff, Forest Service, other participating agencies, and the sponsors should generally constitute the party making the investigation. Assistance from the TSC may be requested by the state conservationist.

The field examination will make full use of existing information including studies made by other agencies. Judgmental analysis of existing data and observed conditions in the field shall be utilized to the extent possible in defining the scope and magnitude of problems, needs, and possible solutions. Data gathered for the application may fulfill most needs if updated.

The state conservationist is to take steps to insure that the public is involved during the field examination and throughout the planning process. The public involvement is necessary to keep the public informed as well as to solicit their inputs and concerns early in the planning process.

12.21 - PUBLIC MEETING - Before the field examination is finalized, the sponsoring local organization should hold a widely advertised public meeting to discuss the watershed. Appropriate public notice in the media serving the watershed area should be made prior to the meeting. If appropriate, an information brochure or other summary should be prepared and made available to those attending the meeting or others who have indicated interest.

A desired effect of the public meeting is to solicit public inputs and to determine areas in which conflicts may exist. The public meeting and other forms of public involvement should provide a forum where concerned groups and individuals may freely express their views and help to provide some measure of public desires for use by the planners, sponsors, and the decision makers. Additional public meetings should be held if appropriate.

The sponsors should keep minutes and prepare a, but not necessarily verbatim, report of the meeting. This report should also include any written statements submitted at the meeting or in response to the announcement of the meeting. A copy of the sponsor's report of the meeting should be sent to the state conservationist.

12.22 - FIELD EXAMINATION REPORT - After the public meeting, the field examination report is to be prepared and should include information such as:

- a. Location and brief description of the watershed.

- b. Problems and needs.
- c. Probable plan elements to be investigated and the probable impacts of each.
- d. Potential for implementation of an acceptable watershed plan under current authorities.
- e. Map of the watershed.

The field examination report will be presented to the sponsors for their consideration and possible revisions as necessary. Information copies may be distributed to other agencies and groups as appropriate.

If the field examination indicates that additional expenditures of P.L. 566 planning funds is not justified, the report should contain the basic data developed and recommendations for actions to be taken by the sponsors.

12.30 - THE STUDY PLAN - After making any necessary revisions to the field examination report, a study plan should be prepared and will become the management tool to effectively organize the planning study. The study plan should show the agreements reached on the scope and intensity of additional project planning studies, the cost of such studies in time and money, kinds of personnel needed and the time span involved to complete the watershed plan. Its principal use is to provide the framework for carrying out project planning studies and plan development in any effectively and orderly way.

12.31 - SCOPE OF STUDY PLAN - The study plan developed for a watershed will show the estimated federal time and cost input for each of the two major phases (preliminary investigation and plan development) involved in the development of the watershed plan and environmental impact statement if it appears that one will be needed. It will include a schedule indicating the time frame during which each phase will be accomplished. All SCS (including TSC), state, and other federal agency, sponsor, and private citizen or organization participation in the development of the plan should be included.

The estimates of time and funds for the preliminary investigation phase will be in detail with firm schedules. The estimates of time and funds for the plan development phase will be in abbreviated form and judgmental. The study plan will need to be revised as planning progresses and the scope and intensity of planning become better defined. The study plan is a flexible management tool and must be kept current to be effective.

12.32 - PREPARING THE STUDY PLAN - The knowledge of the watershed gained from the field examination should be fully utilized in tailoring the study plan to meet the remaining investigational needs for the preparation of a watershed plan. The scope and intensity should be carefully considered and be consistent with the magnitude of the problems and concerns. The study plan should show the man-days and cost for each major job, the intensity of investigation, a time schedule indicating when each job will be initiated and completed, key points of public involvement, and identification of points of critical decisions. Procedures used will be determined by the specific

needs of the individual watershed. The Project Control System utilizing ADP equipment has been used in many situations and may be used to reflect the scheduling portions of the study plan. Other management tools such as Critical Path Method may also serve this function.

12.321 - Selection of Technical Procedures - Planning time should be estimated on the basis of the investigations and their intensity. Assistance of the TSC may be requested in preparing the study plan.

12.322 - Scheduling Special Assistance - It is important to recognize special expertise which may be needed from both within and outside SCS. Outside assistance is often needed to properly evaluate archeological, historical, and other environmental factors. If the field examination indicates that particularly difficult problems will be encountered, arrangements should be made to schedule such specialists as are needed. The study plan should make provisions for the participation of specialists at the appropriate stages of plan development.

12.323 - Determining Cost of Project Planning - The cost estimate for planning an individual watershed will be a basis for planning approval and not for allotment of funds. In converting man-days to cost, it is not intended that accounting procedures be used. It will be adequate to use average salary figures for this conversion with some estimated allowance for overhead costs. Both P.L. 566 and other costs should be shown.

12.33 - APPROVAL OF STUDY PLAN - When a satisfactory study plan has been completed, it should be dated and approved by the state conservationist. Significant changes made necessary by subsequent events should also be approved by the state conservationist.

12.40 - PLANNING AUTHORIZATION - Planning authorization should be programmed so that considering the total workload, the watershed planning staff will complete the plan within three years for an average watershed. If the workload is such that this goal does not appear reasonable, immediate authorization of additional watersheds usually is not warranted.

12.41 - REQUEST FOR PLANNING AUTHORIZATION - As soon as the state conservationist determines that technical facilities will be available to provide planning assistance in additional watersheds, he should initiate a request for planning authorization. The request should be sent to the Administrator at least 60 days prior to the scheduled start of planning and a copy of the request sent to the TSC. The request should include:

a. The designated state agency's current priority rating for the watershed application.

b. Supporting information on use of available planning resources including a listing of existing authorizations for planning and status of each.

c. An estimate of the additional funds that will be needed by the state conservationist for transfer to federal agencies other than the Forest Service for planning on lands under their jurisdiction.

d. An estimate of the P.L. 566 cost of planning that will be used in contracting for outside expertise and inputs.

e. A copy of the field examination report and study plan. If the PCS or CPM are used, the results should be summarized narratively, with a one-page bar graph showing the schedule.

f. A statement of the sponsor's authority to obtain landrights, using the power of eminent domain. Fully describe those cases where legal authority will be delayed until a later phase of planning.

g. A statement, based on the state conservationist's judgment, of the willingness of the sponsors to obtain, by condemnation if necessary, the landrights which may be required for installation of a project.

h. Evidence of coordination with other agencies and groups and public involvement. Note especially the coordination required by Section 4 of Executive Order 10913. (See WPH Appendix 2.)

i. A typed list of the sponsoring local organizations and the name and address of the current chairman or equivalent.

j. The name of the person designated as the contact for all the sponsors.

k. Names of the congressional delegation which represent the watershed area.

12.411 - Comments by TSC - The TSC is to review requests for planning authorizations and, within 30 days after receipt, if possible, submit comments to the Director of the Watersheds Division. Comments should include an appraisal of the adequacy of the field examination report, the TSC's knowledge of the watershed, and a general evaluation of the potential for the project.

12.42 - AUTHORIZATION OF PLANNING ASSISTANCE - Authorizations will be made by the Administrator periodically as requests are received and recommended for approval.

12.421 - Notification by the Administrator - The Administrator will publish a note in the Federal Register and advise the concerned Senators and Congressmen, heads of concerned federal agencies, and the Governors of concerned states of the authorization for planning assistance and of the intention of the SCS to initiate the necessary surveys and investigations. Simultaneously, he will advise the state conservationist. For planning authorizations involving more than one state, the Administrator will designate one of the state conservationists as the responsible federal official to take the leadership in plan development.

12.422 - Notification by the State Conservationist - The state conservationist will notify the sponsoring local organization(s), the state and areawide clearinghouses, the concerned state agencies, field offices of federal agencies, and others who have indicated a desire to be kept informed. The state conservationist should also publish appropriate notices in state and local newspapers and other media.

12.43 - AMENDMENT TO PLANNING AUTHORIZATION - If an amended application for the purpose of adding area is made after planning is authorized, an amended authorization is necessary. The state conservationist is to request an amendment to the planning authorization outlining the changes from his original request. Authorization and notifications will follow 12.42.

12.44 - SUSPENSION OR TERMINATION OF PLANNING ASSISTANCE - Planning assistance in the development of a watershed plan should be provided the sponsoring local organization at the rate that local interest, desire, and understanding warrant. The schedule in the study plan in reflecting this principle may not provide for continuous full-time planning assistance of the planning staff. However, when it appears that the plan cannot be completed or progress in completion will be significantly delayed, the state conservationist should take steps to either suspend or terminate planning assistance.

12.441 - Suspension - When it appears that progress in plan development will be delayed for a significant period (six months or more) but not permanently halted, the state conservationist should suspend planning assistance.

12.4411 - Justification for Suspension - The suspension of planning assistance is justified when it becomes evident that no further progress can be made in developing a watershed plan until firm decisions are reached by the sponsoring local organizations. These decisions may involve:

- a. Weighing the merits of and reaching agreement on alternative project proposals.
- b. Making arrangements necessary to incorporate additional purposes in the proposed project including geologic investigations for non-agricultural water supply.
- c. Exploring the availability of needed land, easements and rights-of-way.
- d. Organizing a special purpose district having the requisite powers and resources to carry out the project or otherwise making arrangements for financing the installation, operation and maintenance costs.

e. Coordinating watershed planning with other water resource planning by such agencies as the Corps of Engineers.

f. Completing special studies such as land use or highway planning, zoning, and the like that are independent of watershed planning but essential to project formulation.

12.4412 - Procedure for Suspension - After the state conservationist has determined that progress in planning will be significantly delayed, he will notify the sponsoring local organization in writing that planning assistance is suspended and will specify the conditions under which it will be resumed. Copies of his letter to the sponsoring local organizations will be sent to the Administrator, the TSC, appropriate clearinghouses, and participating agencies of his action. If the conditions specified for resuming planning assistance cannot be met, the state conservationist should terminate planning assistance.

12.442 - Termination - When it becomes apparent at any stage of plan development that a feasible plan cannot be developed, the state conservationist will terminate planning assistance.

12.4421 - Justification for Termination - The termination of planning assistance is justified when it becomes evident that a watershed plan conforming to the requirements of the Act or of policy cannot be developed or when the sponsoring local organizations, after a reasonable period, cannot provide satisfactory assurances that it can meet its responsibilities for carrying out and operating and maintaining a watershed project. Justification for termination usually exists when:

- a. Estimated benefits will not exceed estimated costs.
- b. Needed sites for project measures cannot be made available.
- c. Local interests do not have and are unable or unwilling to create an organization with needed powers and resources to (1) assume responsibility for and finance their share of the installation cost, (2) provide assurances of operation and maintenance, and (3) meet other non-federal requirements.

12.4422 - Procedure for Termination - The state conservationist will notify the sponsoring local organization, in writing, that planning assistance is terminated and will specify the reasons for this action. Concurrently, he will notify the Administrator, the TSC, the state agency, appropriate clearinghouses, and other participating agencies that planning assistance has been terminated and provide them with copies of his letter to the sponsoring local organization(s).

12.4423 - Reauthorizing Planning Assistance - After termination of planning assistance, the state conservationist will not provide further planning assistance in the watershed until the following steps are taken:

- a. The sponsoring local organization requests such assistance, in writing, together with a statement showing that the reasons which prompted termination are no longer of any force or effect.
- b. The designated state agency concurs in the request and assigns it a high priority.
- c. The state conservationist determines that the conditions which caused the termination are no longer pertinent and requests planning authorization.
- d. The Administrator reauthorizes planning assistance.

12.50 - FLOOD PREVENTION PROJECTS - Flood prevention projects were individually authorized by federal legislation (P.L. 78-534). The provisions of this Chapter relating to the pre-application, application, field examination, and planning authorization are not applicable to P.L. 534 projects.

The state conservationist and sponsors are to mutually agree on the need for and possible feasibility of developing a plan for a subwatershed. Immediately thereafter, the state conservationist is to complete a Form AD-624, "Application for Federal Assistance (for Construction Programs)" or such other form as may be prescribed by the clearinghouse and forward it to the appropriate clearinghouses as a notice of proposed federal action. Comments and suggestions received from the clearinghouses will be considered by the state conservationist and sponsors in developing the study plan and in planning and carrying out the subwatershed plan.

The sponsors should take appropriate action to keep the public informed and to solicit their views and comments throughout the plan development phase.

12.90 - EXHIBITS

12.901 - Notice of Intent

12.902 - Application

12.903 - Flow Chart - Steps Involved to Planning Authorization

U.S. DEPARTMENT OF AGRICULTURE
PREAPPLICATION FOR FEDERAL ASSISTANCE

Exhibit 12.901-1
OMB Approval No. 29-R0218

FEDERAL ASSISTANCE		2. APPLICANT'S APPLICATION	a. NUMBER	3. STATE APPLICATION IDENTIFIER	a. NUMBER
1. TYPE OF ACTION <input checked="" type="checkbox"/> PREAPPLICATION <input type="checkbox"/> APPLICATION <i>(Mark appropriate box)</i> <input checked="" type="checkbox"/> NOTIFICATION OF INTENT (Opt.) <input type="checkbox"/> REPORT OF FEDERAL ACTION		Leave Blank	b. DATE 19 XX XX XX <i>Year month day</i>	b. DATE ASSIGNED 19	<i>Year month day</i>
4. LEGAL APPLICANT/RECIPIENT a. Applicant Name : Sponsors' name, address, signature and witness are on the attached sheet(s). b. Organization Unit : c. Street/P.O. Box : d. City : e. County : f. State : g. ZIP Code : h. Contact Person (Name & telephone No.) : XXXX			5. FEDERAL EMPLOYER IDENTIFICATION NO. XXXX		
7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT XXXX (Watershed Name) See narrative statement on the attached sheet(s).			6. PROGRAM a. NUMBER 100904 b. TITLE Watershed Protection and Flood Prevention Program		
10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.) XXXX			8. TYPE OF APPLICANT/RECIPIENT A-State H-Community Action Agency B-Interstate I-Higher Educational Institution C-Substate J-Indian Tribe D-District K-Other (Specify): E-City More than one sponsor F-School District G-Special Purpose District Enter appropriate letter <input checked="" type="checkbox"/> K		
13. PROPOSED FUNDING			9. TYPE OF ASSISTANCE A-Basic Grant D-Insurance B-Supplemental Grant E-Other Enter appropriate letter(s) <input type="checkbox"/> A C-Loan		
a. FEDERAL \$ NA .00		14. CONGRESSIONAL DISTRICTS OF:		12. TYPE OF APPLICATION A-New C-Revision E-Augmentation B-Renewal D-Continuation Enter appropriate letter <input type="checkbox"/> A	
b. APPLICANT NA .00		16. PROJECT START DATE Year month day 19 NA		15. TYPE OF CHANGE (For 12c or 12e) A-Increase Dollars F-Other (Specify): B-Decrease Dollars C-Increase Duration D-Decrease Duration E-Cancellation Enter appropriate letter(s) <input type="checkbox"/>	
c. STATE NA .00		17. PROJECT DURATION Months NA		19. EXISTING FEDERAL IDENTIFICATION NUMBER NA	
d. LOCAL NA .00		18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY 19 XX XX XX <i>Year month day</i>			
e. OTHER NA .00					
f. TOTAL \$ NA .00					
20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code) SCS State Office Address				21. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No	
22. THE APPLICANT CERTIFIES THAT		a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.		b. If required by OMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached: No response attached	
		(1) <input type="checkbox"/>		<input type="checkbox"/>	
		(2) <input type="checkbox"/>		<input type="checkbox"/>	
		(3) <input type="checkbox"/>		<input type="checkbox"/>	
23. CERTIFYING REPRESENTATIVE		a. TYPED NAME AND TITLE See attached sheet for names		b. SIGNATURE See attached sheet for signature	
				c. DATE SIGNED 19 See attached sheet <i>Year month day</i>	
24. AGENCY NAME			25. APPLICATION RECEIVED 19		
26. ORGANIZATIONAL UNIT			27. ADMINISTRATIVE OFFICE		
29. ADDRESS			28. FEDERAL APPLICATION IDENTIFICATION		
31. ACTION TAKEN			30. FEDERAL GRANT IDENTIFICATION		
32. FUNDING		33. ACTION DATE 19		34. STARTING DATE 19	
a. AWARDED		e. FEDERAL \$.00		35. ENDING DATE 19	
b. REJECTED		b. APPLICANT .00		37. REMARKS ADDED	
c. RETURNED FOR AMENDMENT		c. STATE .00		<input type="checkbox"/> Yes <input type="checkbox"/> No	
d. DEFERRED		d. LOCAL .00			
e. WITHDRAWN		e. OTHER .00			
		f. TOTAL \$.00			
38. FEDERAL AGENCY A-95 ACTION		a. In taking above action, any comments received from clearinghouses were considered, if agency response is due under provisions of Part 1, OMB Circular A-95, it has been or is being made.		b. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.)	

SECTION IV-REMARKS *(Please reference the proper item number from Sections I, II or III, if applicable)*

GENERAL INSTRUCTIONS

This is a multi-purpose standard form. First, it will be used by applicants as a required facesheet for pre-applications and applications submitted in accordance with Federal Management Circular 74-7. Second, it will be used by Federal agencies to report to Clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A-95. Third, it will be used by Federal agencies to notify States of grants-in-aid awarded in accordance with Treasury Circular 1082. Fourth, it may be used, on an optional basis, as a notification of intent from applicants to clearinghouses, as an early initial notice that Federal assistance is to be applied for (clearinghouse procedures will govern).

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk "*", and use the remarks section on the back of the form. An explanation follows for each item:

- | Item | Item |
|--|---|
| 1. Mark appropriate box. Pre-application and application guidance is in FMC 74-7 and Federal agency program instructions. Notification of intent guidance is in Circular A-95 and procedures from clearinghouse. Applicant will not use "Report of Federal Action" box. | D. Insurance. Self explanatory.
E. Other. Explain on remarks page. |
| 2a. Applicant's own control number, if desired. | 10. Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, such as State, county, or city. If entire unit affected, list it rather than subunits. |
| 2b. Date Section I is prepared. | 11. Estimated number of persons directly benefiting from project. |
| 3a. Number assigned by State clearinghouse, or if delegated by State, by areawide clearinghouse. All requests to Federal agencies must contain this identifier if the program is covered by Circular A-95 and required by applicable State/areawide clearinghouse procedures. If in doubt, consult your clearinghouse. | 12. Use appropriate code letter. Definitions are:
A. New. A submittal for the first time for a new project.
B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.
C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease).
D. Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years.
E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged. |
| 3b. Date applicant notified of clearinghouse identifier. | 13. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 13a, amount requested from Federal Government; 13b, amount applicant will contribute; 13c, amount from State, if applicant is not a State; 13d, amount from local government, if applicant is not a local government; 13e, amount from any other sources, explain in remarks. |
| 4a-4h. Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request. | 14a. Self explanatory. |
| 5. Employer identification number of applicant as assigned by Internal Revenue Service. | 14b. The district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide." |
| 6a. Use Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint-funding) write "multiple" and explain in remarks. If unknown, cite Public Law or U.S. Code. | 15. Complete only for revisions (item 12c), or augmentations (item 12e). |
| 6b. Program title from Federal Catalog. Abbreviate if necessary. | |
| 7. Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description. | |
| 8. Mostly self-explanatory. "City" includes town, township or other municipality. | |
| 9. Check the type(s) of assistance requested. The definitions of the terms are:
A. Basic Grant. An original request for Federal funds. This would not include any contribution provided under a supplemental grant.
B. Supplemental Grant. A request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share).
C. Loan. Self explanatory. | |

- | | |
|--|---|
| <p>Item</p> <p>16. Approximate date project expected to begin (usually associated with estimated date of availability of funding).</p> <p>17. Estimated number of months to complete project after Federal funds are available.</p> <p>18. Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as date in item 2b.</p> | <p>Item</p> <p>19. Existing Federal identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".</p> <p>20. Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP.</p> <p>21. Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.</p> |
|--|---|

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete items 23a, 23b, and 23c. If clearinghouse review is required, item 22b must be fully completed. An explanation follows for each item:

- | | |
|--|---|
| <p>Item</p> <p>22b. List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached.</p> <p>23a. Name and title of authorized representative of legal applicant.</p> | <p>Item</p> <p>23b. Self explanatory.</p> <p>23c. Self explanatory.</p> <p>Note: Applicant completes only Sections I and II. Section III is completed by Federal agencies.</p> |
|--|---|

FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant-supplied information in Sections I and II needs no updating or adjustment to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

- | | |
|--|---|
| <p>Item</p> <p>24. Executive department or independent agency having program administration responsibility.</p> <p>25. Self explanatory.</p> <p>26. Primary organizational unit below department level having direct program management responsibility.</p> <p>27. Office directly monitoring the program.</p> <p>28. Use to identify non-award actions where Federal grant identifier in item 30 is not applicable or will not suffice.</p> <p>29. Complete address of administering office shown in item 26.</p> <p>30. Use to identify award actions where different from Federal application identifier in item 28.</p> <p>31. Self explanatory. Use remarks section to amplify where appropriate.</p> <p>32. Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 32a, amount awarded by Federal Government; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32e, amount from any other sources, explain in remarks.</p> <p>33. Date action was taken on this request.</p> <p>34. Date funds will become available.</p> | <p>Item</p> <p>35. Name and telephone no. of agency person who can provide more information regarding this assistance.</p> <p>36. Date after which funds will no longer be available.</p> <p>37. Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks.</p> <p>38. For use with A-95 action notices only. Name and telephone of person who can assure that appropriate A-95 action has been taken—If same as person shown in item 35, write "same". If not applicable, write "NA".</p> |
|--|---|

Federal Agency Procedures—special considerations

- A. *Treasury Circular 1082 compliance.* Federal agency will assure proper completion of Sections I and III. If Section I is being completed by Federal agency, all applicable items must be filled in. Addresses of State Information Reception Agencies (SCIRA's) are provided by Treasury Department to each agency. This form replaces SF 240, which will no longer be used.
- B. *OMB Circular A-95 compliance.* Federal agency will assure proper completion of Sections I, II, and III. This form is required for notifying all reviewing clearinghouses of major actions on all programs reviewed under A-95. Addresses of State and areawide clearinghouses are provided by OMB to each agency. Substantive differences between applicant's request and/or clearinghouse recommendations, and the project as finally awarded will be explained in A-95 notifications to clearinghouses.
- C. *Special note.* In most, but not all States, the A-95 State clearinghouse and the (TC 1082) SCIRA are the same office. In such cases, the A-95 award notice to the State clearinghouse will fulfill the TC 1082 award notice requirement to the State SCIRA. Duplicate notification should be avoided.

U.S. DEPARTMENT OF AGRICULTURE
PREAPPLICATION FOR FEDERAL ASSISTANCE

OMB NO. 80-R0187

PART II

	(Check one)	
	Yes	No
1. Does this assistance request require State, local, regional or other priority rating?	X	
2. Does this assistance require State or local advisory, educational or health clearance?		X
3. Does this assistance request require Clearinghouse review?	X	
4. Does this assistance request require State, local, regional or other planning approval?	X	
5. Is the proposed project covered by an approved comprehensive plan?		
6. Will the assistance requested serve a Federal installation?		X
7. Will the assistance requested be on Federal land or installation?		X
8. Will the assistance requested have an effect on the environment?	X	
9. Will the assistance requested cause the displacement of individuals, families, businesses, or farms?	NA	
10. Is there other related assistance for this project previous, pending, or anticipated?		X

PART III - PROJECT BUDGET

FEDERAL CATALOG NUMBER (a)	TYPE OF ASSISTANCE LOAN, GRANT, ETC. (b)	FIRST BUDGET PERIOD (c)	BALANCE OF PROJECT (d)	TOTAL (e)
1. 10.904	Grant	NA	NA	NA
2.				
3.				
4.				
5.				
6. Total Federal Contribution		\$ NA	\$ NA	\$ NA
7. State Contribution		NA	NA	NA
8. Applicant Contribution		NA	NA	NA
9. Other Contributions		NA	NA	NA
10. Totals		\$ NA	\$ NA	\$ NA

PART IV - PROGRAM NARRATIVE STATEMENT

(Attach per instruction)

1/ Because of the tentative nature of preapplication data, yes answers do not need additional description as suggested in the instructions.

INSTRUCTIONS

PART II

Negative answers will not require an explanation unless the Federal agency requests more information at a later date. All "Yes" answers must be explained on a separate page in accordance with the instructions.

Item 1 – Provide the name of the governing body establishing the priority system and the priority rating assigned to this project. If the priority rating is not available, give the approximate date that it will be obtained.

Item 2 – Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval. If the clearance is not available, give the date it will be obtained.

Item 3 – Attach the clearinghouse comments for the pre-application in accordance with the instructions contained in Office of Management and Budget Circular No. A-95.

Item 4 – Furnish the name of the approving agency and the approval date. If the approval has not been received, state approximately when it will be obtained.

Item 5 – Show whether the approved comprehensive plan is State, local or regional; or, if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination, and state whether this project is in conformance with the plan. If the plan is not available, explain why.

Item 6 – Show the population residing or working on the Federal installation who will benefit from this project.

Item 7 – Show the percentage of the project work that will be conducted on federally-owned or leased land. Give the name of the Federal installation and its location.

Item 8 – Briefly describe the possible beneficial and/or harmful effect on the environment because of the proposed project. If an adverse environmental effect is anticipated, explain what action will be taken to minimize it. Federal agencies will provide separate instructions, if additional data is needed.

Item 9 – State the number of individuals, families, businesses, or farms this project will displace. Federal agencies

will provide separate instructions, if additional data is needed.

Item 10 – Show the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the status, and amount of each project where there is related previous, pending, or anticipated assistance.

PART III

Complete: Lines 1-5 – Columns (a)-(e). Enter the catalog numbers shown in the Catalog of Federal Domestic Assistance in Column (a) and the type of assistance in Column (b). For each line entry in Columns (a) and (b), enter in Columns (c), (d), and (e), the estimated amounts of Federal funds needed to support the project. Columns (c) and (d) may be left blank, if not applicable.

Line 6 – Show the totals for Lines 1-5 for Columns (c), (d), and (e).

Line 7 – Enter the estimated amounts of State assistance, if any, including the value of in-kind contributions, in Columns (c), (d), and (e). Applicants which are States or State agencies should leave Line 7 blank.

Line 8 – Enter the estimated amounts of funds and value of in-kind contributions the applicant will provide to the program or project in Columns (c), (d), and (e).

Line 9 – Enter the amount of assistance including the value of in-kind contributions, expected from all other contributors in Columns (c), (d), and (e).

Line 10 – Enter the totals of Columns (c), (d), and (e).

PART IV

The program narrative statement should be brief and describe the need, objectives, method of accomplishment, the geographical location of the project, and the benefits expected to be obtained from the assistance. The statement should be typed on a separate sheet of paper and submitted with the preapplication. Also attach any data that may be needed by the grantor agency to establish the applicant's eligibility for receiving assistance under the Federal program(s).

FEDERAL ASSISTANCE		2. APPLICANT'S APPLICATION <i>Leave Blank</i>	a. NUMBER b. DATE 19 XX XX XX <i>Year month day</i>	3. STATE APPLICATION IDENTIFIER	a. NUMBER XXXX b. DATE ASSIGNED 19 XX XX XX <i>Year month day</i>																												
1. TYPE OF ACTION <input type="checkbox"/> PREAPPLICATION <input checked="" type="checkbox"/> APPLICATION <i>(Mark appropriate box)</i> <input type="checkbox"/> NOTIFICATION OF INTENT (Opt.) <input type="checkbox"/> REPORT OF FEDERAL ACTION		4. LEGAL APPLICANT/RECIPIENT a. Applicant Name : Sponsors' name, address, signature and witness are on the attached sheet(s). b. Organization Unit : c. Street/P.O. Box : d. City : e. County : f. State : g. ZIP Code : h. Contact Person (Name & telephone No.) : XXXX			5. FEDERAL EMPLOYER IDENTIFICATION NO. XXXX																												
7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT XXXX (Watershed Name) See narrative statement on the attached sheet(s).		6. PROGRAM a. NUMBER 100904 b. TITLE Watershed Protection and Flood Prevention Program <i>(From Federal Catalog)</i>			8. TYPE OF APPLICANT/RECIPIENT A-State H-Community Action Agency B-Interstate I-Higher Educational Institution C-Substate J-Indian Tribe District K-Other (Specify): D-County E-City F-School District G-Special Purpose District More than one sponsor Enter appropriate letter <input checked="" type="checkbox"/> K																												
10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.) XXXX		11. ESTIMATED NUMBER OF PERSONS BENEFITING NA		9. TYPE OF ASSISTANCE A-Basic Grant D-Insurance B-Supplemental Grant E-Other C-Loan Enter appropriate letter(s) <input type="checkbox"/> A <input type="checkbox"/>																													
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<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>a. FEDERAL</td><td>\$ NA</td><td>.00</td></tr> <tr><td>b. APPLICANT</td><td>NA</td><td>.00</td></tr> <tr><td>c. STATE</td><td>NA</td><td>.00</td></tr> <tr><td>d. LOCAL</td><td>NA</td><td>.00</td></tr> <tr><td>e. OTHER</td><td>NA</td><td>.00</td></tr> <tr><td>f. TOTAL</td><td>\$ NA</td><td>.00</td></tr> </table>		a. FEDERAL	\$ NA	.00	b. APPLICANT	NA	.00	c. STATE	NA	.00	d. LOCAL	NA	.00	e. OTHER	NA	.00	f. TOTAL	\$ NA	.00	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>a. APPLICANT</td><td>XXXX</td></tr> <tr><td>b. PROJECT</td><td>XXXX</td></tr> <tr><td>16. PROJECT START DATE</td><td>19 NA Year month day</td></tr> <tr><td>17. PROJECT DURATION</td><td>NA Months</td></tr> <tr><td>18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY</td><td>19 XX XX XX Year month day</td></tr> </table>		a. APPLICANT	XXXX	b. PROJECT	XXXX	16. PROJECT START DATE	19 NA Year month day	17. PROJECT DURATION	NA Months	18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY	19 XX XX XX Year month day	15. TYPE OF CHANGE (For 12c or 12e) A-Increase Dollars F-Other (Specify): B-Decrease Dollars C-Increase Duration D-Decrease Duration E-Cancellation Enter appropriate letter(s) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
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c. STATE	NA	.00																															
d. LOCAL	NA	.00																															
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29. ADDRESS		27. ADMINISTRATIVE OFFICE		28. FEDERAL APPLICATION IDENTIFICATION																													
31. ACTION TAKEN		32. FUNDING		33. ACTION DATE 19 <i>Year month day</i>																													
<input type="checkbox"/> a. AWARDED <input type="checkbox"/> b. REJECTED <input type="checkbox"/> c. RETURNED FOR AMENDMENT <input type="checkbox"/> d. DEFERRED <input type="checkbox"/> e. WITHDRAWN		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>a. FEDERAL</td><td>\$</td><td>.00</td></tr> <tr><td>b. APPLICANT</td><td></td><td>.00</td></tr> <tr><td>c. STATE</td><td></td><td>.00</td></tr> <tr><td>d. LOCAL</td><td></td><td>.00</td></tr> <tr><td>e. OTHER</td><td></td><td>.00</td></tr> <tr><td>f. TOTAL</td><td>\$</td><td>.00</td></tr> </table>		a. FEDERAL	\$.00	b. APPLICANT		.00	c. STATE		.00	d. LOCAL		.00	e. OTHER		.00	f. TOTAL	\$.00	35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)											
a. FEDERAL	\$.00																															
b. APPLICANT		.00																															
c. STATE		.00																															
d. LOCAL		.00																															
e. OTHER		.00																															
f. TOTAL	\$.00																															
38. FEDERAL AGENCY A-95 ACTION		a. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part 1, OMB Circular A-55, it has been or is being made.		34. STARTING DATE 19 <i>Year month day</i>																													
				36. ENDING DATE 19 <i>Year month day</i>																													
				37. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No																													
				b. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.)																													

SECTION IV-REMARKS *(Please reference the proper item number from Sections I, II or III, if applicable)*

APPLICATION FOR FEDERAL ASSISTANCE (For Construction Programs)

GENERAL INSTRUCTIONS

This is a multi-purpose standard form. First, it will be used by applicants as a required facesheet for pre-applications and applications submitted in accordance with Federal Management Circular 74-7. Second, it will be used by Federal agencies to report to Clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A-95. Third, it will be used by Federal agencies to notify States of grants-in-aid awarded in accordance with Treasury Circular 1082. Fourth, it may be used, on an optional basis, as a notification of intent from applicants to clearinghouses, as an early initial notice that Federal assistance is to be applied for (clearinghouse procedures will govern).

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk "*", and use the remarks section on the back of the form. An explanation follows for each item:

- | Item | Item |
|--|---|
| 1. Mark appropriate box. Pre-application and application guidance is in FMC 74-7 and Federal agency program instructions. Notification of intent guidance is in Circular A-95 and procedures from clearinghouse. Applicant will not use "Report of Federal Action" box. | D. Insurance. Self explanatory.
E. Other. Explain on remarks page. |
| 2a. Applicant's own control number, if desired. | 10. Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, such as State, county, or city. If entire unit affected, list it rather than subunits. |
| 2b. Date Section I is prepared. | 11. Estimated number of persons directly benefiting from project. |
| 3a. Number assigned by State clearinghouse, or if delegated by State, by areawide clearinghouse. All requests to Federal agencies must contain this identifier if the program is covered by Circular A-95 and required by applicable State/areawide clearinghouse procedures. If in doubt, consult your clearinghouse. | 12. Use appropriate code letter. Definitions are:
A. New. A submittal for the first time for a new project.
B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.
C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease).
D. Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years.
E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged. |
| 3b. Date applicant notified of clearinghouse identifier. | 13. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. item definitions: 13a, amount requested from Federal Government; 13b, amount applicant will contribute; 13c, amount from State, if applicant is not a State; 13d, amount from local government, if applicant is not a local government; 13e, amount from any other sources, explain in remarks. |
| 4a-4h. Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request. | 14a. Self explanatory. |
| 5. Employer identification number of applicant as assigned by Internal Revenue Service. | 14b. The district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide." |
| 6a. Use Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint-funding) write "multiple" and explain in remarks. If unknown, cite Public Law or U.S. Code. | 15. Complete only for revisions (item 12c), or augmentations (item 12e). |
| 6b. Program title from Federal Catalog. Abbreviate if necessary. | |
| 7. Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description. | |
| 8. Mostly self-explanatory. "City" includes town, township or other municipality. | |
| 9. Check the type(s) of assistance requested. The definitions of the terms are:
A. Basic Grant. An original request for Federal funds. This would not include any contribution provided under a supplemental grant.
B. Supplemental Grant. A request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share).
C. Loan. Self explanatory. | |

- | <i>Item</i> | <i>Item</i> |
|--|--|
| 16. Approximate date project expected to begin (usually associated with estimated date of availability of funding). | 19. Existing Federal identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA". |
| 17. Estimated number of months to complete project after Federal funds are available. | 20. Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP. |
| 18. Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as date in item 2b. | 21. Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached. |

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete items 23a, 23b, and 23c. If clearinghouse review is required, item 22b must be fully completed. An explanation follows for each item:

- | <i>Item</i> | <i>Item</i> |
|--|---|
| 22b. List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached. | 23b. Self explanatory. |
| 23a. Name and title of authorized representative of legal applicant. | 23c. Self explanatory. |
| | Note: Applicant completes only Sections I and II. Section III is completed by Federal agencies. |

FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant-supplied information in Sections I and II needs no updating or adjustment to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

- | <i>Item</i> | <i>Item</i> |
|--|---|
| 24. Executive department or independent agency having program administration responsibility. | 35. Name and telephone no. of agency person who can provide more information regarding this assistance. |
| 25. Self explanatory. | 36. Date after which funds will no longer be available. |
| 26. Primary organizational unit below department level having direct program management responsibility. | 37. Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks. |
| 27. Office directly monitoring the program. | 38. For use with A-95 action notices only. Name and telephone of person who can assure that appropriate A-95 action has been taken—If same as person shown in item 35, write "same". If not applicable, write "NA". |
| 28. Use to identify non-award actions where Federal grant identifier in item 30 is not applicable or will not suffice. | |
| 29. Complete address of administering office shown in item 26. | |
| 30. Use to identify award actions where different from Federal application identifier in item 28. | |
| 31. Self explanatory. Use remarks section to amplify where appropriate. | |
| 32. Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 32a, amount awarded by Federal Government; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32e, amount from any other sources, explain in remarks. | |
| 33. Date action was taken on this request. | |
| 34. Date funds will become available. | |
- Federal Agency Procedures—special considerations*
- A. *Treasury Circular 1082 compliance.* Federal agency will assure proper completion of Sections I and III. If Section I is being completed by Federal agency, all applicable items must be filled in. Addresses of State Information Reception Agencies (SCIRA's) are provided by Treasury Department to each agency. This form replaces SF 240, which will no longer be used.
- B. *OMB Circular A-95 compliance.* Federal agency will assure proper completion of Sections I, II, and III. This form is required for notifying all reviewing clearinghouses of major actions on all programs reviewed under A-95. Addresses of State and areawide clearinghouses are provided by OMB to each agency. Substantive differences between applicant's request and/or clearinghouse recommendations, and the project as finally awarded will be explained in A-95 notifications to clearinghouses.
- C. *Special note.* In most, but not all States, the A-95 State clearinghouse and the (TC 1082) SCIRA are the same office. In such cases, the A-95 award notice to the State clearinghouse will fulfill the TC 1082 award notice requirement to the State SCIRA. Duplicate notification should be avoided.

U.S. DEPARTMENT OF AGRICULTURE
APPLICATION FOR FEDERAL ASSISTANCE
(FOR CONSTRUCTION PROGRAMS)
PART II

OMB NO 86-184

PROJECT APPROVAL INFORMATION
SECTION A

Item 1.

Does this assistance request require State, local, regional, or other priority rating?

Yes No

Name of Governing Body XXXX
 Priority Rating NA

Item 2.

Does this assistance request require State, or local advisory, educational or health clearances?

Yes No (Attach Documentation)

Name of Agency or Board _____

Item 3.

Does this assistance request require clearinghouse review in accordance with OMB Circular A-95? (Attach Comments)

Yes No

Item 4.

Does this assistance request require State, local, regional or other planning approval?

Yes No

Name of Approving Agency XXXX
 Date NA

Item 5.

Is the proposed project covered by an approved comprehensive plan?

Yes No

Check one: State
 Local
 Regional XXXX
 Location of plan _____

Item 6.

Will the assistance requested serve a Federal installation?

Yes No

Name of Federal Installation _____
 Federal Population benefiting from Project _____

Item 7.

Will the assistance requested be on Federal land or installation?

Yes No

Name of Federal Installation _____
 Location of Federal Land _____
 Percent of Project _____

Item 8.

Will the assistance requested have an impact or effect on the environment?

Yes No

See instruction for additional information to be provided. Refer readers to Part IV Narrative Statement for additional data.

Item 9.

Will the assistance requested cause the displacement of individuals families, businesses, or farms? NA

Yes No

Number of:
 Individuals _____
 Families _____
 Businesses _____
 Farms _____

Item 10.

Is there other related Federal assistance on this project previous, pending, or anticipated?

Yes No

See instructions for additional information to be provided.

INSTRUCTIONS

PART II - SECTION A

Negative answers will not require an explanation unless the Federal agency requests more information at a later date. Provide supplementary data for all "Yes" answers in the space provided in accordance with the following instructions.

Item 1 - Provide the name of the governing body establishing the priority system and the priority rating assigned to this project.

Item 2 - Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval.

Item 3 - Attach the clearinghouse comments for the application in accordance with the instructions contained in Office of Management and Budget Circular No. A-95. If comments were submitted previously with a preapplication, do not submit them again but any additional comments received from the clearinghouse should be submitted with this application.

Item 4 - Furnish the name of the approving agency and the approval date.

Item 5 - Show whether the approved comprehensive plan is State, local or regional, or if none of these, explain the

scope of the plan. Give the location where the approved plan is available for examination and state whether this project is in conformance with the plan.

Item 6 - Show the Federal population residing or working on the federal installation who will benefit from this project.

Item 7 - Show the percentage of the project work that will be conducted on federally owned or leased land. Give the name of the Federal installation and its location.

Item 8 - Briefly describe the possible beneficial and/or harmful impact on the environment because of the proposed project. If an adverse environmental impact is anticipated, explain what action will be taken to minimize the impact. Federal agencies will provide separate instructions if additional data is needed.

Item 9 - State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions if additional data is needed.

Item 10 - Show the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the status and amount of each project where there is related previous, pending, or anticipated assistance. Use additional sheets, if needed.

U.S. DEPARTMENT OF AGRICULTURE
APPLICATION FOR FEDERAL ASSISTANCE
(FOR CONSTRUCTION PROGRAMS)
INSTRUCTION
PART II - SECTION B

11. SITES AND IMPROVEMENTS: _____ Not required, _____ Attached as exhibits Applicant intends to acquire the site through: _____ _____ Eminent domain, _____ Negotiated purchase, _____ Other means (specify)	NA
12. TITLE OR OTHER INTEREST IN THE SITE IS OR WILL BE VESTED IN: _____ <input checked="" type="checkbox"/> Applicant, _____ Agency or institution operating the facility, _____ Other (specify)	
13. INDICATE WHETHER APPLICANT/OPERATOR HAS: _____ Fee simple title, _____ Leasehold interest, _____ Other (specify)	NA
14. IF APPLICANT/OPERATOR HAS LEASEHOLD INTEREST, GIVE THE FOLLOWING INFORMATION: a. Length of lease or other estate interest _____, and number of years to run _____ b. Is lease renewable? _____ Yes _____ No c. Current appraised value of land \$ _____ d. Annual rental rate \$ _____	NA
15. ATTACH AN OPINION FROM ACCEPTABLE TITLE COUNSEL DESCRIBING THE INTEREST APPLICANT/OPERATOR HAS IN THE SITE AND CERTIFYING THAT THE ESTATE OR INTEREST IS LEGAL AND VALID.	NA
16. WHERE APPLICABLE, ATTACH SITE SURVEY, SOIL INVESTIGATION REPORTS AND COPIES OF LAND APPRAISALS.	NA
17. WHERE APPLICABLE, ATTACH CERTIFICATION FROM ARCHITECT ON THE FEASIBILITY OF IMPROVING EXISTING SITE TOPOGRAPHY.	NA
18. ATTACH PLOT PLAN.	NA
19. CONSTRUCTION SCHEDULE ESTIMATES: _____ Not required, _____ Being prepared, _____ Attached as exhibits Percentage of completion of drawings and specifications at application date: Schematics _____ % Preliminary _____ % Final _____ %	NA
20. TARGET DATES FOR: Bid Advertisement _____ Contract Award _____ Construction Completion _____ Occupancy _____	NA
21. DESCRIPTION OF FACILITY: _____ Not required _____ Attached as exhibits Drawings - Attach any drawings which will assist in describing the project. Specifications - Attach copies of completed outline specifications. (If drawings and specifications have not been fully completed, please attach copies or working drawings that have been completed.)	NA

NOTE: ITEMS ON THIS SHEET ARE SELF-EXPLANATORY, THEREFORE, NO INSTRUCTIONS ARE PROVIDED.

PART III - BUDGET INFORMATION - CONSTRUCTION

SECTION A - GENERAL

1. Federal Domestic Assistance Catalog No. 10.904
 2. Functional or Other Breakout NA

SECTION B - CALCULATION OF FEDERAL GRANT

Cost Classification	Use only for revisions		Total Amount Required
	Latest Approved Amount	Adjustment (+ or -)	
1. Administration expense	\$	\$	\$ NA
2. Preliminary expense			NA
3. Land, structures, right-of-way			NA
4. Architectural engineering basic fees			NA
5. Other architectural engineering fees			NA
6. Project inspection fees			NA
7. Land development			NA
8. Relocation Expenses			NA
9. Relocation payments to Individuals and Businesses			NA
10. Demolition and removal			NA
11. Construction and project improvement			NA
12. Equipment			NA
13. Miscellaneous			NA
14. Total (Lines 1 through 13)			NA
15. Estimated Income (if applicable)			NA
16. Net Project Amount (Line 14 minus 15)			NA
17. Less: Ineligible Exclusions			NA
18. Add: Contingencies			NA
19. Total Project Amt. (Excluding Rehabilitation Grants)			NA
20. Federal Share requested of Line 19			NA
21. Add Rehabilitation Grants Requested (100 Percent)			NA
22. Total Federal grant requested (Lines 20 & 21)			NA
23. Grantee share			NA
24. Other shares			NA
25. Total project (Lines 22, 23 & 24)	\$	\$	\$ NA

INSTRUCTIONS

PART III

Section A. General

1. Show the Federal Domestic Assistance Catalog Number from which the assistance is requested. When more than one program or Catalog Number is involved and the amount cannot be distributed to the Federal grant program or catalog number on an overall percentage basis, prepare a separate set of Part III forms for each program or Catalog Number. However, show the total amounts for all programs in Section B of the *basic* application form.
2. Show the functional or other categorical breakouts, if required by the Federal grantor agency. Prepare a separate set of Part III forms for each category

Section B. Calculation of Federal Grant

When applying for a new grant, use the Total Amount Column only. When requesting revisions of previously awarded amounts, use all columns.

Line 1 - Enter amounts needed for administration expenses including such items as travel, legal fees, rental of vehicles and any other expense items expected to be incurred to administer the grant. Include the amount of interest expense when authorized by program legislation and also show this amount under Section E Remarks.

Line 2 - Enter amounts pertaining to the work of locating and designing, making surveys and maps, sinking test holes, and all other work required prior to actual construction.

Line 3 - Enter amounts directly associated with the acquisition of land, existing structures, and related right-of-way.

Line 4 - Enter basic fees for architectural engineering services.

Line 5 - Enter amounts for other architectural engineering services, such as surveys, tests, and borings.

Line 6 - Enter fees for inspection and audit of construction and related programs.

Line 7 - Enter amounts associated with the development of land where the primary purpose of the grant is land improvement. Site work normally associated with major construction should be excluded from this category and shown on Line 11.

Line 8 - Enter the dollar amounts needed to provide relocation advisory assistance, and the net amounts for replacement (last resort) housing. Do not include relocation administration expenses on this Line; include them on Line 1.

Line 9 - Enter the estimated amount of relocation payments to be made to displaced persons, business concerns and non-profit organizations for moving expenses and replacement housing.

Line 10 - Enter the gross salaries and wages of employees of the grantee who will be directly engaged in performing demolition or removal of structures from developed land. This line should show also the cost of demolition or re-

moval of improvements on developed land under a third party contract. Reduce the costs on this line by the amount of expected proceeds from the sale of salvage, if so instructed by the Federal grantor agency. Otherwise, show the proceeds on Line 15.

Line 11 - Enter amounts for the actual construction of, addition to, or restoration of a facility. Also include in this category the amounts of project improvements such as sewers, streets, landscaping and lighting.

Line 12 - Enter amounts for equipment both fixed and movable exclusive of equipment used for construction. For example, include amounts for permanently attached laboratory tables, built-in audio visual systems, movable desks, chairs, and laboratory equipment.

Line 13 - Enter amounts for items not specifically mentioned above.

Line 14 - Enter the sum of Lines 1-13.

Line 15 - Enter the estimated amount of program income that will be earned during the grant period and applied to the program.

Line 16 - Enter the difference between the amount on Line 14 and the estimated income shown on Line 15.

Line 17 - Enter amounts for those items which are part of the project but not subject to Federal participation (See Section C, Line 26g, Column (1)).

Line 18 - Enter the estimated amount for contingencies. Compute this amount as follows. Subtract from the net project amount shown on Line 16 the ineligible project exclusions shown on Line 17 and the amount which is excluded from the contingency provisions shown in Section C, Line 26g, Column (2). Multiply the computed amount by the percentage factor allowed by the grantor agency in accordance with the Federal program guidance. For those grants which provide for a fixed dollar allowance in lieu of a percentage allowance, enter the dollar amount of this allowance.

Line 19 - Show the total amount of Lines 16, 17, and 18. (This is the amount to which the matching share ratio prescribed in program legislation is applied.)

Line 20 - Show the amount of Federal funds requested exclusive of funds for rehabilitation purposes.

Line 21 - Enter the estimated amounts needed for rehabilitation expense if rehabilitation grants to individuals are made for which grantees are reimbursed 100 percent by the Federal grantor agency in accordance with program legislation. If the grantee shares in part of this expense show the total amount on Line 13 instead of on Line 21 and explain in Section E.

Line 22 - Show the total amount of the Federal grant requested.

Line 23 - Show the amount from Section D, Line 27h.

Line 24 - Show the amount from Section D, Line 28c.

Line 25 - Self-explanatory.

U.S. DEPARTMENT OF AGRICULTURE
APPLICATION FOR FEDERAL ASSISTANCE (FOR CONSTRUCTION PROGRAMS)
SECTION C - EXCLUSIONS

Classification	Ineligible for Participation (1)	Excluded from Contingency Provision (2)
26. NA	\$	\$
a.		
b.		
c.		
d.		
e.		
f.		
g. Totals	\$	\$

SECTION D - PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE

27. Grantee Share	\$	NA
a. Securities		NA
b. Mortgages		NA
c. Appropriations (By Applicant)		NA
d. Bonds		NA
e. Tax Levies		NA
f. Non Cash		NA
g. Other (Explain)		NA
h. TOTAL - Grantee share		NA
28. Other Shares		NA
a. State		NA
b. Other		NA
c. Total Other Shares		NA
29. TOTAL	\$	NA

SECTION E - REMARKS

NA

PART IV PROGRAM NARRATIVE (Attach - See Instructions)

INSTRUCTIONS

PART III

Section C. Exclusions

Line 26 a-g Identify and list those costs in Column (1) which are part of the project cost but are not subject to Federal participation because of program legislation or Federal grantor agency instructions. The total amount on Line g should agree with the amount shown on Line 17 of Section B. Show in Column (2) those project costs that are subject to Federal participation but are not eligible for inclusion in the amount used to compute contingency amounts as provided in the Federal grantor agency instructions.

Section D. Proposed Method of Financing Non-Federal Share

Line 27 a-g — Show the source of the grantee's share. If cash is not immediately available, specify the actions completed to date and those actions remaining to make cash available under Section E Remarks. Indicate also the period of time that will be required after execution of the grant agreement to obtain the funds. If there is a noncash contribution, explain what this contribution will consist of

Line 27 h — Show the total of Lines 27 a-g. This amount must equal the amount shown in Section B, Line 23.

Line 28 a — Show the amount that will be contributed by a State or state agency, *only* if the applicant is *not* a State or state agency. If there is a noncash contribution, explain what the contribution will consist of under Section E Remarks.

Line 28 b — Show the amount that will be contributed from other sources. If there is a noncash contribution, explain what this contribution will consist of under Section E Remarks.

Line 28 c — Show the total of Lines 28a and 28b. This amount must be the same as the amount shown in Section B, line 24.

Line 29 — Enter the totals of Line 27h and Line 28c.

Section E. Other Remarks

Make any remarks pertinent to the project and provide any other information required by these instructions or the grantor agency. Attach additional sheets, if necessary.

U.S. DEPARTMENT OF AGRICULTURE
APPLICATION FOR FEDERAL ASSISTANCE (FOR CONSTRUCTION PROGRAMS)
 PART IV

PROGRAM NARRATIVE

Prepare the program narrative statement in accordance with the following instructions for all new grant programs. Requests for supplemental assistance should be responsive to Item 5b only. Requests for continuation or refunding or other changes of an approved project should be responsive to Item 5c only.

1. OBJECTIVES AND NEED FOR THIS ASSISTANCE.

Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for assistance and state the principal and subordinate objectives of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Any relevant data based on planning studies should be included or footnoted.

2. RESULTS OR BENEFITS EXPECTED.

Identify results and benefits to be derived. For example, include a description of who will occupy the facility and show how the facility will be used. For land acquisition or development projects, explain how the project will benefit the public.

3. APPROACH.

- a. Outline a plan of action pertaining to the scope and detail of how the proposed work will be accomplished for each grant program. Cite factors which might accelerate or decelerate the work and your reason for taking this approach as opposed to others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvements.
- b. Provide for each grant program monthly or quarterly quantitative projections of the accomplishments to be achieved, if possible. When accomplishments cannot be quantified, list the activities in chronological order to show the schedule of accomplishments and their target dates.
- c. Identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project. Explain the methodology that will be used to determine if the

needs identified and discussed are being met and if the results and benefits identified in Item 2 are being achieved.

- d. List each organization, cooperator, consultant, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

4. GEOGRAPHIC LOCATION.

Give a precise location of the project and area to be served by the proposed project. Maps or other graphic aids may be attached.

5. IF APPLICABLE, PROVIDE THE FOLLOWING INFORMATION:

- a. Describe the relationship between this project and other work planned, anticipated, or underway under the Federal Assistance listed under Part II, Section A, Item 10.
- b. Explain the reason for all requests for supplemental assistance and justify the need for additional funding.
- c. Discuss accomplishments to date and list in chronological order a schedule of accomplishments, progress or milestones anticipated with the new funding request. If there have been significant changes in the project objectives, location, approach or time delays, explain and justify. For other requests for changes or amendments, explain the reason for the change(s). If the scope or objectives have changed or an extension of time is necessary, explain the circumstances and justify. If the total budget has been exceeded or if individual budget items have changed more than the prescribed limits contained in Attachment K, Office of Management and Budget Circular No. A-102, explain and justify the change and its effect on the project.

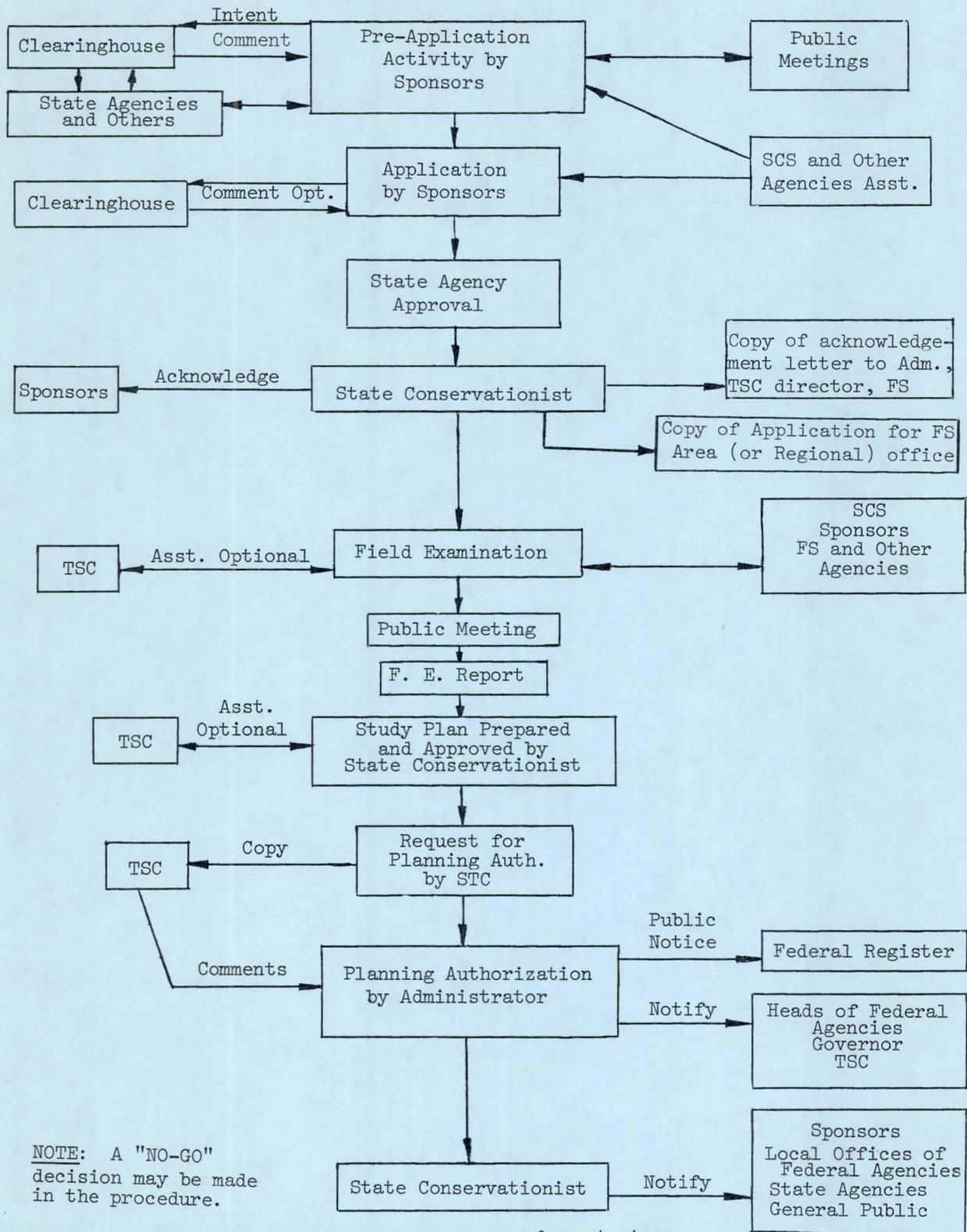
PART V

ASSURANCES

The applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines and requirements including Office of Management and Budget Circulars Nos. A-87, A-95, and A-102, as they relate to the application acceptance and use of Federal funds for this federally-assisted project. Also, the applicant gives assurance and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11296, relating to evaluation of flood hazards, and Executive Order 11288, relating to the prevention, control, and abatement of water pollution.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.
4. It will obtain approval by the appropriate Federal agency of the final working drawings and specifications before the project is advertised or placed on the market for bidding; that it will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications, that it will submit to the appropriate Federal agency for prior approval changes that alter the costs of the project, use of space, or functional layout; that it will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may require.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General through any authorized representative access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17.703). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and that the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer
11. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88 352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Office of Management and Budget Circular No. A-102.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.

FLOW CHART
MAJOR STEPS INVOLVED TO PLANNING AUTHORIZATION



NOTE: A "NO-GO" decision may be made in the procedure.

WATERSHED PROTECTION HANDBOOK

CHAPTER 13

PREPARATION, REVIEW, AND APPROVAL OF WATERSHED PLANS

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WATERSHED PROTECTION HANDBOOK

CHAPTER 13 - PREPARATION, REVIEW, AND
APPROVAL OF WATERSHED PLANS

13.01 - INTRODUCTION - This chapter provides general guidance for watershed plan development, beginning with receipt of planning authorization and continuing through the review and approval process. Guidelines contained herein are complementary to project formulation guidelines outlined in Chapter 2.

13.02 - STATE PROCEDURES - Procedures contained in this chapter do not contain all necessary detail, especially for plan development and review up to TSC concurrence on drafts. Requirements for input and review vary from state to state. Therefore, each state conservationist should develop supplemental in-state procedures to insure involvement of the entire state staff by providing early inputs and review of working drafts. These procedures should also outline involvement of the general public, organized groups, individuals, involvement of the TSC, and involvement of other agencies, including the Forest Service, in the planning and review process. The procedures should be kept current and updated as the need arises. The state conservationist may request assistance from the TSC and Washington office (through the TSC) for developing these procedures.

13.03 - PLANNING PHASES - Project formulation as described in Chapter 2 is a continuous, reiterative process. Its purpose is the attainment of a consensus plan through the making of tradeoffs from alternatives. The process begins upon receipt of planning authorization and is completed in two basic phases--preliminary investigation and plan development.

Preliminary investigation can be characterized as that phase of planning which consists of broad planning concepts and is normally based on extensive use of judgemental planning. One of the purposes of the preliminary investigation phase is to keep the public informed and to afford the public an opportunity to provide inputs and to react to various proposals from all sources. The public should be kept informed and involved by making full use of public meetings and appropriate notices and consultations.

Plan development embodies principally that phase of planning dealing with plan selection and the refinement of the selected plan for purposes of authorization. Further details on one or more of the alternatives may be needed at this stage to facilitate the making of tradeoffs and the ultimate selection of a plan. It includes the development of both draft and final plans and Environmental Impact Statements (EIS's).

Before expending substantial effort in refining any alternative beyond the preliminary investigation level, the state conservationist should obtain reasonable evidence that required institutional arrangements are in existence or can be developed for that alternative and that there is a body of support. This will help to insure against wasteful expenditures of planning funds and will allow a rational decisionmaking framework to emerge in which real tradeoffs are made during plan selection. Refinement of the NED plan may, in many instances, present an exception to this general requirement when needed for purposes of assuring an equitable allocation of costs.

13.04 - DOCUMENTATION OF STUDIES - The support file is a vital part of watershed projects and is used throughout the development, review, installation, and operation, maintenance, and replacement phases. Such a file should provide a comprehensive, reviewable record of pertinent facts, observations, computations, procedures, assumptions, expert opinion, and rationale used in reaching planning decisions. Inasmuch as the study of alternatives is an important determinant of project actions, these too should be documented in sufficient detail to reflect the adequacy of the evaluations undertaken and conclusions reached.

Support information should be organized in such a manner that it is readily usable to the various disciplines involved in plan development and is conducive to review by others. It should be organized into distinctive sections for each principal discipline (agronomy, biology, economics, engineering, geology, hydrology, recreation, etc.) and should be indexed for ease of reference. Within each section, the data, charts, maps, computations, and narrative material should be arranged in a sequence which leads to a clear understanding of the study, the methodology employed, and the conclusions reached.

13.05 - STUDY MANAGEMENT - The study plan should be used throughout the planning process in scheduling and coordinating planning activities. The study plan must be based on realistic work schedules and reflect dates which can be met. Efficient management of the planning studies requires that the work schedules established in the study plan be followed. Modifications of the study plan may be required periodically to reflect changes in component needs, unforeseen problems in planning, or opportunities to accelerate completion of the watershed plan. Updating of the study plan should be done in all cases at the conclusion of the preliminary investigation phase of planning, prior to initiation of the plan development phase. See WPH 12.30 through 12.32.

13.06 - NOTIFICATION AND COORDINATION - The state conservationist will provide written notification to the sponsors, state and areawide clearinghouses, local offices of federal agencies, state agencies, and others of his intention to initiate planning. It is normally helpful to provide, with the notification, a copy of the field examination report and an invitation to participate in the preliminary investigation and plan development. Where applicable, arrangements will be made for coordinating planning activities of land administering agencies on federal land with those activities on nonfederal land. The state conservationist should also publish appropriate notices in state and local newspapers and other media.

Since the Forest Service has specified assigned responsibilities in the watershed program, their area (or regional) office will be requested to provide inventory information on forest lands, to participate in project formulation, and to contribute narrative material with respect to the forest resource for inclusion in the watershed plan and environmental impact statement. The regional director of the U.S. Fish and Wildlife Service and the head of the state game and fish agency will be invited to assist local sponsors to inventory fish and wildlife resources, formulate alternate plans, and identify probable impacts on fish and wildlife.

The state conservationist will, in addition, work with sponsors to insure the opportunity for active participation of all local agencies, groups, and individuals that may have an interest in development of the plan. The sponsors will be requested to give appropriate notice to the general public through local and/or state newspapers and other media. Sufficient information should be provided to enable interested local agencies, groups, and the public at large, to determine what is being considered, what the general environmental implications are, and what kinds of additional information will be needed during planning.

Each state conservationist should maintain a comprehensive master list of potential participants in plan development for his state to use in working with local sponsors. The Water Resource Council's Coordination Directory for Planning Studies and Reports contains addresses of many of the federal and state agencies which need to be involved.

13.10 - PRELIMINARY INVESTIGATION - Planning studies during the preliminary investigation phase will be limited to an identification of water and related land resource problems and development needs, consideration of alternative solutions, and assessment of resulting impacts. Consideration of plan elements for inclusion in alternative plans should not be limited to those eligible for assistance under Public Law 83-566.

Intensity of the preliminary investigation will vary depending on the complexity of the watershed, the degree of conflict among identified component needs and the experience of the planning team. Studies should be limited in detail to be commensurate with the significance of the point in question, the degree of accuracy of available study techniques, and the efficient management of the planning team.

Alternatives to be considered during the preliminary investigation phase should include all reasonable alternatives and not be limited to those with apparent potential for PL 566 assistance. Likewise, it should not be prejudged whether alternatives are or are not "acceptable" to the public since it is only through the reiteration process that "acceptability" may be determined. Alternatives considered during the preliminary investigation phase are expected to change through the reiteration processes.

13.11 - PRELIMINARY INVESTIGATION REPORT - The preliminary investigation report is a public information tool in which results of planning studies to date are summarized. The report may be in one of two forms: one summarizing planning where it appears likely that PL 566 financial assistance can be provided, and one covering those cases where it appears likely that PL 566 assistance cannot be provided. The format and type of report are not specified. It need not be lengthy nor fully developed but should adequately present the opportunities. This preliminary investigation report is not to be confused with preliminary investigation reports as used in the past.

13.111 - PL 566 Financial Assistance - If PL 566 financial assistance appears likely, the preliminary investigation report will be prepared to fully display the alternatives being considered. Normally, this report will be prepared prior to selection of the recommended plan. The report should briefly describe the following:

- a. Water and related land resource problems and development potentials.
- b. Alternative plans, together with the availability or lack of apparent sponsorship arrangements, and kinds, amounts, and conditions of PL 566 assistance for each.
- c. Expected impacts of each alternative.
- d. Tradeoffs among alternative plans.
- e. The role of the sponsors and the public response throughout the planning process.

At least one report of this type is to be sent to the TSC for review and comment. After consideration of TSC comments, the report is to be distributed to local offices of federal agencies, state and local agencies, interested groups, and concerned individuals for their input and comments. Appropriate notices should be made through local and statewide newspapers and other media to advise the general public of the availability of the report. A public meeting should also be held at this stage to discuss the report and provide the public with an opportunity to react. One copy of the report is to be sent to the Washington office for information. Additional reports and/or public meetings may also be necessary at this stage as a result of the reiteration process.

13.112 - Without PL 566 Assistance - In those cases where a plan appropriate to the PL 566 watershed program cannot be developed, a final report is to be prepared and presented to the sponsors along with notification of termination of planning assistance (WPH 12.442). No specific format is required for this report, but it should be prepared in a manner suitable to the sponsors and outline actions which they or others may take to meet their needs without PL 566 assistance. Two copies of this report are to be provided to the Washington office and one copy to the TSC for information. The Washington office will send one copy to the Forest Service.

13.12 - UPDATE STUDY PLAN - After preliminary investigation studies, inputs from others, public feedback, and tentative decisions by sponsors, the number of alternatives under consideration should begin to narrow. Full planning intensity should proceed on alternatives which could ultimately become, or are likely to be needed to determine, the selected plan.

The study plan should be updated as a management tool so that all involved are aware of the work remaining to be done and the steps and target dates for accomplishing that work. Updating of the study plan should be a continuing process as decisions based on judgmental planning are confirmed or revised, new information becomes available, and priorities change. The updating is emphasized here, since the conclusion of the preliminary investigation is an excellent opportunity for major revision and refinement.

13.121 - TSC Concurrence - After updating of the study plan, it is to be sent to the TSC for review and concurrence.

13.20 - WATERSHED PLAN -

13.201 - Coverage - The watershed plan is the basic document in which the sponsors' decisions are recorded with respect to implementation of a watershed project.

The plan should enumerate the responsibilities of those participating in the project for financing, installing, operating, and

maintaining the planned project and show in monetary terms the relationship between project costs and project benefits.

The body of the plan should not include details of the project measures, description of the watershed area, the problems or the formulation. If an environmental impact statement (EIS) is prepared, the plan should refer the reader to it for details on these items. If no EIS is prepared, the plan will include these details in appendix material. Format for a watershed plan is shown in WPH 13.30.

13.202 - Responsibility - Plan development is the responsibility of the sponsors. SCS will assist and encourage other agencies and groups to assist the sponsors to incorporate and coordinate all feasible aspects of watershed protection, flood prevention, and water management in watershed plans. The Forest Service has coordination responsibility for forest land.

SCS and Forest Service must maintain high technical standards in assisting the sponsors formulate and develop the plan. SCS is responsible for coordinating all parts of the plan so that it correctly and completely portrays the arrangements that have been agreed upon for carrying out the project. State conservationists are responsible not only for all project proposals, but also for the editorial clarity, mathematical accuracy, and technical quality of plans.

13.203 - Basic Requirements - Watershed plans should reflect general uniformity in content and format. They should not, however, be so stereotyped or so general that they would apply to almost any watershed.

13.21 - RELATIONSHIP OF WATERSHED PROJECTS TO SCS RULES AND REGULATIONS FOR COMPLIANCE WITH NEPA

13.211 - Environmental Impact Statements - Watershed projects for which environmental impact statements (EIS's) are to be prepared are specified in 7CFR 650.8. (See Appendix 4.)

13.212 - Negative Declarations - If at any time during the planning process prior to interagency review the state conservationist anticipates that an EIS may not be needed, but the action is not excluded from Section 102(2)(c) of NEPA (WPH 13.213), the following actions will be taken:

a. Prepare an Environmental Assessment Summary Report. This report should be a brief summary of the planning studies and conclusions. The TSC director is to concur in the adequacy of the Environmental Assessment Summary Report.

b. After the TSC concurrence on the adequacy of the Environmental Assessment Summary Report, the state conservationist decides whether or not an EIS is needed.

c. If an EIS is not needed, a negative declaration will be prepared and circulated by the state conservationist as soon as practicable and in all cases prior to circulation of the draft plan. See Exhibit 13.90-8 for example.

(1) The state conservationist will prepare a Federal Register notice for the signature of the Deputy Administrator for Water Resources and forward it to the Watershed Planning Division for processing. See Exhibit 13.90-11 for sample.

(2) The state conservationist is to distribute the negative declaration to CEQ and the same agencies, groups, and individuals and in the same number as required for interagency review of a draft EIS. However, comments will not be requested. See Exhibits 13.90-9 and -10.

d. The state conservationist should submit a news release to local papers and other appropriate media to inform the public that an EIS is not being prepared.

e. When the draft plan is distributed for interagency review, the letter of transmittal should state that a negative declaration has been filed with CEQ and cite the date of filing.

If subsequent information or events indicate a need for preparing and circulating an EIS, a decision to do so will not be influenced by a previous preparation and distribution of a negative declaration.

13.213 - Exclusions - Types of watershed projects which are not generally defined as major federal actions significantly affecting the human environment and are, therefore, normally excluded from Section 102(2)(C) of NEPA are specified in 7 CFR 650.8. See Appendix 4.

13.22 - ENVIRONMENTAL IMPACT STATEMENT

13.221 - Coverage - Normally, a separate EIS will be prepared for each separate watershed project where required. If so, the EIS will be bound with and distributed with the watershed plan. However, this physical combination of the plan and EIS does not alter the fact that the two documents are independent - the plan being the joint responsibility of SCS and sponsors and requiring approval by Congress or the state conservationist--the EIS being a federal responsibility to be approved by the state conservationist.

In some cases it may be desirable to prepare one EIS to cover two or more watershed projects. This is permissible as long as the projects are similar and located in the same geographic area. If one EIS is developed to cover two or more watershed plans, a copy of the EIS should be bound with each plan. The relationship between the

EIS and the plans should have been clarified in the EIS, but, if not, the relationship must be explained in the watershed plan.

Format for the EIS is shown in 13.30.

13.222 - Responsibility - Environmental impact statements are to be prepared for those projects as indicated in 13.211. The EIS is the responsibility of the SCS and is written to be an independent document meeting the requirements of NEPA, the CEQ Guidelines, and the SCS Guidelines for Preparation of Environmental Impact Statements.

SCS and Forest Service must maintain high technical standards in developing the EIS. SCS is responsible for coordinating all parts of the EIS so that it correctly and completely portrays the pertinent facts of the watershed, the works of improvement to be installed, and the impacts of the project. The state conservationist is responsible not only for all project proposals, but also the editorial quality, mathematical accuracy, and technical quality of the EIS.

13.223 - Basic Requirements - Environmental Impact Statements should reflect general uniformity in content and format. They should not, however, be so stereotyped or so general that they would apply to almost any watershed. An EIS should be tailored to adequately describe the needs of the watershed and the objectives of the project.

13.23 - TECHNICAL APPENDIX - If no environmental impact statement is prepared for a proposed watershed project, either by negative declaration or exclusion, the plan should include a separate appendix to include the information which would otherwise be found in the EIS but in less detail. This appendix will be titled "Technical Appendix" and will be bound with the plan and accompany it through the review process.

The "Technical Appendix" should follow the format shown for the EIS, as appropriate, utilizing the following major headings:

Planned Project

Environmental Setting

Water and Related Land Resource Problems

Relationship to Land Use, Policies, and Controls

Environmental Impact (except do not include a summary of favorable and adverse impacts).

Alternatives

Formulation (a brief summary of the formulation of the project, goals of the sponsors, consultation with others, etc.)

Display Accounts for Selected Alternative

Summary Comparison of Alternative Plans

Maps (or other displays) as appropriate

Project Map

13.24 - GRAPHICS - The EIS or the "Technical Appendix" should include such tables, maps, graphs, pictures, or other graphics as are necessary to make the proposed project understandable to the reader. The extent to which such graphics are used will depend on the complexities of the project, the availability of the data, and the specific need to be served. Care should be exercised in the selection of exhibits illustrating "typical" structural measures so that the illustration actually represents the measures to be used. When maps or drawings are referred to, they should be checked to make sure that they illustrate the point intended.

Typical graphics which may be included in the EIS or the Technical Appendix are:

- a. Project map - See 13.25
- b. Recreational development map - See 13.241
- c. Urban flood plain map - See 13.242
- d. Flood plain strip maps
- e. Condensed plan-profile for channel work - See 13.243
- f. Section of a typical floodwater retarding structure or specific structure.
- g. Graph showing annual distribution of streamflow and net irrigation requirement.
- h. Graph showing streamflow regulation effects
- i. General soil map
- j. General geologic map

- k. General land use map
- l. Gross erosion map and sediment yield at specific locations
- m. Water supply distribution system map
- n. Drawings for a typical reservoir site (or each site) showing plan view of reservoir, area-capacity-discharge curves, typical zoned fill section, section through outlet works, centerline profile of dam, and emergency spillway profile
- o. Typical channel cross-sections showing spoil disposal, special environmental, and other features

13.241 - Recreational Development Map - When recreational development is planned as a project purpose, a map or sketch should be included in the EIS or the Technical Appendix to show the general layout of each development. It should show such pertinent features as (1) the boundaries of the development, (2) the dam and emergency spillway, (3) the surface area of the recreational pool, (4) the high water line of the reservoir, and (5) the location and kind of principal use areas (picnicking, camping, bathing, parking, boat ramps, etc.) and the location of the access roads. See Exhibit 13.90-13.

13.242 - Urban Flood Plain Map - In those cases where existing or likely future urban or built-up areas are affected by the project measure, a map should be included in the EIS or the Technical Appendix showing such areas that will be flooded by a 100-year event or the maximum flood of record with and without project. A recent aerial photograph is preferred as the base. The map should be referenced in the discussion of effects. See Exhibit 13.90-12.

13.243 - Plan-Profiles - Condensed plan-profile sheets for channel work are very helpful to the reviewer or reader. They should be used where practical for each plan involving channel work. For projects involving extensive channel work, it may be satisfactory to show only selected reaches which are unusual or complex. Condensed plan-profiles provide an opportunity to show (1) channel alignment, (2) apparent land ownership, (3) existing facilities which might be affected, (4) planned bottom grade and water surface profile (5) existing bottom grade and average ground level, (6) road crossing information - bridge and culvert area, vertical height of opening, elevation of low point on road, (7) soils information and rock boundaries, (8) land use, and (9) other features pertinent to an understanding of the planned work.

13.25 - PROJECT MAP - A colored project map should be prepared to show the location of important project measures and the location and extent of important watershed conditions that will be affected by the works of improvement to be installed. The map should show the location and kind of measures, watershed areas above structures with floodwater retarding capacity, and benefited areas.

The project map should also include, where appropriate, the boundaries of urban areas and public lands such as state or national forests, grazing districts, or military reservations. Additional information may also be included on the project maps such as archeological and historic sites, stream reaches, and other information. However, care should be taken so that the project map does not become cluttered and unclear. Additional maps may be used to show these or other features.

The project map should be large enough to show watershed problems and project features. The colors on the sample in Exhibit 13.90-14 will be standard for all project maps. All cartographic units have the facilities to prepare project maps and have been provided color specifications. The project map should be prepared so that it can be extended for easy reference while the plan and/or EIS are being reviewed.

13.26 - CONGRESSIONAL DISPLAY MAP - One copy of the watershed project map, large enough for display purposes, should be prepared for those plans requiring approval by committees of the Congress. This map should be 30 x 40 inches in size unless the watershed is small enough to permit the use of a map 21 x 30 inches with a scale of at least two inches to the mile. The map should be mounted on a double thickness illustration board and be suitable for display purposes. Maps prepared at the 30 x 40 inch size should be hinged in the center so they can be folded to a 30 x 20 inch size.

13.27 - STATUS - Only two official status designations of watershed plans and environmental impact statements are recognized - DRAFT and FINAL .

A DRAFT plan or EIS comes into being when it is distributed for interagency review, and made available to the general public. If an EIS is prepared, it is signed by the state conservationist at that time. There is no DRAFT prior to that time. Working copies developed during the planning process for internal use and informal review by others should be clearly labeled as "PRELIMINARY - SUBJECT TO REVISION".

A FINAL plan or EIS results from the consideration of all comments received on the DRAFT during the interagency review. It comes into being when it is signed by the state conservationist. This step constitutes SCS's approval of the EIS or plan for the proposed project. However, federal assistance is not authorized until after fulfillment of applicable laws and regulations (including where applicable, the 30 day period required in 7CFR 650.9(c)(4). See paragraph 12 of the agreement.

13.30 - FORMAT AND CONTENT - The following format is provided to assist in the preparation of a watershed plan and environmental impact statement. The format does not give an example of all the narrative material, but does attempt to depict the minimum detail which is to be covered under the several headings. It is often helpful to identify each page by an abbreviated subject title at the top.

When a draft plan is distributed for interagency review, the date shown in the plan and EIS (including all tables) should be no more than a few months old, the price base should be no more than one year old, and the discount rate current for the date shown in the tables. It is preferable that the price base be the same as the year shown in the tables.

When a final plan is approved (signed by the state conservationist), it must reflect the current discount rate and a current price base. If an update is necessary it may be made as follows:

a. For plans to be approved administratively, the update may be made by a one page addendum. See 13.30-2 for sample.

b. For congressional plans, the update may also be made by a one page addendum (13.30-2) if the price base and discount rate are no more than about eighteen months old at the time the final plan is submitted to the Washington office. If this time requirement is not met, the addendum should be expanded to include updated Tables 1, 2, 2A, 4, 5, and 6 plus additional details. The state conservationist should contact the TSC for specific requirements of this expanded addendum.

The format shown assumes that an environmental impact statement is being prepared. In this case, each document is written so that it may be used independently. The plan should refer to the EIS for additional details. Normally the plan and EIS will be distributed together.

If no EIS is being prepared, the plan will include an appendix. See 13.23.

<u>SAMPLE</u> <u>COVER</u>

A suitable cover of heavyweight material should be used to provide protection and enhance the appearance of the final plan and EIS. A photographic background or art design may be used. No specific format is required. However, as a minimum, the cover should identify the documents as:

WATERSHED PLAN
AND
ENVIRONMENTAL IMPACT STATEMENT

FOR

DAVID CREEK WATERSHED
MIDDLESTATE

Month and Year
(may be stamped)

Draft copies should be identified as DRAFT. This may be accomplished by stamp to avoid a subsequent reproduction. Working copies developed during the planning process for internal use and informal review by others should be appropriately labeled as "PRELIMINARY - SUBJECT TO REVISION" and dated for ease in identification.

SAMPLEADDENDUM

David Creek Watershed Plan, Middlestate

This addendum shows the project costs, benefits, and benefit-cost ratio based on 12-7/8 percent interest rate, 1984 installation costs, and current normalized prices for agricultural commodities. Annual project costs, benefits and benefit-cost ratio are as follows:

1. Project costs are \$289,000.
2. Project benefits are \$365,000.
3. The project benefit-cost ratio is 1.3:1.

<p>Note: An addendum is to be used only when necessary to update the discount rate and/or price base or other minor changes. See 13.30.</p>

NOTE: Identify as DRAFT, if appropriate.

WATERSHED PLAN AND
ENVIRONMENTAL IMPACT STATEMENT

DAVID CREEK WATERSHED
Able and Baker Counties, Middlestate

Prepared under the Authority of the Watershed
Protection and Flood Prevention Act, Public
Law 83-566, as amended (16 USC 1001-1008)
and in accordance with Section 102(2)(C) of
the National Environmental Policy Act of 1969,
Public Law 91-190, as amended (42 USC 4321 et seq).

Prepared by: (name of sponsoring local organization)
(add other sponsors as appropriate)
U.S. Department of Agriculture, Soil Conservation Service
U.S. Department of Agriculture, Forest Service

SAMPLEPREFACE

Enclosed are two documents--the Watershed Plan and Environmental Impact Statement for David Creek Watershed, Middlestate.

The Watershed Plan has been developed by the local sponsors with the assistance of the U.S. Department of Agriculture and is the basis for the authorization of federal assistance to implement the proposed project in accordance with the Watershed Protection and Flood Prevention Act, Public Law 83-566, as amended (16 USC 1001-1008).

The Environmental Impact Statement has been prepared by the U.S. Department of Agriculture in compliance with Section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, as amended (42 USC 4321 et seq).

The Environmental Impact Statement contains the detailed information on project area, planned project, problems, impacts, alternatives, etc.

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WATERSHED PLAN

DAVID CREEK WATERSHED

Able and Baker Counties, Middlestate

It is helpful to use heavyweight, colored paper for this page so that the plan can be readily distinguished.

David Creek Watershed Plan
Able and Baker Counties, Middlestate

SUMMARY AND DESCRIPTION

This section should show size and location of watershed, sponsors, watershed problems that the plan covers, and extent to which it is planned to solve these problems. It should also cover such items as: types of works of improvement, such as land treatment measures, nonstructural measures, and structural measures that are planned for the watershed; environmental impact of the project; estimated time to install the project; installation cost, and sharing of this cost between PL 566 and other funds; arrangements that have been made for carrying out and operating and maintaining the proposed project; estimated average annual cost of operation and maintenance; and average annual total benefits (dollars) compared to average annual costs. The summary should generally not exceed two single-spaced pages.

PLANNED PROJECT

This section should be a summary of the proposed action - land treatment, nonstructural, and structural measures. This section should generally be one to two pages. Details on the planned project will be covered in the EIS 1/, which should be referenced here. It should be evident from this reference that the intent is to install the project as described in the EIS.

1/ If no EIS is prepared, this and all other such references in the plan format are interpreted to mean APPENDIX.

INSTALLATION COSTS - MONETARY

This section should describe the cost of each item contained in Table 1. Any major cost item not separately shown in Table 1 should also be discussed.

During periods of sharply rising or decreasing construction costs, allowance may be made in cost estimates to reflect prices expected to prevail at the anticipated time of project approval. This should be explained. The construction cost should include a reasonable contingency allowance which generally should be not less than 12 percent. In discussing contingency allowances, special mention should be made of estimates for solving any unusual construction problems anticipated, including any additional engineering costs.

All land rights costs should be carefully explained. Sub-elements such as modifications or alterations of improvements, flowage easements, legal fees, fee title acquisitions, appraisal costs, etc., should be identified. Where land rights are required for a multiple purpose feature, include a clear description of the amount and type of land rights needed for each specific purpose as well as the amount and type needed for joint use.

In discussing engineering services costs, such items as (1) additional engineering services costs for anticipated unusual construction problems, (2) engineering services costs for recreational facilities, and (3) nonproject engineering services costs, should not be overlooked. The cost for recovery, protection, and/or preservation of cultural values if anticipated, should be explained.

Give the total estimated cost of relocation payments including a description of the major sub-elements such as moving and related expenses, replacement housing, etc.

Elements of project administration costs should be described including major sub-elements as mentioned in WPH 3.01325. Relocation assistance advisory services should not be overlooked, if applicable. For each evaluation unit having multiple purpose measures, the plan should describe the procedures used for cost allocation and show the allocation of costs to objectives and purposes. For each multiple purpose measure, show the allocated joint cost, specific cost and total cost for each purpose.

Cost sharing between PL 566 cost and other cost should not be shown. This section should refer to the AGREEMENT sections for actual cost sharing.

ECONOMIC BENEFITS

Monetary benefits should be shown for each purpose with appropriate explanation of the significant items that are included in Tables 5 and 6.

This section should be concluded by showing a comparison of the benefits and costs and the ratio of the average annual economic benefit to average annual economic cost for the project.

INSTALLATION AND FINANCING

The plan should describe the framework and responsibilities for carrying out the project measures.

The installation period along with the estimated total PL 566 and other obligations for each fiscal year during the installation period should be shown. The estimated expenditures for land treatment measures should be shown separately from the estimate for nonstructural and structural measures. If an advance of funds for future municipal water is involved, the amount and year needed should be indicated.

If "going program" funds are adequate to install needed land treatment measures on federal lands, the concerned federal land administering agency will request supplemental funds for this purpose under its regular program authorities.

This section should specify for each sponsor the measures each will install or be responsible for and how each measure will be installed. The individual responsibilities for each sponsor should be itemized. It is important that the specified responsibilities for each sponsor will meet the needs for the installation of works of improvement that engineering services which are to be performed by SCS and sponsors be identified. This also

applies to similar services to be performed in connection with the alteration, modification, or change in location of facilities and the land rights needed for them.

A listing of items to be covered follows:

a. Explain how the contracting will be carried out and the sponsor responsible for dealing with SCS during the installation. The plan should state clearly, as appropriate, that: (1) the sponsors intend to do the contracting; (2) SCS is formally requested to do a specific portion or all of the contracting; or (3) the sponsors, at a later date, may request SCS to administer the contracts.

If a "performance of work" or a "division of work" arrangement is to be used, see paragraph 3.033 and 3.034. If a "division of work" is involved, this section should include a statement that the value of the work which the SCS is to perform does not exceed cost sharing rates for such practices applicable under other cost programs. Describe the responsibilities of each party.

b. When relocations are involved, explain which sponsor or sponsors as a part of a project administration, will (1) provide personally or by first class mail, written notice of displacement and appropriate application forms to each displaced person, business or farm operation, (2) assist in filing applications, (3) review and take action on applications for relocation assistance, (4) review and process grievances in connection with displacements, and (5) make relocation payments. Show that, as a part of project administration, the SCS will assist the specified sponsor(s) in fulfilling his responsibilities.

c. Show as a separate item of project administration that a specific sponsor(s) will provide, without PL 566 financial assistance, such relocation assistance advisory services as may be needed in connection with the relocation of displaced persons, businesses, or farm operations. Specify what these services will include. If the sponsor anticipates procurement of these services by contract of agreement with a federal, state or local governmental agency or from any person or organization, describe fully in this section of the plan.

d. Include a statement to the effect that the sponsors have determined that decent, safe and sanitary replacement housing will be available for all persons subject to displacement by the project and that displaced persons will be given notice to vacate at least 90 days before they have to move. If sufficient comparable replacement dwellings are not available at the time of planning to provide for decent, safe and sanitary dwellings for all anticipated needs, the plan is to clearly show how comparable replacement dwellings are expected to become available prior to construction of the

measures causing displacement. For instance, supporting data files might contain and the plan show that a statement was obtained from building contractors or real estate dealers to the effect that under the normal rate of construction and turn-over, replacement dwellings will be available when needed. It may also be that new housing will need to be built. In any event, the plan must include such information as will constitute an assurance that sufficient and adequate replacement housing is going to be available.

e. Describe the responsibilities of and types of assistance to be made available by each federal agency in accomplishing the plan. Concurrence of any land managing agency to its part in carrying out the plan should be specifically indicated except for the Forest Service, which is a USDA agency with responsibilities in plan development.

f. State the arrangements to be followed for obtaining appraisals which are prerequisite to securing land rights.

g. Show that the sponsors can provide sufficient funds and agree to use their legal authority (including the power of eminent domain, if necessary) to acquire all of the land rights needed for the project. PL 566 assistance for construction may be provided before all necessary land rights for the project are secured if the plan shows that the sponsors meet the above conditions. Generally, it may be expected that land rights for all of the project will have been acquired in the first two or three years of the installation period.

h. Show that, when applicable, the sponsors will assure installation of at least 75 percent of the effective land treatment on critical sediment source areas which, if uncontrolled, would require a material increase in the cost of construction, operation, maintenance, or replacement of a structural measure.

i. Show that, when applicable, the sponsors will obtain, with other than PL 566 funds, such permits as will be needed in connection with the works of improvement.

j. If recovery, protection, and/or preservation of cultural values is anticipated, this section should include a brief summary of the plan for recovery, protection, and/or preservation including responsibilities for carrying out such plans.

This section should state that if cultural values are discovered during construction, that appropriate notice will be made to the Secretary of the Interior (through the appropriate field office of the Interagency Archeological Services Division) in accordance with Section 3 of PL 93-291.

Describe the manner by which the sponsors and the federal government will finance their part of the installation and operation, maintenance, and replacement cost. This should specify which sponsor(s) assume the financial responsibilities.

The financial capability of the sponsors to carry out the project should be fully demonstrated. The plan should specifically show:

- a. That adequate provision has been made for organizational expenses, which may be substantial particularly in the case of newly formed organizations.
- b. The means of financing relocation payments and relocation assistance advisory services costs for specific sponsor(s) in the same manner as other costs.
- c. How donations such as land, easements, labor, material, equipment, services, or money will be used to finance the other than PL 566 cost. Where applicable, provide that the sponsor may receive credit for such contributions toward their required cost sharing under conditions to be agreed upon in advance of their performance (see paragraphs 3.033 and 3.034).
- d. That the sponsor has analyzed its financial needs in consideration of the scheduled installation, and estimated operation, maintenance, and replacement requirements of the works of improvement so that funds will be available when needed through donations, cash reserves, tax or assessment levies, or credit.
- e. That private sources of credit have been contacted with favorable results, if private sources of credit are expected to be used.
- f. That, if a watershed loan is contemplated from Farmers Home Administration, negotiations are underway with the state director of the Farmers Home administration, including the filing of a pre-application.
- g. That costs not eligible for PL 566 financial or credit assistance are identified. The means of financing such costs should be described.

When an advance of PL 566 funds for future municipal or industrial water supply is involved, this section of the plan should show:

- a. The estimated amount of the advance, types of cost for which it will be used and that it will not exceed 30 percent of the total estimated installation cost of the structure involved.

b. That the sponsor will enter into an agreement, approved by FmHA, for repayment of the advance prior to the execution of the SCS fund obligating agreement.

c. That the sponsor intends to use the water from the storage capacity provided for future municipal use within the life of the structure.

d. That the state director of FmHA has tentatively concurred in the proposed advance.

The plan should describe the conditions under which PL 566 assistance will be made available to the sponsors and show that financial and other assistance to be furnished by the SCS in carrying out the project is contingent on the appropriation of funds for this purpose.

Appropriate explanatory statements should be included setting forth the opportunities for federal assistance from other programs, including cost sharing programs of USDA and community development block grants from the Department of Housing and Urban Development.

If recovery, protection, and/or preservation of cultural values is anticipated, this section should describe who will be responsible for financing and how it will be funded.

When the plan includes works of improvement to be installed on federal land, the plan should show how PL 566 funds will be used in combination with funds available from regular program sources.

If the sponsors intend to do the contracting or will otherwise receive PL 566 funds, their responsibilities may be outlined as follows:

"Prior to entering into agreements that obligate funds of SCS, the (name of appropriate sponsor) will develop a code of conduct governing the performance of its officers, employees, or agents in contracting with or expending PL 566 funds; and a financial management system for control, accountability, and disclosure of PL 566 funds received and for control and accountability for property and other assets purchased with PL 566 funds.

"Program income earned during the grant period will be reported on the sponsor's request for advance or reimbursement from SCS."

OPERATION, MAINTENANCE, AND REPLACEMENT

Discuss operation, maintenance, and replacement (OM&R) responsibilities in the same detail as installation responsibilities. Specific items to be covered are:

- a. That the landowners will be responsible for maintaining land treatment measures on their farms.
- b. That the sponsors will encourage landowners and operators to operate and maintain the land treatment measures for the protection and improvement of the watershed.
- c. The local organization that will be responsible for operating and maintaining each planned measure and the manner of financing.
- d. The responsibilities for operation of the nonstructural measures to assure their effectiveness throughout the evaluation period.
- e. Responsibilities for operation of structures, including use of water in regulated storage capacity, operation of any control works such as tide gates and the legal steps required to establish operating authority, etc. (See Chapter 8 for requirements when storage for public recreation or fish and wildlife together with any other conservation storage is provided in a reservoir.)
- f. Estimated operation and maintenance costs for each type of structural measure and the kind of operation and maintenance work that will likely be needed. Special note should be made of any unusual operational needs and major maintenance work that may be anticipated.
- g. Inspections to be made, how often, kinds of inspections, and frequency of joint inspection by federal and local responsibilities.
- h. Sufficient detail to clearly establish that the requirements for adequate operation and maintenance are fully understood and that arrangements have been or can be made to satisfy such requirements. This matter is particularly significant for recreational developments since it is likely that the operation and maintenance effort for even a modest recreational development could comprise over half of the total operation and maintenance responsibility of the entire project. Since the recreational facilities generally require periodic replacement during the project evaluation period, the plan should show the extent to which replacement costs have been included. Custodial, policing, sanitation, safety and other operational services and the manner of financing operation and maintenance costs should be described fully. If admission or use charges are contemplated, the plan should indicate the basis that will be used for establishing fees. (See Chapter 8.)

- i. Special note should be made of the provisions for operation and maintenance of fish and wildlife features or measures.
- j. Consideration given to operation and maintenance of needed sanitary facilities if public access is to be provided at any of the project measures.
- k. Provisions to demonstrate that the installation and operation and maintenance of the planned features will meet the requirements of appropriate state and local public health agencies. This is especially important when recreation and/or municipal water supply is involved. Identify the agencies involved.
- l. A statement that specific operation and maintenance agreements will be executed prior to signing a land rights, relocation, or project agreement and that the O&M agreements will contain, in addition to specific sponsor responsibilities for nonstructural and structural project measures, specific provisions for retention, use and disposal of property acquired or improved with PL 566 assistance. The plan will also state that the O&M agreements will contain a reference to the State Watersheds Operation and Maintenance Handbook and that an operation and maintenance plan will be prepared for each structural and nonstructural measure.

AGREEMENT

Sample - to be included in all plans

between the following local organizations:

David Creek Soil and Water Conservation District
David Creek Watershed District

list all sponsors as appropriate

(Referred to herein as sponsors.)

State of Anystate
and the
Soil Conservation Service
United States Department of Agriculture
(Referred to herein as SCS)

Whereas, application has heretofore been made to the Secretary of Agriculture by local organization(s) for assistance in preparing a plan for works of improvement for the David Creek Watershed, State of Anystate, under the authority of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1008); and

Whereas, the responsibility for administration of the Watershed Protection and Flood Prevention Act, as amended, has been assigned by the Secretary of Agriculture to the Soil Conservation Service (SCS); and

Whereas, there has been developed through the cooperative efforts of local organizations and SCS this plan for works of improvement for the David Creek Watershed, State of Anystate:

Now, therefore, in view of the foregoing considerations, the Secretary of Agriculture, through the Soil Conservation Service, and the sponsors hereby agree on this plan and that the works of improvement for this project will be installed, operated, and maintained in accordance with the terms, conditions, and stipulations provided for in this watershed plan and including the following:

1. The Sponsors will acquire, with other than PL 566 funds, such land rights as will be needed in connection with the works of improvement. (Estimated Cost \$ _____.)

Explanatory Note for Item 1

Modification of this paragraph is necessary when public recreation or fish and wildlife development is included as a project purpose, to clearly show the extent of federal assistance for land rights, particularly if PL 566 assistance will be provided for only a part of the area that the local organization will acquire. This may be shown substantially as follows:

The Sponsors will acquire such land rights as will be needed in connection with the works of improvement. The percentages of this cost to be borne by the Sponsors and the SCS are as follows:

<u>Works of Improvement</u>	<u>Sponsors (or Name of Sponsor) (percent)</u>	<u>SCS (percent)</u>	<u>Estimated Land Rights Costs</u>
Multiple-purpose Str. No. _____ and Recreational Facilities			
Payment to land-owners for about _____ acres.	_____	_____	_____
Land Appraisal Fees	_____	_____	_____

Cost of
Alteration
or Modification
of Improvements*

Legal Fees, Survey
Costs, Flowage
Easements, and
Other

100 0

All Other
Structural
Measures

100 0

* Including necessary engineering services, construction, and additional land costs.

When land is acquired or improved with PL 566 financial or credit assistance, the following paragraph must be included:

The sponsors (or name of sponsor) agree that all land acquired or improved with PL 566 financial or credit assistance will not be sold or otherwise disposed of for the evaluated life of the project except to a public agency which will continue to maintain and operate the development in accordance with the Operation and Maintenance Agreement.

2. The sponsors (or name of sponsor) assure that comparable replacement dwellings will be available for individuals and persons displaced from dwellings, and will provide relocation assistance advisory services and relocation assistance, make the relocation payments to displaced persons, and otherwise comply with the real property acquisition policies contained in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646, 84 Stat. 1894) effective as of January 2, 1971, and the Regulations issued by the Secretary of Agriculture pursuant thereto. The costs of relocation payments will be shared by the sponsors and SCS as follows:

	<u>Sponsors (or Name of Sponsor) (percent)</u>	<u>SCS (percent)</u>	<u>Estimated Relocation Payment Costs (dollars)</u>
Relocation Payments	_____	_____	_____

Explanatory Note for Item 2

Enter the total estimated relocation payment from Table 1. Percentages for cost sharing will be based upon the ratio of PL 566 and other funds to the "Total Project" line item of Table 1, excluding relocation payment costs. The relocation assistance advisory services cost is to be included when computing the cost sharing percentages. These percentages are to be used for the life of the project regardless of future changes or supplements.

If the planned project measures will not cause the displacement of any person, business, or farm operation under present conditions, include paragraph No. 2 in the agreement, show cost sharing percentages, place \$0 in "Estimated Relocation Payment Costs," and footnote the column as follows:

- 1/ Investigation has disclosed that under present conditions the project measures will not result in the displacement of any person, business, or farm operation. However, if relocations become necessary, relocation payments will be cost shared in accordance with the percentages shown.

3. The sponsors (or name of sponsor) will acquire or provide assurance that landowners or water users have acquired such water rights pursuant to state law as may be needed in the installation and operation of the works of improvement.

4. The percentages of construction costs to be paid by the sponsors and by SCS are as follows:

<u>Works of Improvement</u>	<u>Sponsors (or Name of Sponsor)</u> (percent)	<u>SCS</u> (percent)	<u>Estimated Construction Costs</u> (dollars)
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Explanatory Note for Item 4

List each multiple-purpose measure separately. Specific cost items and joint costs of multiple-purpose measures will be shown as separate line item entries. Single purpose measures may be grouped by kind when the rate of assistance is the same for each measure or group. Where the costs for land treatment measures will be shared, add separate paragraphs to explain the cost sharing.

5. The percentages of the engineering costs to be borne by the Sponsors and SCS are as follows:

<u>Works of Improvement</u>	<u>Sponsors (or Name of Sponsor)</u> (percent)	<u>SCS</u> (percent)	<u>Estimated Engineering Costs</u> (dollars)
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Explanatory Note for Item 5

List each multiple-purpose measure separately. Specific cost items and joint costs of multiple-purpose measures will be shown as separate line item entries. Single purpose measures may be grouped by kind when the rate of assistance is the same for each measure or group. Engineering costs to be shown here do not include costs for similar land rights functions (see paragraph 3.01323) or construction layout and inspection (see paragraph 3.01325).

Correct cost sharing for engineering costs for public recreational facilities eligible for PL 566 assistance may be demonstrated in one of the following ways.

- a. Where the plan provides for an A&E firm to perform all engineering services, show as a single line item the percentage rate of sharing for engineering services to be obtained by contract.
- b. Where the sponsors are to provide engineering services in addition to those obtained from an A&E firm, use two line items, one showing the percentage rate of sharing the costs of the engineering services contract and the other line item showing that the sponsors will pay 100 percent of all other engineering services cost.
- c. Where SCS is to provide engineering services in addition to those obtained by contract, use a single line item showing the percentage rate of sharing these combined costs.
- d. Where all engineering services are to be furnished by the sponsors they will be listed as a separate line item at 100 percent sponsors' cost.
- e. Where SCS and the sponsors are to provide all engineering services through their staff employees, show a separate line item for the services each party will provide. Services of the sponsors will be at 100 percent sponsors' cost. The cost of those provided by SCS will be shared 50-50, except that SCS may bear 100 percent, upon prior approval of the Administrator, in those instances where the actual cost cannot conceivably exceed that provided by the sponsors.

6. The Sponsors and SCS will each bear the costs of Project Administration which it incurs, estimated to be \$ _____ and \$ _____ respectively.

Explanatory Note

Where it would facilitate carrying out the plan, the specific responsibilities of individual sponsors may be described in appropriate numbered paragraphs of the agreement. Where specific responsibilities are divided among several sponsors, the names of each need not be inserted in the agreement if so defined elsewhere in the watershed plan.

7. The sponsors will obtain agreements from owners of not less than 50 percent of the land above each reservoir and floodwater retarding structure that they will carry out conservation farm or ranch plans on their land.
8. The sponsors will provide assistance to landowners and operators to assure the installation of the land treatment measures shown in the watershed plan.
9. The sponsors will encourage landowners and operators to operate and maintain the land treatment measures for the protection and improvement of the watershed.
10. The sponsors will be responsible for the operation, maintenance, and replacement of the works of improvement by actually performing the work or arranging for such work in accordance with agreements to be entered into prior to issuing invitations to bid for construction work.
11. The costs shown in this plan represent preliminary estimates. In finally determining the costs to be borne by the parties hereto, the actual costs incurred in the installation of works of improvement will be used.
12. This agreement is not a fund obligating document. Financial and other assistance to be furnished by SCS in carrying out the plan is contingent upon the fulfillment of applicable laws and regulations and the availability of appropriations for this purpose.
13. A separate agreement will be entered into between SCS and sponsors before either party initiates work involving funds of the other party. Such agreements will set forth in detail the financial and working arrangements and other conditions that are applicable to the specific works of improvement.

14. This plan may be amended, revised, or terminated only by mutual agreement of the parties hereto except that SCS may terminate financial and other assistance in whole, or in part, at any time it determines that the sponsor has failed to comply with the conditions of this agreement. In this case, SCS shall promptly notify the sponsor in writing of the determination and the reasons for the termination, together with the effective date. Payments made to the sponsor or recoveries by SCS under projects terminated shall be in accord with the legal rights and liabilities of the parties.

Explanatory Note for Item 14

The following may be added to the above statement where appropriate - "An amendment to incorporate changes affecting a specific measure may be made by mutual agreement between SCS and the sponsor(s) having specific responsibilities for the measure involved."

15. No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this plan, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

16. The program conducted will be in compliance with all requirements respecting nondiscrimination as contained in the Civil Rights Act of 1964, as amended, and the regulations of the Secretary of Agriculture (7 CFR 15.1-15.12), which provide that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any activity receiving federal financial assistance.

TABLES

The tables are designed to meet as many conditions in a watershed as can be readily anticipated to exist.

Only those items or measures which are applicable to the specific watershed plan should be shown in the tables.

In using all tables, the indicated headings and items should be used in the same order illustrated, top to bottom, and left to right to facilitate all review and summary purposes.

Prime numbered tables are usually necessary in all plans; A and B tables should be used only if applicable. For ready reference, tables should be reproduced on colored paper.

All tables should be dated showing month and year and must be reasonably current.

All dollar figures shown in the tables should be rounded to a practical level of significance.

INSTRUCTIONS FOR TABLE 1 - ESTIMATED INSTALLATION COST

All measures and items with their total estimated costs should be shown in Table 1 by federal agency and land ownership category. This table will be the basis for providing technical, cost-sharing and credit assistance from funds made available under the Act. It is important that all items of installation cost for which such assistance is to be made available be itemized. Definitions of items of installation cost are in Chapter 3 of this Handbook. The following instructions are provided for clarification:

1. Except as noted under No. 2 below, land treatment listed will be shown in acres by major Conservation Needs Inventory land use categories. Acres to be treated or protected will be "Land Adequately Protected" in accordance with Code 691 in the Timekeeping and Progress System Codes - "An estimate of the total acreage of land on which the soil, water, and related plan resources are adequately protected." The "Acres to be protected" as shown in the table are only those on which adequate protection is to be achieved during the installation period. However, the estimated cost for the item will include costs for installing all practices throughout the watershed as elements of practice systems which when completed in total would constitute adequate treatment or protection. Similarly, the cost of technical assistance will include the cost of resource plans prepared (code 121), inventories and evaluations provided for resource planning (code 122), and all other technical assistance for measures contributing to adequate protection. A great deal of "partial" land treatment is accomplished during the project installation period that is not reflected in the table except for the cost of its planning and installation.

An optional block for "Individual Practices" with sub-headings is provided in the sample table.

2. List separately by individual practices all land treatment measures for which P.L. 566 cost sharing will be provided. "Critical Area Stabilization" with sub-headings is shown as an example.

3. List nonstructural measures by types such as flood plain acquisition, flood warning system, flood proofing, etc.

4. List structural measures by major types, such as floodwater retarding structures, multiple purpose structures, channel work - (N), (M), (O). A definition for the coding used for channel work breakdown is provided in footnote 4 on Table 1. Miles will be used as the unit for channel work. Do not designate purposes or group such measures under a purpose designation.

5. When federal agencies other than SCS and Forest Service will participate in installation of works of improvement, add additional columns so that their participation may be shown in the same manner as for the SCS and FS.

6. The estimated number of units and estimated cost in dollars to be paid from P.L. 566 funds and from other sources for measures to be installed on federal and nonfederal land should be shown in the body of the table. The estimated costs should include any help that may be provided by going programs for cost-sharing and technical assistance on nonfederal land and works of improvement on federal lands.

7. The direct project costs for each agency for engineering services and project administration should be sufficient to cover all costs that will eventually be charged to the project. For the Soil Conservation Service, these should include allowances for State, Technical Service Center, and Washington maintained accounts.

8. Associated measures such as tile drains, irrigation systems, etc., should be listed under Structural Measures.

TABLE 1 - ESTIMATED INSTALLATION COST
David Creek Watershed, Middlestate

Installation Cost Item	Number				Estimated Cost (Dollars) 1/										Total	TOTAL
	Unit	Federal Land	Nonfederal Land	Total	P.L. 566 Funds				Other				Total			
					Federal SCS 3/	Land FS 3/	Nonfederal SCS 3/	Land FS 3/	Federal SCS 3/	Land FS 3/	Nonfederal SCS 3/	Land FS 3/				
<u>LAND TREATMENT - GOING PROGRAM</u>																
Land Areas 2/ Cropland Pastureland Rangeland Forest Land Urban and Built-up Other Land	Acres to be Protected															
Individual Practices such as - Fire Control Helicopter Ports																
Technical Assistance	XXX	XXX	XXX	XXX												
SUBTOTAL																
<u>LAND TREATMENT - ACCELERATED</u>																
Land Areas 2/ Cropland Pastureland Rangeland Forest Land Urban and Built-up Other Land	Acres to be Protected															
Individual Practices such as - Fire Control Helicopter Ports																
Critical Area Stabilization Tree Planting Roadside Stabilization Grade Control Structures																
Technical Assistance	XXX	XXX	XXX	XXX												
SUBTOTAL																
TOTAL LAND TREATMENT	XXX	XXX	XXX	XXX												
<u>NONSTRUCTURAL MEASURES</u>																
Preservation Easements Flood Proofing Land Acquisition Flood Warning System																
SUBTOTAL Nonstructural Costs																
<u>STRUCTURAL MEASURES</u>																
Floodwater Retarding Structures Multiple Purpose Structures Channel Work 4/ (N) (M) (O)																
Associated On-Farm Tile Drains																
SUBTOTAL Structural Costs																
<u>PROJECT ADMINISTRATION</u>																
Construction Inspection Other Relocation Assistance Advisory Services																
SUBTOTAL - Administration for Nonstructural and Structural Measures																
TOTAL PROJECTS COSTS 5/																
TOTAL ALL COSTS																

1/ Price base _____.

2/ Includes only areas estimated to be adequately protected during the project installation period. Treatment will be applied throughout the watershed, and dollar amounts apply to total land areas, not just to adequately protected areas.

3/ Federal agency responsible for assisting in installation of works of improvement.

4/ Type of channel before project: (N) - an unmodified, well defined natural channel or stream; (M) - manmade ditch or previously modified channel; (O) - none or practically no defined channel.

5/ Excludes going program - Land Treatment.

INSTRUCTIONS FOR TABLE 1A - STATUS OF WATERSHED WORKS OF IMPROVEMENT

This table will be used to show the accomplishments to date in solving the soil and water management problems of the watershed.

1. List under the major headings indicated only those measures contributing to the goals of the project which have been applied as of the time of preparation of the plan. Ordinarily, measures installed more than ten years prior to the plan will not be included. Exceptions to this should be noted on the table.
2. Identify individual practices in accordance with the terminology of the National Handbook of Conservation Practices.
3. Enter the number of units by measures which have been applied to date (close of previous fiscal year).
4. Enter the total cost of each item.
5. Do not show technical assistance cost as a line item.

TABLE 1A - STATUS OF WATERSHED WORKS OF IMPROVEMENT
 (at Time of Plan Preparation)

David Creek Watershed, Middlestate

Measures	Unit	Applied to Date	Total Cost (Dollars) ^{1/}
<u>LAND TREATMENT</u>			
<u>STRUCTURAL MEASURES</u>			
<u>NONSTRUCTURAL MEASURES</u>			
TOTAL	XXXXXXX	XXXXXXX	
AREA ADEQUATELY PROTECTED	Acre		XXXXXXX

Month and Year

^{1/} Price Base _____

INSTRUCTIONS FOR TABLE 2 - ESTIMATED COST DISTRIBUTION

This table will be used to show the various items of installation cost for individual structural and nonstructural measures and will be the basis for determining the percentages of costs to be shared by the sponsors and SCS for each measure or group of measures. The following instructions are provided to assist in the preparation of the table:

1. Under "Item" list each measure for which separate cost estimates are available. The same number or name used on the project map should be used in this table. Grade stabilization structures may be grouped when a separate estimate for each structure in a system has not been developed. Show a breakdown of channel work by reaches or segments and the type of channel (N, M, or O) which existed before the project.

2. Care should be exercised to assure that individual measures will not be grouped with other measures for which cost sharing is not the same. For example, specific cost items and recreational facilities should be included as separate line item entries.

3. The estimated construction cost should include costs expected to be incurred during the "establishment period" plus a realistic contingency allowance in accordance with good estimating practices.

4. For those measures which incorporate nonproject features, nonproject cost will be shown in parenthesis in the line below the project cost in the appropriate columns. The grand total cost should include only project costs.

5. The estimated cost for project administration will be shown as one lump sum for all measures. The project administration portion of the installation cost to be borne by the sponsors may include the cost of administering construction contracts, relocation assistance advisory services, construction inspection performed by sponsors, etc.

6. When applicable, footnotes should be included to identify such items as:

- (a) Legal fees, survey costs, flowage easements, etc., and their values.
- (b) Engineering Service contract costs to be borne by P.L. 566 and Other.
- (c) Nonproject cost items.
- (d) Kind and value of modifications or alterations included with the land rights.

7. Associated measures such as onfarm tile drains will be shown under Structural Measures.

8. Cultural resources protection will include costs for items such as archeological resources salvage and recovery.

TABLE 2 - ESTIMATED COST DISTRIBUTION

David Creek Watershed, Middlestate

(Dollars)^{1/}

Item	Installation Cost P.L. 566 Funds					Installation Cost - Other Funds							Total Installation Cost
	Construction	Engi- neering	Land Rights	Relocation Payments	Total P.L. 566	Construction	Engi- neering	Land Rights	Water Rights	Cultural Resources Protection	Relocation Payments ^{2/}	Total Other	
STRUCTURAL MEASURES													
Floodwater Retarding Structures:													
No. 1													
Structure No. 2													
Recreational Development No. 2						() ^{2/}							
Water Intake Tower													
Recreational Facilities		4/					4/	5/					
Channel Work													
Main A													
10400-40400(M) 6/													
40400-50400(N) 6/													
Lat. A													
10400-20400(O) 6/													
Onfarm Tile Drains													
SUBTOTAL - Structural													
NONSTRUCTURAL MEASURES													
Preservation Easements													
Floodproofing													
Land Acquisition													
Flood Warning System													
SUBTOTAL - Nonstructural													
PROJECT ADMINISTRATION	XXX	XXX	XXX	XXX		XXX	XXX	XXX	XXX	XXX	XXX		
GRAND TOTAL													

1/ Price base _____

2/ Nonproject cost for rerouting State Route 281 across top of dam.

3/ Includes \$ _____ for moving three pipelines and \$ _____ for weighting one AT&T cable.

4/ Engineering services contract costs to be borne: \$ _____ by P.L. 566 funds and \$ _____ by Other Funds.

5/ Includes \$ _____ for survey, legal fees and other costs.

6/ Type of channel before project: (N) - an unmodified, well defined natural channel or stream; (M) - manmade ditch or previously modified channel; (O) - none or practically no defined channel. channel.

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INSTRUCTIONS FOR TABLE 2A - COST ALLOCATION AND COST SHARING SUMMARY

This table will show the installation costs allocated to flood prevention, drainage, irrigation, municipal and industrial water supply, recreation, fish and wildlife, etc., and the sharing of costs allocated to each purpose. Include relocation payments in the same manner as construction, land rights, and engineering costs. Use as many columns as necessary to show each project purpose.

1. Each of the individual purposes served by project measures should be entered as a subcolumn heading under the column heading "Purpose".
2. All single-purpose measures serving the same purpose should be grouped by purpose under "Item". Each multiple-purpose structure and specific cost items should be listed separately, in the same manner as shown in Table 2.
3. In the cost sharing portion of the table, distribute the total cost allocated to each purpose to P.L. 566 funds and other funds in accordance with applicable cost sharing policy.
4. Project administration costs are not allocated to a purpose and will not be included in this table.
5. When relocation costs are involved, it may be necessary to show P.L. 566 costs for municipal water supply. In such an instance, this should be identified by footnote on the table.

TABLE 2A - COST ALLOCATION AND COST SHARING SUMMARY

David Creek Watershed, Middlestate

(Dollars)^{1/}

Item	COST ALLOCATION					COST SHARING								
	PURPOSE					P.L. 566				OTHER				
	Flood Prevention	Drain-age	Recre-ation	Natural Beauty	Total	Flood Prevention	Drain-age	Recre-ation	Total	Flood Prevention	Drain-age	Recre-ation	Natural Beauty	Total
Structural Measures														
Nonstructural Measures														
GRAND TOTAL														

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^{1/} Price base _____

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INSTRUCTIONS FOR TABLE 2B - RECREATIONAL FACILITIES

ESTIMATED CONSTRUCTION COSTS

Table 2B will show the number, estimated unit construction cost, and total cost for each individual type of recreational facility. This table should be included in all plans that have recreational development as an integral part of the plan and when recreational benefits for a planned development are evaluated monetarily regardless of whether P.L. 566 funds will share any of the cost for facilities.

1. When more than one development is involved, identify the facilities to be installed at each development. Types of facilities may include access roads, parking lots, water supply, sanitary facilities, beach development, boat docks, picnic tables, fireplaces, etc. Where possible, include descriptive terms such as: blacktop road--16 feet wide, flush toilet, concrete picnic table, etc.

2. Under "Number" show the number of units of each type of facility planned. Include a footnote to indicate those items which are estimated and subject to minor variation.

TABLE 2B - RECREATIONAL FACILITIES

ESTIMATED CONSTRUCTION COSTS

David Creek Watershed, Middlestate

(Dollars)^{1/}

Item	Number	Estimated Unit Cost	Total Construction Cost
	(Indicate ^{2/} quantities which are estimated.)		
GRAND TOTAL			

^{1/} Price base _____^{2/} Estimated quantity, subject to minor variation at time of detailed planning.

Month and Year

GENERAL INSTRUCTIONS FOR STRUCTURAL DATA TABLES

Tables 3, 3A, 3B, etc., should present data for the several types or kinds of structural measures included in watershed plans. Separate tables should be prepared for the following types of structural measures:

Structures with Planned Storage Capacity

Dams (Sample Table 3)

Excavated structures (Sample Table 3A)

Channels (Sample Table 3B)

Grade Stabilization (Sample Table 3C)

Tables should be numbered consecutively (3, 3A, 3B, etc.) as applicable to the project. If there are no structures with planned flood prevention or beneficial storage capacity, sample Tables 3A, 3B or 3C as appropriate will be shown as Table 3.

Table 3 may require continuation sheets to include all structures with planned storage capacity. Totals should be shown on the last sheet for the items indicated in the sample.

INSTRUCTIONS FOR TABLE 3

DAMS WITH PLANNED STORAGE CAPACITY

Most of the items in the table are self-explanatory, but additional clarification is provided for the following items:

1. Class of structure should be indicated as a, b, or c as defined in Engineering Memorandum-27.
2. Drainage area should include the controlled and uncontrolled drainage area above the structure. If two or more structures are in series, the amount of drainage area controlled by upstream structure(s) should be shown in the "uncontrolled" line. If there are no structures in series, the "controlled" line will be omitted.
3. The 1-day runoff curve number used for design of the structure(s) should be indicated. Any deviation from the use of an antecedent moisture condition II runoff curve number should be appropriately footnoted.
4. The floodwater retarding pool is the reservoir space allotted to the temporary impoundment of floodwater and aerated sediment. Its upper limit is the elevation of the crest of the lowest emergency spillway. Floodwater retarding capacity is the volume in the floodwater retarding pool less the aerated sediment. The surface area of the floodwater retarding pool is the area at the crest elevation of the lowest emergency spillway.
5. The submerged sediment capacity should account for all of the reservoir space allotted to the accumulation of submerged sediment during the life of the structure. Sediment aerated is the volume of sediment which deposits above the lowest ungated outlet. The sediment capacity to be shown in inches is the total of submerged and aerated sediment.

The surface area for the sediment pool is the area of the reservoir at the elevation of the anticipated sediment accumulation at the dam. If the lowest ungated outlet is below the sediment pool elevation, the area to initially store water should be shown by footnote, or by adding an additional line. The sediment pool area will be shown in () if the reservoir contains beneficial storage or the sediment capacity will not store water.
6. Beneficial use storage should be shown separately for each applicable purpose, including the capacity needed for losses.

In listing the surface area for the beneficial use pool identify the area of recreation or fish and wildlife pools, when applicable. Water storage for either of these purposes normally is considered the first increment above the sediment pool. When other beneficial uses are included in a reservoir, also show the maximum water surface area for all beneficial uses.
7. The principal spillway is the lowest ungated spillway designed to convey the water from the floodwater retarding pool.
8. The emergency spillway system of a dam is the spillway system designed to convey water in excess of that impounded for flood prevention or other beneficial purposes.
9. The exit channel of an earth, vegetated, or rock emergency spillway is that portion of the channel downstream from the control section which conducts the flow safely to a point where it may be released without jeopardizing the integrity of the structure. V_e is the maximum velocity of flow in the exit channel for the emergency spillway hydrograph.
10. The emergency spillway hydrograph (ESH) is that hydrograph used to establish the minimum design dimensions of the earth or rock emergency spillway.
11. The freeboard hydrograph (FH) is the hydrograph used to establish the minimum elevation of the top of the dam.
12. Elevations should be referenced to mean sea level.
13. All flow capacities should be shown as maximum or peak.
14. Table 3 should also be used for joint use storage structures. Joint use storage is reservoir storage capacity allocated partly to flood prevention which is also used for conservation or beneficial storage during seasons of the year when floods normally do not occur. The operation of joint use storage is based on water supply forecasts and continuous inflow and outflow measurements or a fixed time schedule. Modify the table headings as appropriate to show capacities for separate storage purposes and capacities for beneficial use storage shared with floodwater retarding capacity.

TABLE 3 - STRUCTURAL DATA
 DAMS WITH PLANNED STORAGE CAPACITY
 David Creek Watershed, Middlestate

Item	Unit	Structure Number 1, 2, 3, 4, etc.	Total
Class of Structure			XXX
Drainage Area (Total)	Sq. Mi.		
Controlled	Sq. Mi.		XXX
Runoff Curve No. (1-day) (AMC II)			XXX
Elevation Top of Dam	Ft.		XXX
Elevation Crest Emergency Spillway	Ft.		XXX
Elevation Crest High Stage Inlet	Ft.		XXX
Elevation Crest Low Stage Inlet	Ft.		XXX
Maximum Height of Dam	Ft.		XXX
Volume of Fill	Cu. Yd.		
Total Capacity ^{1/}	Ac. Ft.		
Sediment Submerged	Ac. Ft.		
Sediment Aerated	Ac. Ft.		
Beneficial Use (identify use)	Ac. Ft.		
Floodwater Retarding	Ac. Ft.		
Between High and Low Stage	Ac. Ft.		
Surface Area			XXX
Sediment Pool ^{2/}	Acres		
Beneficial Use Pool (identify use)	Acres		
Floodwater Retarding Pool ^{1/}	Acres		
Principal Spillway Design			XXX
Rainfall Volume (1-day)	In.		XXX
Rainfall Volume (10-day)	In.		XXX
Runoff Volume (10-day)	In.		XXX
Capacity of Low Stage (Max.)	cfs		XXX
Capacity of High Stage (Max.)	cfs		XXX
Dimensions of Conduit	Ft./In.		XXX
Emergency Spillway Design			XXX
Frequency Operation-Emergency Spillway	% chance		XXX
Rainfall Volume (ESH)	In.		XXX
Runoff Volume (ESH)	In.		XXX
Storm Duration	Hrs.		XXX
Type			XXX
Bottom Width	Ft.		XXX
Velocity of Flow (V_e)	Ft. Sec.		XXX
Slope of Exit Channel	Ft./Ft.		XXX
Max. Reservoir Water Surface Elevation	Ft.		XXX
Freeboard Design			XXX
Rainfall Volume (FH)	In.		XXX
Runoff Volume (FH)	In.		XXX
Storm Duration	Hrs.		XXX
Max. Reservoir Water Surface Elevation	Ft.		XXX
Capacity Equivalents			XXX
Sediment Volume	In.		
Floodwater Retarding Volume	In.		
Beneficial Volume	In.		

^{1/} Crest of Emergency Spillway.

^{2/} If reservoir contains beneficial storage or if sediment capacity will not store water, show area in parenthesis and footnote accordingly.

Month and Year

INSTRUCTIONS FOR TABLE 3A

EXCAVATED RESERVOIRS WITH PLANNED STORAGE CAPACITY

Most items in the table are self-explanatory, but additional clarification is provided for the following items.

1. Drainage area should include the controlled and uncontrolled drainage area above the structure. If two or more structures are in series, the amount of drainage area controlled by the upstream structure(s) should be shown in the "Controlled" line. If the plan does not include structures in series, the "Controlled" line will be omitted.

2. The 1-day runoff curve number used for design of the structure(s) should be indicated. Any deviation from the use of an antecedent moisture condition II runoff curve number should be appropriately footnoted.

3. The floodwater retarding pool is the reservoir space allotted to the temporary impoundment of floodwater and aerated sediment. Its upper limit is the elevation of the design storm in the inlet channel. Floodwater retarding capacity is the volume in the floodwater retarding pool less the aerated sediment. The surface area of the floodwater retarding pool is the area at its upper limit.

4. The submerged sediment capacity should account for all of the reservoir space allotted to the accumulation of submerged sediment during the life of the structure. Sediment aerated is the volume of sediment which deposits in the floodwater retarding pool. The sediment capacity to be shown in inches is the total of submerged and aerated sediment.

The surface area for the sediment pool is the area of the reservoir at the elevation of anticipated sediment accumulation in the reservoir. The sediment pool area will be shown in () if the reservoir contains beneficial use storage or if the sediment capacity will not store water.

5. Storage for beneficial use should be shown separately for each applicable purpose, including the capacity needed for losses.

In listing the surface area for the beneficial use pool identify the area of recreation or fish and wildlife pools, when applicable. Water storage for either of these purposes normally is considered the first increment above the sediment pool. When other beneficial uses are included in a reservoir, also show the maximum water surface area for all beneficial uses.

6. The inlet structure is a system of structures used to convey the excess flow from the flood channel into the excavated floodwater retarding reservoir.

7. The diversion structure is a structure built across the flood channel. It utilizes a conduit to limit the discharge being conveyed in the flood channel beyond the diversion structure and diverts any discharge greater than this limit through the inlet structure into the excavated floodwater retarding reservoir.

8. The pumping plant is a system of pumps designed to provide a dependable method to remove temporarily impounded floodwater from the excavated floodwater retarding reservoir. A gravity outlet may sometimes be used in lieu of or in conjunction with the pumping plant.

9. The freeboard hydrograph (FH) is the hydrograph used to establish the minimum elevation of the top of the diversion structure and to control structure layout to prevent excessive increases in upstream water surface profiles.

10. Elevation should be referenced to mean sea level.

11. All flow capacities should be shown as maximum or peak.

TABLE 3A - STRUCTURAL DATA
 EXCAVATED RESERVOIRS WITH PLANNED STORAGE CAPACITY
 David Creek Watershed, Middlestate

Item	Unit	Structure Number 1, 2, 3, 4, etc.	Total
Drainage Area (Total)	Sq. Mi.		
Controlled	Sq. Mi.		XXX
Runoff Curve No. (1-day) (AMC II)			XXX
Elevation Crest Inlet Structure	Ft.		XXX
Elevation Sediment Pool ^{1/}	Ft.		XXX
Elevation Beneficial Use Pool	Ft.		XXX
Elevation Floodwater Retarding Pool (Top)	Ft.		XXX
Maximum Depth of Excavation	Ft.		XXX
Volume of Excavation	Cu. Yds.		
Total Capacity ^{2/}	Ac. Ft.		
Sediment Submerged	Ac. Ft.		
Sediment Aerated	Ac. Ft.		
Beneficial Use (identify use)	Ac. Ft.		
Floodwater Retarding	Ac. Ft.		
Surface Area			XXX
Sediment Pool ^{1/}	Acres		XXX
Beneficial Use Pool (identify use)	Acres		
Floodwater Retarding Pool	Acres		
Inlet Structure Design			XXX
Rainfall Volume (1-day)	In.		XXX
Rainfall Volume (10-day)	In.		XXX
Runoff Volume (10-day)	In.		XXX
Capacity Diversion Structure	cfs		XXX
Capacity Inlet Structure	cfs		XXX
Inlet Structure Dimensions			XXX
Weir Length	Ft.		XXX
Straight Drop Overfall	Ft.		XXX
Chute Width	Ft.		XXX
Chute Depth	Ft.		XXX
Diversion Structure (Conduit) Dimensions	Ft.		XXX
Pump Plant Design			XXX
Head	Ft.		XXX
Capacity	cfs		XXX
Freeboard Design			XXX
Rainfall Volume (FH)	In.		XXX
Runoff Volume (FH)	In.		XXX
Storm Duration	Hrs.		XXX
Max. Reservoir Water Surface Elevation	Ft.		XXX
Capacity Equivalents			XXX
Sediment Volume	In.		
Floodwater Retarding Volume	In.		
Beneficial Use Volume	In.		

^{1/} If reservoir contains beneficial storage, show elevation or area in parenthesis and footnote accordingly.

^{2/} Top of floodwater retarding Pool.

Month and Year

INSTRUCTIONS FOR TABLE 3B - STRUCTURAL DATA

1. The data in each column to the right of station should be entered on the same line as the station location which it represents.

2. Data such as Hydraulic Gradient and Excavation Volume should be entered to represent values between the station given and the preceding station or entered on intervening lines.

3. Drainage Area is the uncontrolled area at the station.

4. Velocities entered in the table should represent 10% chance flood flow or bank full flood flow if less than 10% chance flood flow. Footnote accordingly.

5. The information in footnotes may be shown by a separate legend sheet.

6. Table 3B should also be used for irrigation canals and drainage channels.

7. Show totals for length of channel work and volume of excavation.

8. If design discharge includes overbank flow, this shall be indicated by an appropriate footnote.

9. If the design discharge cannot be expressed in meaningful terms by frequency, the basis for design (drainage curve numbers, removal rate, etc.) should be shown.

TABLE 3B - STRUCTURAL DATA

CHANNEL WORK

David Creek Watershed, Middlestate

Channel Name	Station	Drainage Area sq.mi.	() yr. Frequency Design Discharge cfs	Water Surface Elevation Feet msl	Hydraulic Gradient ft/ft	Channel Dimensions ^{1/}				"n" Value		Velocities		Excavation Volume cu.yds.	Type of Work ^{4/}	Existing Channel Type ^{5/}	Present Flow Condition ^{6/}
						Bottom			Side Slopes			Ft/Sec					
						Gradient Ft/ft	Width ft	Elevation ft-msl		Aged	As Built	Aged	As Built				
Reach												2/	3/				

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- 1/ Where Excavation is not planned, show cross sectional area and wetted perimeter below hydraulic grade line.
- 2/ Velocity associated with design discharge.
- 3/ Velocity associated with bankfull discharge or 10-year frequency discharge whichever is smaller.
- 4/ I - Establishment of new channel including necessary stabilization measures.
 - II - Enlargement or realignment of existing channel or stream.
 - III - Cleaning out natural or manmade channel (includes bar removal and major clearing and snagging operation).
 - IV - Clearing and removal of loose debris within channel section.
 - V - Stabilization as primary purpose (by continuous treatment or localized problem areas--present capacity adequate).

- 5/ N - An unmodified, well defined natural channel or stream.
 M - () - Manmade ditch or previously modified channel (show approximate date of original major construction in parenthesis).
 O - None or practically no defined channel.
- 6/ Pr - Perennial - flows at all times except during extreme drought.
 I - Intermittent - continuous flow through some seasons of the year but little or no flow through other seasons.
 E - Ephemeral - flows only during periods of surface runoff, otherwise dry.
 S - Ponded water with no noticeable flow - caused by lack of outlet or high groundwater table.

NOTE: A subscript "L" should be added to the Roman numeral classification to indicate an impervious lining.

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INSTRUCTIONS FOR TABLE 3C - STRUCTURAL DATA

1. This table will be used to record pertinent data for grade stabilization or other structures which do not incorporate planned storage capacity (see instructions for Table 3). The principal types applicable to this table are straight drop spillways, chute spillways, and inlets on culverts.
2. For drainage area show total drainage area upstream from this site. If part of this area is controlled, identify and show how much in a footnote.
3. Design Capacity-Principal Spillway - Show design capacity without freeboard. Do not include capacity of an emergency spillway.
4. Associated frequency - The percent chance of operation of the principal spillway to design capacity.
5. Drop is the difference between the elevation of the crest of the principal spillway of the structure and the elevation of stable grade at outlet.
6. Report volume of concrete only if a significant amount is required, representing an appreciable part of the cost of the structure.
7. Type of structure will be shown by name as follows: straight drop spillway; chute spillway; inlet on culvert.

TABLE 3C - STRUCTURAL DATA

GRADE STABILIZATION STRUCTURES

David Creek Watershed, Middlestate

Site No. or Station	Drainage Area (sq.mi.)	Design Cap. Prin. Spill. (cfs)	Assoc. Frequency and Duration of Storm (% chance and hours)	Drop (ft.)	Volume of Concrete (cu.yds.)	Type of Structure

Month and Year

INSTRUCTIONS FOR TABLE 4 - ANNUAL COST

1. List measures singly or in groups, as used for evaluation purposes. Grouping of measures will be the same on Table 4 and Table 6. When the evaluation unit includes cost for fish and wildlife or other EQ enhancement purposes but their benefits are not evaluated monetarily, these costs will be entered separately as a line item in parenthesis under the other evaluation unit costs and explained by footnote. These fish and wildlife and other EQ enhancement purposes costs will not be included in the total nor in the annual cost column of Table 6.
2. Enter the appropriate annual costs for each of the evaluation units. The annual project administration cost will not be included for each evaluation unit but will be included in the grand total.
3. The installation cost will be converted to annual equivalent cost based on the evaluated life of the project and the current interest rate. Show by footnote the interest rate and the period used for amortization.
4. Show the current price base for the installation, operation, maintenance, and replacement cost estimates.
5. Because of its magnitude and importance, the operation, maintenance, and replacement cost for recreational or fish and wildlife developments should be identified by footnote.

TABLE 4 - ANNUAL COST
 David Creek Watershed, Middlestate
 (Dollars)^{1/}

Evaluation Unit	Amortization of Installation Cost ^{2/}	Operation, Maintenance, and Replacement Cost	Other Economic Costs	Total
Strs. 1,2, & 3	68,000	5,000	1,000	74,000
Strs. 4, 5, & 6	172,000 (20,000) ^{4/}	42,000 ^{3/} (1,000) ^{4/}	4,000 -	218,000 (21,000) ^{4/}
Project Administration	26,000 (2,000) ^{4/}			26,000 (2,000) ^{4/}
GRAND TOTAL	266,000	47,000	5,000	318,000

^{1/} Price base: 1983

^{2/} Amortized @ 12 5/8 percent interest rate for 100 years.

^{3/} Includes \$19,000 for operation, maintenance, and replacement for the recreational development.

^{4/} Natural beauty enhancement cost.

July 1983

INSTRUCTIONS FOR TABLE 5 - ESTIMATED AVERAGE
ANNUAL FLOOD DAMAGE REDUCTION BENEFITS

1. Enter those types of flood damage which have been evaluated and which will be affected by the structural and nonstructural measures included in the plan in the "Item" column.
2. Gully erosion damage includes, in addition to loss resulting from land voiding, such sheet erosion damage and impaired land use that is interrelated with gully erosion.
3. Enter the average annual damage that will continue to be incurred after project installation, excluding land treatment, in the column "With Project".
4. Enter the difference between the annual damage with and without project to show the total damage reduction benefits of the project in the last column.
5. When the table indicates no remaining damage in a category, a footnote is needed to show that complete evaluation of damages and benefits was not made. Examples of appropriate footnotes might be: "damages and benefits will accrue from floods of greater magnitude than _____ frequency, but were not evaluated" or "This includes only the damages and benefits occurring from voiding or land deterioration that are affected by the structural measures."
6. No distinction should be made between benefits accruing within or outside the watershed unless some unusual circumstances make it necessary or desirable.
7. The price base should be clear and specific, such as:

1/ Price base: current normalized prices for cropland and pasture; 1974 prices for all other.

TABLE 5 - ESTIMATED AVERAGE ANNUAL FLOOD DAMAGE REDUCTION BENEFITS

David Creek Watershed, Middlestate

(Dollars)^{1/}

Item	Estimated Average Annual Damage		Damage Reduction Benefit ^{2/}
	Without Project	With Project	
Floodwater Crop and Pasture Other Agricultural Nonagricultural (list important items) Subtotal			
Sediment Overbank deposition Reservoirs Other (list important items) Subtotal			
Erosion Floodplain Seour Streambank Gullies Subtotal			
Indirect			
Total			

^{1/} Price base _____^{2/} Excludes Effects of Accelerated Land Treatment Measures.

Month and Year

INSTRUCTIONS FOR TABLE 6 - COMPARISON
OF BENEFITS AND COSTS

This table will be used to show the estimated average annual benefits, estimated average annual costs, and benefit-cost ratios for project measures. The following instructions are provided for further clarification:

1. List measures, single or in groups, by evaluation units.
2. Table 6 and the NED display account should show only NED benefits.
3. Enter the appropriate average annual benefit. Damage reduction benefits will not include the effect of accelerated land treatment measures. Employment benefits will be those stemming from the utilization of unemployed and underemployed labor. If technological externalities (efficiency benefits) are evaluated, they should be considered as primary NED benefits.
4. Include only the column headings necessary to show the project benefits. Include additional or substitute columns to show any other evaluated benefits not listed in the sample table. The nature of these benefits should be described in the narrative.
5. Enter the average annual costs for each evaluation unit. These figures should agree with those on Table 4.
6. Enter the relationship of benefits to costs, with costs as unity or 1. Express the ratio to the nearest tenth.

TABLE 6 - COMPARISON OF BENEFITS AND COSTS

David Creek Watershed, Middlestate

(Dollars)

Evaluation Unit	AVERAGE ANNUAL BENEFITS ^{1/}										3/ Avg. Annual Cost	Benefit Cost Ratio
	Damage ^{2/} Reduction	More Intensive Land Use	Changed Land Use		Drain- age	Recrea- tion	Municipal Water Supply	Employment	Technological Efficiencies	Total		
			Agr.	Urban								
Project Administration												
GRAND TOTAL												

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1/ Price base _____
 2/ From Table 5
 3/ From Table 4

Month and Year

ENVIRONMENTAL IMPACT STATEMENT

DAVID CREEK WATERSHED

Able and Baker Counties, Middlestate

February 1975

It is helpful to use heavy weight, colored paper for this page so that the plan and EIS can be readily distinguished.

USDA-SCS-EIS-WS-(ADM)- No. Assigned
by STC 1/ - (2/) - (3/)

Name of Watershed Project
County(ies) & State(s)

DRAFT
FINAL or ENVIRONMENTAL IMPACT STATEMENT

Name
State Conservationist
Soil Conservation Service

Sponsoring Local Organizations

List Names and Addresses
(include zip codes)

Month & Year

PREPARED BY

UNITED STATES DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Address of State Conservationist

Note - Explanatory instructions for information to be added is included in boxes.

Each item to be centered on the page.

Footnotes:

- 1/ - The number assigned by the state conservationist will consist of: (1) the last two digits of the fiscal year in which the draft is sent to CEQ; (2) hyphen; (3) sequential number, by state, by program, by fiscal year, e.g. 75 - 3. The final EIS will carry the same number as the draft even though it may be filed with CEQ in a subsequent fiscal year.
- 2/ - Enter D if Draft, or F if Final.
- 3/ - State abbreviation as used in the U.S. Postal Service, National Zip Code Directory.

USDA ENVIRONMENTAL IMPACT STATEMENT

David Watershed Project

Able and Baker Counties

Middlestate

Prepared in Accordance With
Sec. 102(2)(C) of P.L. 91-190SUMMARY

- I Draft (or Final)
- II Soil Conservation Service
- III Administrative
- IV Description of project purpose and action. For example:

A project for watershed protection, flood prevention, drainage and recreation in _____ County, (state) to be implemented under authority of the Watershed Protection and Flood Prevention Act (PL 566, 83d Congress, 68 Stat. 666), as amended. The planned works of improvement include conservation land treatment, supplemented by channel work, four water control structures, and recreational development. The channel work will involve clearing and debris removal on 59 miles of existing channels, 15 miles of new channel construction, and 128 miles of enlargement by excavation to provide improved water management in a flatland watershed that is 80 percent agricultural cropland and grassland. Of the 187 miles of work proposed on existing streams or channels, 126 miles will involve those with only ephemeral flow, and 31 miles with intermittent flow. The balance involves either ponded or flowing water or completely new channels where none existed before. The recreational development will provide 97,200 visitor-days of recreation annually.

- V Summary of impacts. It should be recognized that the summary may be the only part of an EIS which will be read by some. Therefore, it is imperative that this summary of impacts clearly and concisely relay to the reader only the important and significant impacts--both favorable and adverse.
- VI List of alternatives

E-1

VII (For draft statements) - Agencies from which written comments are requested.

Department of the Army	Appalachian Regional Commission <u>1/</u>
Department of Commerce	Delaware River Basin Commission <u>1/</u>
Department of Health, Education and Welfare	Federal Power Commission
Department of the Interior	Tennessee Valley Authority <u>1/</u>
Department of Transportation	Governor of _____ (or designated state agency)
Environmental Protection Agency	State clearinghouse (by name)
Advisory Council on Historic Preservation <u>1/</u>	Area-wide clearinghouses (by name)
Office of Equal Opportunity, USDA	Others (Organizations, Societies, individuals, etc.)
	Water Resources Council <u>1/</u>

(For final statements) - List all federal, state, and local agencies and other sources from which written comments have been received.

VIII (Final statement only)

Draft Statement Transmitted to CEQ on _____
Date

1/ List only when applicable.

USDA SOIL CONSERVATION SERVICE
DRAFT (or FINAL) ENVIRONMENTAL IMPACT STATEMENT

FOR

David Creek Watershed, Middlestate

AUTHORITY

Installation of this project constitutes an administrative action. Federal assistance will be provided under authority of Public Law 83-566, 83d Congress, 68 Stat. 666, as amended.

SPONSORING LOCAL ORGANIZATION(S)

Explanatory Note

List the sponsors by official name.

PROJECT PURPOSES AND GOALS

Explanatory Note

See 7CFR 650 Appendix III.

PLANNED PROJECT

Explanatory Note

See 7CFR 650 Appendix III.

ENVIRONMENTAL SETTING

Explanatory Note

See 7CFR 650 Appendix III.

WATER AND RELATED LAND RESOURCE PROBLEMS

Explanatory Note

See 7CFR 650 Appendix III.

RELATIONSHIP TO LAND USE PLANS, POLICIES, AND CONTROLS

Explanatory Note

See 7CFR 650 Appendix III.

ENVIRONMENTAL IMPACT

Explanatory Note

See 7CFR 650 Appendix III.
In addition, all areas within the watershed boundary which, under with-project conditions, have an apparent risk to loss of life from the 100-year flood should be noted. See Chapter 5.

ALTERNATIVES

Explanatory Note

See 7CFR 650 Appendix III.

SHORT TERM VS. LONG TERM USE OF RESOURCES

Explanatory Note

See 7CFR 650 Appendix III.

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

Explanatory Note

See 7CFR 650 Appendix III.

APPENDICES

APPENDIX A - Display Accounts for Selected Alternative

APPENDIX B - Summary Comparison of Alternative Plans

APPENDIX C - Letters of Comment Received on Draft EIS
(This item will be included in both the draft and
final EIS. However, on the draft add the following:
"To be included in final environmental impact
statement.")

APPENDIX D - Project Map

List other appendices as appropriate. It is preferred that the project map be the last appendix. However, if it will simplify assembly, it may be made an earlier appendix.

APPENDIX A

DISPLAY ACCOUNTS FOR SELECTED ALTERNATIVE

National Economic Development Account

Environmental Quality Account

Regional Development Account

Social Well-being Account

SELECTED ALTERNATIVE
 NATIONAL ECONOMIC DEVELOPMENT ACCOUNT
 David Creek Watershed, Any State

<u>Components</u>	<u>Measures of Effects</u> (Average Annual) <u>1/2/</u>	<u>Components</u>	<u>Measures of effects</u> (Average Annual) <u>1/2/</u>
Beneficial effects:		Adverse effects:	
A. The value of users of increased outputs of goods and services		A. The value of resources required for a plan:	
1. Flood prevention	\$ 20,160	1. Multipurpose reservoir, irrigation structures and recreational facilities	
2. Irrigation	199,250	Project installation	\$ 76,810
3. Recreation	35,500	OM&R	14,600
4. Utilization of unemployed and underemployed labor sources		2. Associated Irrigation Measures	
a. Project construction	3,500	Project installation	5,300
b. Associated Irrigation Measures	3,300	OM&R	1,550
B. Efficiency gain through use of new technology made profitable by project	<u>1,000</u>	3. Nonstructural (Identify)	
		Project installation	--
		OM&R	--
		4. Project administration	11,000
		B. Losses in output resulting from technological diseconomies	
		Increased transportation costs as a result of road relocation	<u>2,000</u>
Total beneficial effects	\$262,710	Total adverse effects	\$111,260
Net beneficial effects	<u>\$151,450</u>		

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NOTE: Land treatment beneficial effects were not evaluated. Land treatment costs are \$82,000.

1/ _____ years @ _____ percent interest
2/ Price base:

SELECTED ALTERNATIVE

ENVIRONMENTAL QUALITY ACCOUNT

David Creek Watershed, Any State

Components

Beneficial and adverse effects:

A. Areas of natural beauty.

B. Quality consideration of water, land, and air resources.

Measures of effects

1. Project output will make available regional funds and resources that can be used to enhance the physical appearance of 44 farms on 51,600 acres.
 2. Provide a full supply of water for irrigation use for 11,200 acres providing a green color contrast in a semiarid area.
 3. Create lake with 268 surface acres which will average 160 acres during April to September, with 4 miles of shoreline and excellent water quality.
 4. Inundate 268 acres of semiarid range and wet meadows along 2 mile stretch of stream.
 5. Disruption in tranquility of rural environment by 15,200 recreational visitor-days.
1. Eliminate future erosion of a 1,600 foot section of irrigation diversion which contributes 5 tons per year of downstream sedimentation.
 2. Reduce erosion on 32,000 acres of dry cropland, range and woodland.
 3. Enhance fire protection on 700 acres of forested land.

Components

C. Biological resources and selected ecosystems.

D. Irreversible or irretrievable commitments.

Measures of effects

1. Create habitat for cold water trout fishing to accommodate 7,500 fishermen days.
 2. Enhances habitat and food supply and provides improved distribution of water for big game animals, game and nongame birds on 32,600 acres.
 3. Provide 268 acres resting area at the reservoir for migratory waterfowl.
 4. Inundates 2 miles of class 4 trout stream having limited population of brook trout, suckers and minnows.
 5. Inundates 15 acres of prime whitetail deer habitat in an area of influence having a whitetail population of 2,000 and comparable habitat of 6,000 acres.
 6. Reduces a 1/2 mile stretch of class 2 trout stream to class 3 value.
 7. 600 acres of wetlands which provide limited habitat for waterfowl and fur bearing animals will be lost.
1. Conversion of 268 acres of semiarid range, wet haylands and phreatophytes to reservoir pool.

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SELECTED ALTERNATIVE

REGIONAL DEVELOPMENT ACCOUNT

David Creek Watershed, Any State

<u>Components</u>	<u>Measures of effects</u>		<u>Components</u>	<u>Measures of effects</u>	
	<u>State of</u> <u>(any state)</u>	<u>Rest of</u> <u>Nation</u>		<u>State of</u> <u>(any state)</u>	<u>Rest of</u> <u>Nation</u>
Income:			Income:		
Beneficial effects:	(Average Annual) <u>1/2/</u>		Adverse effects:	(Average Annual) <u>1/2/</u>	
A. The value of increased output of goods and services to users residing in the region			A. The value of resources contributed from within the region to achieve the outputs		
1. Flood prevention	\$ 20,160	0	1. Multipurpose reservoir, irrigation structures and recreational facilities		
2. Irrigation	199,250	0	Project installation	\$ 33,700	\$ 43,110
3. Recreation	33,725	\$1,775	OM&R	14,600	0
4. The utilization of regional unemployed or underemployed labor resources			2. Associated irrigation measures		
a. Project construction	3,500	0	Project installation	2,650	2,650
b. Associated irrigation measures	3,300	0	OM&R	1,550	0
5. Additional wages and salaries accruing to the region from implementation of the plan			3. Nonstructural (Identify)		
a. Utilization of hired labor associated with irrigation	47,400	-47,400	Project installation	--	--
b. Recreation service sector	7,550	-7,550	OM&R	--	--
c. Project OM&R (structures)	14,000	-14,000	4. Project administration	2,800	8,200
B. The value of output to users residing in the region from pecuniary external economies			B. Losses of output resulting from technological diseconomies to users residing in the region		
1. Indirect activities associated with increased net returns from irrigation and flood prevention	43,000	101,700	Increased transportation costs as a result of road relocation	2,000	0
2. Indirect and induced activities associated with utilization of regional unemployed and underemployed and other labor resources			C. Loss of assistance payments from sources outside the region to otherwise unemployed or underemployed resources		
a. Farm hired labor	9,480	-9,480	1. Loss of welfare payments	-2,400	+2,400
b. Recreation service sector	1,500	-1,500	Total adverse effects	\$54,900	\$56,360
c. Project OM&R	1,500	-1,500			
d. Associated measures OM&R	1,300	-1,300			
C. Efficiency gain through use of new technology made profitable by project	<u>1,000</u>	<u>0</u>			
Total beneficial effects	\$386,665	\$20,745	Net beneficial effects	\$331,765	-\$35,615

1/ _____ years @ _____ percent interest
 2/ Price base:

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13.30-61

Appendix A

SELECTED ALTERNATIVE

REGIONAL DEVELOPMENT ACCOUNT
(Contd.)

David Creek Watershed, Any State

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<u>Components</u>	<u>Measures of effects</u>		<u>Components</u>	<u>Measures of effects</u>	
	<u>State of (any state)</u>	<u>Rest of Nation</u>		<u>State of (any state)</u>	<u>Rest of Nation</u>
Employment			Employment		
Beneficial effects:			Adverse effects:		
A. Increase in the number and types of jobs			A. Decrease in number and types of jobs		
1. Agricultural employment	Utilization of 30 man-years of employment in agricultural production	--	1. Lost in agricultural employment of project take area	1 man-year of agricultural employment	--
2. Employment in recreation service sector	2 permanent seasonal semi-skilled jobs	--	2. Lost in indirect and induced employment associated with project take area	.6 permanent semi-skilled jobs	--
3. Employment for project construction	36 semi-skilled jobs for 1 year	--			
4. Employment for project OM&R	1 permanent semi-skilled job	--			
5. Employment in land treatment construction	31 semi-skilled jobs for 1 year	--			
6. Employment in land treatment OM&R	.5 permanent semi-skilled jobs	--			
7. Indirect and induced employment for project installation and output of project's goods and services	18 permanent semi-skilled jobs	--			
			Total adverse effects	1.6 permanent semi-skilled jobs	--
Total beneficial effects	48 permanent semi-skilled jobs	--			
	2 permanent seasonal semi-skilled jobs	--			
	67 semi-skilled jobs for 1 year	--	Net beneficial	46.4 permanent semi-skilled jobs	--
				2 permanent seasonal semi-skilled jobs	--
				67 semi-skilled jobs for 1 year	--

SELECTED ALTERNATIVE

SOCIAL WELL-BEING ACCOUNT

David Creek Watershed, Any State

ComponentsMeasures of effects

Beneficial and adverse effects:

A. Real income distribution

1. Create 48 low to medium income permanent jobs for area residents.
2. Create regional income benefit distribution of \$457,210 by income class as follows:

<u>Income class (dollars)</u>	<u>Percentage of Adjusted Gross Income in Class</u>	<u>Percentage Benefits in Class</u>
Less than 3,000	31	5
3,000-10,000	52	50
More than 10,000	17	45

3. Local costs to be borne by region total \$78,130 with distribution by income class as follows:

<u>Income class (dollars)</u>	<u>Percentage of Adjusted Gross Income in Class</u>	<u>Percentage Contributions in Class</u>
Less than 3,000	31	5
3,000-10,000	52	50
More than 10,000	17	45

B. Life, health and safety

1. Provide one percent level of flood protection.
2. Increased output will be in livestock products, an expected shift from surplus grains to nonsurplus hay.

C. Recreational opportunities

1. Creates 16,700 recreational visitor-day activities primarily for a rural farm population.

SELECTED ALTERNATIVE

REGIONAL DEVELOPMENT ACCOUNT
(Contd.)

David Creek Watershed, Any State

<u>Components</u>	<u>Measures of effects</u>	
	<u>State of (any state)</u>	<u>Rest of Nation</u>
Population Distribution		
Beneficial effects	Creates 48 permanent semi-skilled jobs, 2 permanent seasonal jobs and 77 semi-skilled jobs for 1 year primarily in an isolated rural area which has experienced a 19 percent reduction in population in the last 10 years	--
Adverse effects	--	--
Regional Economic Base and Stability		
Beneficial effects	Provides full season irrigation water supply for 11,200 acres in an area where agriculture is the economic mainstay. Creates 48 permanent semi-skilled jobs and 77 short-term semi-skilled jobs in an area where 13.4 percent of the families have incomes less than the national poverty level	--

APPENDIX B

SUMMARY COMPARISON OF ALTERNATIVE PLANS

SUMMARY COMPARISON OF ALTERNATIVE PLANS

DAVID CREEK WATERSHED, ANYSTATE

ACCOUNT	SELECTED PLAN	NATIONAL ECONOMIC DEVELOPMENT PLAN	ENVIRONMENTAL QUALITY PLAN	PLAN 1	PLAN 2	PLAN 3
<u>National Economic Development</u>						
Beneficial Effects	290,700	345,000	216,000	402,000	280,000	352,000
Adverse Effects	146,600	191,000	162,000	300,000	142,000	200,000
Net Beneficial Effects	144,100	154,000	54,000	102,000	138,000	152,000
<u>Environmental Quality</u>						
Beneficial and Adverse Effects:						
A. Areas of Natural Beauty						
	Create an impoundment with a surface area of 79 acres & 19,600 feet of shoreline	Create an impoundment with a surface area of 26 acres & 6,810 feet of shoreline	No Effect	Create one impoundment with a surface area of 79 acres & 19,600 feet of shoreline	Create four impoundments with a total surface area of 237 acres & 59,800 feet of shoreline	Create 11 impoundments with a total surface area of 190 acres & 55,900 feet of shoreline
	No Effect	No Effect	Enhance physical appearance of 21 miles of stream-banks	No Effect	No Effect	No Effect
	No Effect	No Effect	Improve watershed aesthetics by vegetating 840 acres of surface-mined areas	No Effect	No Effect	No Effect
	Replace 3.1 miles of natural, perennial stream with man-made channel	Replace 3.1 miles of natural, perennial stream with man-made channel	No Effect	Replace 5.6 miles of natural, perennial stream with man-made channel	No Effect	No Effect
	Provide 906 acres of open & green space along David Creek flood plain	No Effect	Provide 63 acres of open & green space along David Creek flood plain	Provide 906 acres of open & green space along David Creek flood plain	No Effect	No Effect
B. Quality Considerations of Water, Land, and Air Resources						
	Reduce sediment 12 percent & conserve soil moisture on 30,000 acres of watershed land	Reduce sediment by 12 percent & conserve soil moisture on 30,000 acres of watershed land	Reduce sediment by 5 percent & conserve soil moisture on 30,000 acres of watershed land	Reduce sediment by 12 percent & conserve soil moisture on 30,000 acres of watershed land	Reduce erosion by 40 percent & conserve soil moisture on 30,000 acres of watershed lands	Reduce erosion by 35 percent & conserve soil moisture on 30,000 acres of watershed lands
	No Effect	No Effect	Improve water quality through animal waste management & acid drainage abatement	No Effect	No Effect	No Effect

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13-30-66

APPENDIX B

month and year

SUMMARY COMPARISON OF ALTERNATIVE PLANS (cont'd)
David Creek Watershed, Anystate

<u>ACCOUNT</u>	<u>SELECTED PLAN</u> No Effect	<u>NATIONAL ECONOMIC DEVELOPMENT PLAN</u> No Effect	<u>ENVIRONMENTAL QUALITY PLAN</u> Insure protection of future water & land quality through enforcement of land use, sediment control, & water quality regulations	<u>PLAN 1</u> No Effect	<u>PLAN 2</u> No Effect	<u>PLAN 3</u> No Effect
C. Biological Resources and Selected Ecosystems	Create 79 acres of surface water & waterfowl resting areas	Create 27 acres of surface water & waterfowl resting areas	No Effect	Create 79 acres of surface water & waterfowl resting areas	Create 237 acres of surface water & waterfowl resting areas	Create 190 acres of surface water & waterfowl resting areas
	Improve stream ecosystems by trapping 655 acre-feet of sediment	Improve stream ecosystems by trapping 112 acre-feet of sediment	No Effect	Improve stream ecosystems by trapping 655 acre-feet of sediment	Improve stream ecosystems by trapping 2,284 acre-feet of sediment	Improve stream ecosystems by trapping 1,466 acre-feet of sediment
	Inundate 167 acres of upland wildlife habitat which is utilized mainly by rabbits & small mammals	Inundate 27 acres of upland wildlife habitat which is utilized mainly by rabbits & small mammals	No Effect	Inundate 167 acres of upland wildlife habitat which is utilized mainly by rabbits & small mammals	Inundate 237 acres of upland wildlife habitat which is utilized mainly by rabbits & small mammals	Inundate 190 acres of upland wildlife habitat which is utilized mainly by rabbits & small mammals
	Inundate 1.96 miles of stream that provides habitat for minnows, reptiles, & amphibians	Inundate 0.54 miles of stream that provides habitat for minnows, reptiles, & amphibians	No Effect	Inundate 1.96 miles of stream that provides habitat for minnows, reptiles, & amphibians	Inundate 6.54 miles of stream that provides habitat for minnows, reptiles, & amphibians	Inundate 5.75 miles of stream that provides habitat for minnows, reptiles, & amphibians
	Remove 50 percent of riparian vegetation of 3.1 miles of stream that provides habitat for furbearers, amphibians, & songbirds	Remove 50 percent of riparian vegetation of 3.1 miles of stream that provides habitat for furbearers, amphibians, & songbirds	No Effect	Remove 50 percent of riparian vegetation of 5.6 miles of stream that provides habitat for furbearers, amphibians, & songbirds	No Effect	No Effect
	Create 7 acres of wildlife habitat by planting around the impoundments	No Effect	Provide 5,000 acres of wildlife habitat management	Create 7 acres of wildlife habitat by planting around the impoundment	No Effect	No Effect

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APPENDIX B
continued

13-30-67

13-30-68

SUMMARY COMPARISON OF ALTERNATIVE PLANS (cont'd)
David Creek Watershed, Anystate

ACCOUNT	SELECTED PLAN	NATIONAL ECONOMIC DEVELOPMENT PLAN	ENVIRONMENTAL QUALITY PLAN	PLAN 1	PLAN 2	PLAN 3
	Replace 50 percent of tee aquatic habitat of 3.1 miles of David Creek with channel work & fish habitat improvement devices	Eliminate 85 percent of the aquatic habitat in 5.6 miles of stream	Improve 3 miles of aquatic habitat by installing eight habitat improvement devices	Replace 50 percent of the aquatic habitat of 5.6 miles of David Creek with channel work & fish habitat devices	No Effect	No Effect
	Replace aquatic habitat in 0.1 mile of David Creek with concrete channel	No Effect	Improve 21 miles of riparian habitat by protecting stream banks	Replace aquatic habitat in 0.1 mile of David Creek with concrete channel	No Effect	No Effect
<u>Regional Development</u>						
State of West Virginia						
A. Income:						
Beneficial effects	272,000	316,000	154,000	402,000	261,000	350,000
Adverse effects	4,000	6,200	16,700	8,100	9,500	21,800
Net beneficial effects	268,000	309,800	137,300	393,900	251,500	328,200
B. Employment:						
Project Construction	5.8 skilled & 1.8 semi-skilled jobs for 4 years	4.3 skilled & 1.6 semi-skilled jobs for 4 years	6.0 skilled & 1.9 semi-skilled jobs for 2 years	5.8 skilled & 1.8 semi-skilled jobs for 4 years	6.6 skilled & 2.2 semi-skilled jobs for 6 years	6.5 skilled & 3.0 semi-skilled jobs for 10 years
Project Operation and Maintenance	2.0 permanent, seasonal, semi-skilled jobs	1.8 permanent, seasonal, semi-skilled jobs	2.5 permanent, seasonal, semi-skilled jobs	3.0 permanent, seasonal, semi-skilled jobs	.8 permanent, seasonal, semi-skilled jobs	1.8 permanent, seasonal, semi-skilled jobs
Indirect employment from Project Installation	2,000 permanent, semi-skilled jobs	2,000 permanent, semi-skilled jobs	No Effect	2,000 permanent, semi-skilled jobs	2,000 permanent, semi-skilled jobs	2,000 permanent, semi-skilled jobs
<u>Social Well-Being</u>						
	Provide 100-year flood protection in Jane Lew area.	Provide 33-year flood protection in Jane Lew area	Provide 100-year flood protection in Jane Lew area	Provide 100-year flood protection in Jane Lew area	Provide 7-year flood protection in Jane Lew area	Provide 6-year flood protection in Jane Lew area

NOTE: Land treatment beneficial effects were not evaluated. Land treatment costs for the Selected Plan are \$_____. For the other plans (National Economic Development Plan, Environmental Quality Plan, Plan 1, Plan 2, and Plan 3) land treatment costs are \$_____, \$_____, \$_____, and \$_____ respectively.

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APPENDIX B
continued

month and year

APPENDIX C

Letters of Comment Received on Draft Environmental Impact Statement -
(This item to be included in both draft and final EIS.) However, on
the draft statement, add the wording: "To be included in final
environmental impact statement." If desired, to simplify assembly
of the final EIS, this appendix may be made the last appendix of the
EIS.

APPENDIX D

Project Map

(It is preferred that this be the last appendix of the EIS. However, if it will simplify assembly, it may be made an earlier appendix.)

BACK

A suitable back cover of heavyweight material should be used to provide protection and enhance the appearance of the final plan.

13.40 - REVIEW PROCEDURE - GENERAL - The watershed program utilizes an interdisciplinary approach and consultation and review with agencies, groups, and individuals having interest or expertise concerning the project. Consultation and review must be conducted with sincerity, impartiality, and the conviction that such actions are necessary to develop the best plan possible. Procedures shown in this chapter should be supplemented as necessary in each state. See 13.02.

For this procedure to be successful, the state conservationist must assure that the planning staff assumes the responsibility to prepare the best plan possible with the expertise available. There can be no reliance on the next higher level of review to correct errors and improve quality. Failure to prepare quality documents will only result in delays at subsequent steps during the review process.

The state conservationist (STC) is responsible for seeing that each watershed plan and EIS is technically proficient, adheres to SCS policy, and is well written. It is imperative that full use is made of state staffs and resources of the TSC in achieving this standard. Each state conservationist should be assured that plans developed within his state reflect involvement of the entire program staff by incorporating their inputs early in the planning process and by their review of early working copies.

Before sending any draft to the TSC for concurrence, the state conservationist should assure himself that the content and quality of the document reflects favorably upon the Soil Conservation Service. It should represent the best efforts of the state conservationist and his staff. The TSC will return to the state conservationist any plan that contains inconsistencies and mathematical errors.

TSC specialists must keep informed on national criteria, Congressional views, and other factors affecting plan formulation. The function of the Washington office will be to provide an overview.

The TSC director should concur in the draft before the state conservationist sends it out for formal interagency review and again before the state conservationist sends the final to the Administrator for concurrence. If issues arise that cannot be resolved by the state conservationist and TSC director, the Administrator will be advised and provided with a complete explanation of the problem.

Each step or action in the following sections has a specific purpose. An overall picture of the procedure involved is provided in flow chart form as Exhibit 13.90-15. The flow chart is provided only to aid in understanding the following written procedures which contain

much more detail. Additional steps involved in special designated areas (Section 13.50) are not included in the flow charts or the narrative. Section 13.50 should be referred to when such areas are involved.

If no EIS is to be prepared for a project, the references to an EIS are not applicable. Those steps which may then be omitted are noted.

It is essential that full agreement is reached with representatives of state and federal agencies relative to carrying out features of the project on lands under their jurisdiction. This agreement should be reached at a local level prior to transmittal of the draft plan to the TSC. In order to do this, these agencies must be involved in the formulation of measures affecting their lands and be supplied with the latest draft plan in sufficient time for clearance within the agency.

13.41 - DRAFT STAGE - ALL PROJECTS - The state conservationist will assure that there is full public and local agency involvement in the planning that takes place during the draft stage. Assistance from the TSC should be requested as needed to assist in development of data for project formulation and to familiarize the TSC with the project as an aid to review. The state conservationist, at his option, may also request TSC informal review of early working copies.

The state conservationist and sponsors will prepare an unsigned draft plan and EIS giving full consideration to inputs made by federal, state and local agencies and by the general public. A copy of the unsigned draft plan and EIS should be provided for informal review to offices of federal, state, and local agencies and others who have participated in plan development. This review may be concurrent with or follow the state office review at the option of the state conservationist. Based upon the informal comments received, the state conservationist and the sponsors will make appropriate revisions.

The state conservationist will send unsigned drafts as follows:

a. Review copies as required with supporting data to TSC for concurrence.

b. Copies, as required by Forest Service, to their area (or regional) office for review and comment. The field (or zone) office, if involved, should also receive an information copy. The Forest Service area (or regional) office should respond directly to the state conservationist and send a copy of their comments to the concerned TSC.

13.411 - Review by TSC - Before it provides concurrence to the state conservationist on a draft plan and EIS, the TSC will determine if:

a. Project formulation and alternatives considered reflect that a proper plan has been developed in view of the sponsors' and national objectives with due consideration of environmental impacts.

b. Surveys and investigations have been made in sufficient scope and intensity to adequately support the physical and economic feasibility and environmental impact analysis.

c. Basic watershed data has been analyzed and interpreted properly.

d. Public and interagency involvement has been sufficient and is properly discussed.

e. The plan and/EIS clearly and correctly reflect watershed conditions and problems without the project; the kind, nature, and estimated cost of measures to be installed; their anticipated effect including the evaluation of benefits; and the manner of installing, operating, and maintaining the project.

f. The project as planned meets the requirements of PL-566, the provisions of the Watershed Protection Handbook, other SCS policy, Congressional criteria, and other applicable laws and regulations.

g. The plan conforms with the established standards and requirements of the Soil Conservation Service for technical quality.

13.412 - Report to State Conservationist - Upon completion of the TSC review, the TSC director will transmit to the state conservationist his comments on the adequacy of the draft. TSC comments should reflect a concise statement of concurrence or non-concurrence. Where concurrence is withheld, the letter should describe the areas that will require further consideration and documentation. Resubmission of new drafts may be necessary to determine whether quality standards have been met.

If a conditional concurrence is given, the modifications that must be made should be listed. Conditional concurrences should be limited to those cases where the modifications can be specifically stated and do not involve complex interrelationships.

A copy of the TSC's letter of concurrence to the state conservationist will be sent to the Director of the Watershed Planning Division.

13.42 - DRAFT STAGE FOR PROJECTS WITH AN EIS - The following additional steps are for all projects for which an EIS is also included. If no EIS is involved, see 13.43.

13.421 - Local Review - After receiving concurrence from the TSC, the state conservationist and the sponsors will arrange for a local review of the unsigned drafts. This review should be initiated by sending copies of the unsigned drafts of the plan and EIS to local offices of Federal agencies, state and local agencies, and groups or individuals who have indicated interest in the project. These drafts must be available at least 15 days prior to the public meeting described below. The Corps of Engineers, U.S. Fish and Wildlife Service, Environmental Protection Agency and appropriate state agencies should always be included. The state conservationist should request written suggestions for improving the plan and remarks on any impacts not adequately recognized in the statement. He should also invite their attendance at the public meeting. The state conservationist should specify a reasonable time for reply, normally at least 30 days. If it develops that the impact of the proposed project on an agency's activities or plans is sufficient to warrant additional time for review, a limited extension of time should be granted for this purpose.

The local review should also include a public information meeting. This meeting will be called by the sponsoring local organization, by it and the Soil Conservation Service jointly, or by an established state procedure. The general public and representatives of all federal and state agencies that may have an interest in the watershed should be invited to participate. The plan and the EIS will be reviewed. Individuals and groups will be given the opportunity to prepare and submit written and oral comments about the project. Generally, agreement will already have been reached at this stage with each participating agency concerning the portions of the plan in which they will be involved.

Public notice of the information meeting is to be made in appropriate statewide and/or local newspapers on at least three different days beginning at least 15 days prior to the meeting. (This 15 day period may run concurrently with the 30 day review period for reply indicated above.) Announcements should also be made in other appropriate news media. The notice should briefly describe the project proposed and include the date, time, and location of the meeting and where copies of the proposed plan and EIS may be obtained. Copies of the plan and EIS should also be made available at the meeting to satisfy a reasonable number of requests.

Unless otherwise required, a verbatim record of the meeting is not required if a summary reflecting the substance and attendance

is prepared. All written statements should be made a part of the record of the meeting.

When the meeting is adjourned, it should be determined if additional meetings are warranted. If no additional public meetings are warranted, it should be emphasized that written comments will be received and considered for a reasonable time, such as 7 days.

After consideration of all comments, inputs, and suggestions, the state conservationist and sponsors make any necessary changes on the drafts. At this time, if any significant changes have been made in the drafts since the review by the TSC, the state conservationist should contact the TSC to discuss the changes and to determine if any further review by the TSC may be desirable. If so, appropriate steps will be taken prior to proceeding to interagency review.

13.422 - Interagency Review - The state conservationist will conduct the interagency review as follows:

- a. Number and sign the draft environmental impact statement.
- b. Send five copies of the draft plan and EIS to the Council on Environmental Quality. See Exhibit 13.90-2 for sample transmittal letter.
- c. Transmit the plan and EIS to other agencies and groups. See Exhibit 13.90-1 for list. The agencies and groups receiving the drafts should be listed in Section VII of the EIS Summary and the EIS Consultation Section. A review period of at least 60 days will be allowed and will begin the date that the draft EIS is transmitted to CEQ. Normally, all documents will be transmitted on the same day. A 15 day extension of the review period will be considered by the state conservationist when such a request is submitted in writing.

13.423 - The State Conservationist will:

- a. Publicize the existence of and invite public comments on the draft plan and EIS. This can be done by appropriate public notices in state and local newspapers and other media.
- b. Send information copies, so identified, to the sponsors, TSC, area (or regional) office of Forest Service, FmHA State Director, regional office of the Fish and Wildlife Service, and other local participating agencies.
- c. Send ten copies of the draft plan and EIS to the Watershed Planning Division.

13.424 - Washington Office - The Watershed Planning Division will send copies of the draft plan and EIS to:

- a. Forest Service - 2 each (for informal concurrence)
- b. Office of the General Counsel - 1 each (for informal concurrence)
- c. Engineering Division - 1 each (for information)
- d. Environmental Services Division - 1 each (for information)
- e. Office of Management and Budget (only on plans to be considered by Congressional Committees and PL 534 subwatershed plans which provide for federal assistance for purposes other than flood prevention) - 1 each (for information)

The Washington office will make an overview and provide the TSC with any appropriate comments for resolving policy, administrative, or other deficiencies. The TSC director is to work with the state conservationist on resolving any such deficiencies.

13.425 - Federal Register Publication - The Washington office will notify the state conservationist of the publication date of the CEQ Federal Register notice. The interagency review period will end on the date specified in the transmittal letters (13.422c) or 45 days after the CEQ notice of availability, whichever is later.

13.43 - DRAFT STAGE FOR PROJECTS WITH NO EIS - The following additional steps are for all projects for which no EIS is to be prepared. If an EIS is involved, or if as a result of new findings or decisions, it develops later that an EIS is to be prepared, see 13.42.

13.431 - Local Review - After receiving concurrence from the TSC, the state conservationist and sponsors will review the proposed draft plan with field personnel of the Forest Service, other participating agencies, and agencies having any special expertise or concerns about the project as appropriate. Any changes which may have been made in the proposed draft since their last opportunity for review should be discussed as appropriate. Formal reports are not required for this review, but the contacts should be thoroughly documented in the project file.

The local review will also include a public information meeting. This meeting will be called by the sponsoring local organization, by it and the Soil Conservation Service jointly, or by an established state procedure. The general public and representatives of all federal and state agencies that may have an interest in the watershed should be invited to participate. Individuals and groups will be given the opportunity to prepare and submit written and oral comments about the project. Generally, agreement will already have been reached at this stage with each participating agency concerning the portions of the plan in which they will be involved.

Public notice of the information meeting is to be made in appropriate statewide and/or local newspapers on at least three different days beginning at least 15 days prior to the meeting. Announcements should also be made in other appropriate news media. The notice should briefly describe the project proposed and include the date, time, and location of the meeting and where copies of the proposed plan may be obtained. Copies of the plan should also be made available at the meeting to satisfy a reasonable number of requests.

Unless otherwise requested, a verbatim record of the meeting is not required if a summary reflecting the substance and attendance of the meeting is prepared. All written statements should be made a part of the record of the meeting.

When the meeting is adjourned, it should be determined if additional meetings are warranted. If no additional meetings are warranted, it should normally be emphasized that written comments will be received and considered for a reasonable time, such as 7 days.

After consideration of all comments, inputs, and suggestions, the state conservationist and sponsors make any necessary changes on the draft. At this time, if any significant changes have been made in the draft since review by the TSC, the state conservationist should contact the TSC to discuss the changes and to determine if any further review by the TSC may be desirable. If so, appropriate steps will be taken prior to proceeding to interagency review.

13.432 - Interagency Review - The state conservationist will transmit the plan for interagency review to the following agencies and groups for review and comment. At least 30 days should be allowed for review and comment.

- a. The governor or designated state agency.
- b. State clearinghouse, with a copy of Form SF-424, if needed. |
- c. Areawide clearinghouse, with a copy of Form SF-424, if needed. |

d. Department of the Army - (Send to District Engineer, Corps of Engineers).

e. Environmental Protection Agency - regional office.

f. Fish and Wildlife Service - regional office.

g. Other agencies and/or groups as appropriate such as Bureau of Reclamation, Bureau of Outdoor Recreation, TVA, National Oceanic and Atmospheric Administration - regional office (if a project may affect marine life in any estuary), National Park Service, Water Resources Council (only if watershed is in Level B river basin plan approved by the Water Resources Council and transmitted to Congress), etc.

13.433 - The State Conservationist will:

a. Send information copies, so identified, to the sponsors, TSC, area (or regional) offices of Forest Service, FmHA State Director, and other local participating agencies.

b. Send 8 copies of the draft plan to the Watersheds Division.

* 13.434 - Washington Office - Watersheds Division sends copies of the draft plan to: *

a. Forest Service - 2 copies (for informal concurrence).

b. Office of the General Counsel - 1 copy (for informal concurrence).

c. Engineering Division - 1 copy (for information).

d. Office of Management and Budget - (only for P.L. 534 plans which provide federal assistance for purposes other than flood prevention) - 1 copy (for information).

The Washington office will make an overview and provide the TSC with any appropriate comments for resolving policy, administrative, or other deficiencies. The TSC director is to work with the state conservationist on resolving any such deficiencies.

13.44 - FINAL STAGE - ALL PROJECTS - The state conservationist should begin consideration and resolution of comments on the drafts as he receives letters of comment. He should consult with the commenting agencies and the TSC as appropriate. If comments are not received from Interior, Army, EPA, or the Governor by the end of the review period, or extension if granted, the state conservationist should attempt to obtain these comments as soon as possible. If the comments still do not appear to be forthcoming or if it appears that there will be excessive delay, the state conservationist should contact the Watersheds Division for further instructions.

Comments should be discussed with project sponsors. Generally, if comments can be readily resolved, the final plan and environmental impact statement, if prepared, should be completed within 30 days after the review period is over. If an EIS is prepared for the project, the Consultation section will respond to all substantive comments received on the plan and EIS. If no EIS is prepared, response to comments will be on an "as appropriate" basis--normally by letter of response from the state conservationist to the commentor.

13.441 - If an EIS was prepared, the state conservationist should obtain the EPA rating on the draft EIS. If the rating includes either an ER, EU, or a 3, efforts should be made to resolve the issues raised and to obtain a letter of concurrence or comment on the proposed final EIS from the EPA Regional Director. The issues raised should be discussed in the Consultation and Review section of the EIS. The concurrence letter on the proposed final EIS should be included in the appendix with EPA's letter of comments on the draft.

13.442 - State conservationist and sponsors are to jointly consider need for public meeting and/or hearing to discuss comments received on the draft plan and EIS.

13.443 - After appropriate consideration of all comments, the state conservationist and sponsors are to prepare the final plan and EIS.

13.444 - The state conservationist is to send unsigned copies to the TSC for concurrence. One information copy (so identified) should be sent to the Forest Service area (or regional) office.

13.445 - If the TSC director concurs in the final plan and EIS, he is to send a letter of concurrence to the state conservationist. A copy of the TSC concurrence letter should be sent to the Watersheds Division.

13.446 - The sponsors approve the final plan by signing the agreement.

13.447 - The state conservationist signs the final plan and EIS. This step constitutes SCS's approval of the EIS and plan for the proposed project. See WPH 13.27. All copies distributed after this date should indicate this approval such as by use of conformed copies or typed indication of signatures and dates in the appropriate spaces.

13.448 - Subsequent steps vary depending on whether the plan: required approval by committees of Congress (13.45); may be approved administratively and for which an EIS has been prepared (13.46); or may be approved administratively and for which no EIS has been prepared (13.47).

13.45 - FINAL STAGE - CONGRESSIONAL PLANS - The following steps are for projects requiring approval by committees of Congress.

13.451 - The state conservationist is to send to the Watersheds Division.

- a. Three plans - manually signed - with EIS's.
- b. Five copies of the plan and EIS.
- c. Public Land Statement (if required) - see WPH 4.023.

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13.452 - The Watersheds Division will:

- a. Send one copy to the Environmental Services Division for information.
- b. Obtain formal concurrence from OGC on the plan.
- c. Obtain formal concurrence from Forest Service on the plan.
- d. Forward two plans manually signed with EIS's and one copy of a statistical summary through the Secretary to OMB for forwarding to the appropriate congressional committees.

e. Send one copy of a statistical summary to the Office of Management and Finance, USDA, along with a copy of the OMB transmittal letter.

f. Notify the state conservationist of Administrator's concurrence in plan and EIS by phone and confirmation letter.

13.453 - After receiving notice from the Watersheds Division, the state conservationist transmits:

a. Five copies of the final plans and EIS to CEQ. See Exhibit 13.90-3.

b. A copy of the final plan and EIS to each agency, group, or individual providing substantive comments on the drafts.

c. Information copies of the plan and EIS to sponsors, area (or regional) office of Forest Service, appropriate local offices of other participating agencies, and TSC.

d. To the Watersheds Division:

(1) For plans to be considered by Agricultural Committees - 20 watershed plans and EIS's and the congressional committee display map (13.26).

(2) For plans to be considered by Public Works Committees - 35 watershed plans and EIS's, 80 project maps (folded to 8" x 10 1/2"), and the congressional committee display map (13.26).

13.454 - The Administrator, after project approval by congressional committees, decides whether or not to authorize installation assistance. If the decision is positive, installation assistance is authorized and the Administrator notifies the following:

* State Conservationist(s) *

Office of Management and Budget

Secretary of Health, Education, and Welfare

Secretary of the Interior

Secretary of Labor

Secretary of Commerce

Federal Power Commission
 Chief of Corps of Engineers
 Office of General Counsel, USDA
 Forest Service, USDA
 Farmers Home Administration, USDA
 ASCS, USDA 1/
 ERS, USDA 1/
 Procurement Management Branch, SCS 1/
 Technical Service Center, SCS

13.455 - In accordance with Section 2 of P.L. 291, the state conservationist shall notify the Secretary of the Interior through the appropriate field office of the Interagency Archeological Services Division of the approval of each project which includes construction of any dam which (1) provides at least 5,000 acre-feet of detention capacity; or (2) provides a normal pool of at least 40 acres in size; or (3) may affect known or suspected cultural values.

13.456 - The state conservationist notifies sponsors, governors, the concerned Senators and Congressmen, area (or regional) offices of the Forest Service, other appropriate field offices of federal agencies, state agencies, state and areawide clearinghouses, and others who have indicated an interest.

13.457 - The Administrator sends 2 copies of the plan and EIS to the National Agricultural Library.

13.46 - FINAL STAGE - ADMINISTRATIVE PLANS FOR PROJECTS WHICH HAVE AN EIS-
 (including P.L. 534 subwatershed plans) 2/

13.461 - The state conservationist sends to the Watersheds Division:

- a. 1 plan - manually signed - with EIS
- b. 14 copies of the plan and EIS. For P.L. 534 subwatersheds, reduce to 4 copies.

1/ Include copy of plan and EIS.

2/ For congressional plans, see 13.45. For plans for projects with no EIS, see 13.47.

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13.462 - The Watersheds Division will:

- a. Send one copy to the Environmental Services Division for information.
- b. Obtain formal concurrence from OGC on the plan.
- c. Obtain formal concurrence from Forest Service on the plan.
- d. Advise the state conservationist of the Administrator's concurrence in plan and EIS by phone and confirmation letter.

13.463 - After receiving notice from the Watersheds Division, the state conservationist transmits:

- a. Five copies of the final plan and EIS to CEQ. (See Exhibit 13.90-3).
- b. A copy of the final plan and EIS to each agency, group, or individual providing substantive comments on the drafts.

13.464 - Federal Register Publication - The Watersheds Division will notify the state conservationist of the publication date of the CEQ Federal Register notice for the final EIS.

13.465 - Subsequent steps vary depending on whether the plan is to be approved administratively: under PL 566 (see 13.4651); under PL 534 for flood prevention only (see 13.4652) or under PL 534 for other purposes. (see 13.4653.)

13.4651 - For all administratively approved PL 566 plans with an EIS:

- a. The state conservationist waits 30 days after the publication date of the CEQ Federal Register notice.
- b. The state conservationist notifies Watersheds Division by telephone if he decides to authorize assistance. The state conservationist and the Watersheds Division will agree upon the authorization date which should be at least six days later.

c. Watersheds Division prepares press release for congressional delegation.

d. On the agreed-to authorization date, the state conservationist authorizes assistance by official letter to the sponsors 1/. A copy of the letter should be sent to the Administrator.

e. State conservationist notifies the Governor, TSC 1/, state and areawide clearinghouses, area (or regional) office of Forest Service 1/, and appropriate local offices of federal and state agencies.

f. In accordance with Section 2 of PL 93-291, the state conservationist shall notify the Secretary of the Interior through the appropriate field office of the Interagency Archeological Services Division of the approval of each project which includes construction of any dam which (1) provides at least 5,000 acre-feet of detention capacity; or (2) provides a normal pool of at least 40 acres in size, or (3) may affect known or suspected cultural values.

g. The Administrator notifies OMB, Procurement Management Branch (SCS) 1/, OGC, FS, FmHA, ERS 1/.

h. The Administrator sends 2 copies of the plan and EIS to the National Agricultural Library.

13.4652 - For PL 534 subwatershed plans which provide for federal assistance for flood prevention only and having an EIS:

a. The state conservationist waits 30 days after the publication date of the CEQ Federal Register notice.

b. If the state conservationist decides to authorize assistance, he makes appropriate notifications.

c. In accordance with Section 2 of PL 93-291, the state conservationist shall notify the Secretary of the Interior through the appropriate field office of the Interagency Archeological Services Division of the approval of each project which includes construction of any dam which (1) provides at least 5,000 acre-feet of detention capacity; or (2) provides a normal pool of at least 40 acres in size, or (3) may affect known or suspected cultural values.

d. The Watersheds Division will inform the Forest Service when a subwatershed plan has been approved.

1/ Include plan and EIS.

13.4653 - For PL 534 subwatershed plans which provide for federal assistance for purposes other than flood prevention and having an EIS:

- a. The Administrator transmits one copy of the final plan and EIS to OMB and will allow not less than 45 days for review.
- b. The Administrator notifies the state conservationist when assistance can be authorized.
- c. If the state conservationist decides to authorize assistance, he makes appropriate notifications.
- d. In accordance with Section 2 of PL 93-291, the state conservationist shall notify the Secretary of the Interior through appropriate field office of the Interagency Archeological Services Division of the approval of each project which includes construction of any dam which (1) provides at least 5,000 acre-feet of detention capacity; or (2) provides a normal pool of at least 40 acres in size, or (3) may affect known or suspected cultural values.
- e. The Watersheds Division will inform the Forest Service when a subwatershed plan has been approved.

13.47 - FINAL STAGE - ADMINISTRATIVE PLANS FOR PROJECTS WITH NO EIS - (including PL 534 subwatershed plans) 1/

13.471 - The state conservationist sends to the Watersheds Division:

- a. 1 manually signed plan
- b. 14 copies of the plan. For PL 534 subwatersheds, reduce to 4 copies.

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- c. The letter of concurrence from the Governor

13.472 - The Watersheds Division will:

- a. Obtain formal concurrence from OGC on the plan.
- b. Obtain formal concurrence from Forest Service on the plan.
- c. Advise the state conservationist of the Administrator's concurrence in plan by phone and confirmation letter.

1/ For plans with EIS see 13.45 (Congressional) or 13.46 (Administrative).

13.473 - Subsequent steps vary depending on whether the plan is to be approved administratively: under PL 566 (see 13.4731); under PL 534 for flood prevention only (see 13.4732); or under PL 534 for flood prevention and other purposes (see 13.4733).

13.4731 - For all administratively approved PL 566 plans with no EIS:

a. The state conservationist notifies the Watersheds Division by phone that he is ready to authorize assistance. The state conservationist and the Watersheds Division will agree upon the authorization date, which should be at least six days later.

b. The Watersheds Division prepares press release for congressional delegation.

c. On the agreed-to date, the state conservationist authorizes assistance by official letter to the sponsors 1/, with a copy of the letter to the Administrator.

d. The state conservationist notifies the Governor, TSC 1/, state and areawide clearinghouses, area (or regional) offices of Forest Service 1/, and appropriate local offices of federal and state agencies.

e. In accordance with Section 2 of PL 93-291, the state conservationist shall notify the Secretary of the Interior through the appropriate field office of the Interagency Archeological Services Division of the approval of each project which includes construction of any dam which (1) provides at least 5,000 acre-feet of detention capacity; or (2) provides a normal pool of at least 40 acres in size; or (3) may affect known or suspected cultural values.

f. The Administrator notifies OMB, Procurement Management Branch (SCS) 1/, OGC, FS, FmHA, ERS 1/.

g. The Administrator sends 2 copies to the National Agricultural Library.

13.4732 - For PL 534 subwatershed plans which provide federal assistance for flood prevention only, and having no EIS:

a. The state conservationist authorizes assistance and makes appropriate notifications.

1/ Include a copy of the plan.

b. In accordance with Section 2 of PL 93-291, the state conservationist shall notify the Secretary of the Interior through the appropriate field office of the Interagency Archeological Services Division of the approval of each project which includes construction of any dam which (1) provides at least 5,000 acre-feet of detention capacity; or (2) provides a normal pool of at least 40 acres in size; or (3) may affect known or suspected cultural values.

13.4733 - For PL 534 subwatershed plans which provide for federal assistance for purposes other than flood prevention and having no EIS:

a. The Administrator transmits one copy of the final plan to OMB and will allow not less than 45 days for review.

b. The Administrator notifies the state conservationist when assistance can be authorized.

c. The state conservationist authorizes assistance and makes appropriate notifications.

d. In accordance with Section 2 of PL 93-291, the state conservationist shall notify the Secretary of the Interior through the appropriate field office of the Interagency Archeological Services Division of the approval of each project which includes construction of any dam which (1) provides at least 5,000 acre-feet of detention capacity; or (2) provides a normal pool of at least 40 acres in size; or (3) may affect known or suspected cultural values.

13.50 - REVIEW AND APPROVAL PROCEDURE FOR SPECIAL DESIGNATED AREAS - In specific areas where special commissions have been established with statutory authority to coordinate resource planning and development activities, the instructions contained in this chapter relating to the review and approval of watershed plans are hereby supplemented.

13.501 - Appalachia - For each watershed plan involving land in the designated Appalachian Region:

a. The state conservationist will transmit the draft plan and EIS if prepared, to the Appalachian Regional Commission with a request for review and comment in accordance with interagency review procedure.

b. The concerned state conservationist will:

1. Invite the Office of Appalachian Studies, U.S. Army, Corps of Engineers, Cincinnati, Ohio, to participate in the local review of each watershed plan.

2. Send the Office of Appalachian Studies three information copies of the draft plan and draft environmental impact statement if prepared, at the same time that copies are distributed for interagency review. The Office of Appalachian Studies should be requested to submit any comments it might have through the Office of the Chief of Engineers or the District Engineer as appropriate.

3. Furnish the Governor with an additional copy of the draft plan for the state member of the Water Development Coordinating Committee for Appalachia.

13.502 - Delaware River Basin - The procedures for the coordination and review of watershed plans in the Delaware River Basin are set forth in an Administrative Agreement executed between the Delaware River Basin Commission and the Soil Conservation Service, December 23, 1966. (See Appendix 10.) The address of the Commission is: 25 State Police Drive, P. O. Box 360, Trenton, New Jersey 08603.

13.503 - Susquehanna River Basin Commission - Watersheds located within the Susquehanna River Basin should follow the additional regulations and procedures for review as contained in 18 CFR 803.

13.504 - Tennessee Valley Authority - Procedures relative to coordinating activities with the Tennessee Valley Authority are contained in a Memorandum of Understanding executed between the two agencies, dated November 6, 1958. (See Appendix 11.)

13.505 - Areas Eligible for EDA Assistance - A Memorandum of Understanding between the Soil Conservation Service and the Economic Development Administration, U.S. Department of Commerce, is reproduced as Appendix 13. This Memorandum covers supplementary grant assistance under the Public Works and Economic Development Act of 1965 for works of improvement in PL 566 watershed projects and the eleven authorized flood prevention projects.

EXHIBITS

SECTION 13.90

DISTRIBUTION LISTFOR DRAFTS OF WATERSHEDS PLANS HAVING ENVIRONMENTAL IMPACT STATEMENTS

	<u>Exhibit Reference for transmittal letter</u>	<u>Number of Copies (Plan and EIS)</u>
<u>COPIES FOR FILING</u>		
Chairman, Council on Environmental Quality 722 Jackson Place, N.W. Washington, D. C. 20006	13.90-2	5
<u>COPIES FOR REVIEW</u>		
Chief of Engineers Department of the Army Washington, D. C. 20314 Attn: DAEN-CWP	13.90-4	4
The Honorable The Secretary of the Interior Department of the Interior Washington, D. C. 20240 (Under separate cover - Director Office of Environmental Project Review Department of the Interior Room 5231 Washington, D. C. 20240)	13.90-4	1
	13.90-4	18
Deputy Assistant Secretary for Environmental Affairs Department of Commerce Room 3425 Washington, D. C. 20230	13.90-4	4
Assistant Secretary for Administration and Management Department of Health, Education, and Welfare Attention: Director Office of Environmental Affairs Room 4740 Washington, D. C. 20201	13.90-4	3

Exhibit Reference Number of Copies
for transmittal letter (Plan and EIS)

COPIES FOR REVIEW (Con't)

Coordinator, Water Resources U.S. Coast Guard G-WS Department of Transportation Washington, D. C. 20590	13.90-4	6
Director Office of Equal Opportunity Room 247-E, USDA Washington, D. C. 20250	13.90-4	1
Environmental Protection Agency To appropriate Regional Administrator	13.90-4	7
1 cc to: Administrator Environmental Protection Agency Washington, D. C. 20460	13.90-4	1
The Honorable The Chairman Federal Power Commission Washington, D. C. 20426	13.90-4	3
Executive Secretary Advisory Council on Historic Preservation 1522 "K" Street, N.W. Washington, D. C. 20005 (Only if significant cultural values are affected.)	13.90-4	1
Governor of State (or State Agency designated by the Governor)	13.90-5 (or 13.90-6)	1
State Clearinghouse (by name)	13.90-4	1
Areawide Clearinghouse (by name)	13.90-4	1
Federal Co-chairman Appalachian Regional Commission 1666 Connecticut Avenue, N.W. Washington, D. C. 20235 (Only if involved)	13.90-4	1

	<u>Exhibit Reference for transmittal letter</u>	<u>Number of Copies (Plan and EIS)</u>
<u>COPIES FOR REVIEW (con't)</u>		
Head of the Environmental Unit Delaware River Basin Commission P. O. Box 360 Trenton, New Jersey 08603 (Only if involved)	13.90-4	1
Chairman Board of Directors Tennessee Valley Authority Knoxville, Tennessee 37919 (Only if involved)	13.90-4	1
Director Water Resources Council Gelman Building 2120 "L" Street, N.W. Washington, D. C. 20037 (Only if watershed is in Level B river basin plan approved by WRC and transmitted to Congress.)	13.90-4	1
<u>COPIES FOR INFORMATION</u>		
Natural Resources Defense Council 917 15th Street, N.W. Washington, D. C. 20005	13.90-7	1
Friends of the Earth 620 "C" Street, S.E. Washington, D. C. 20003	13.90-7	1
Environmental Defense Fund 1525 18th Street, N.W. Washington, D. C. 20036	13.90-7	1
National Wildlife Federation 1412 16th Street, N.W. Washington, D. C. 20036 Attn: General Counsel	13.90-7	1

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

EXHIBIT
13.90-2

EXAMPLE - TRANSMITTAL LETTER TO CEQ FOR DRAFT EIS

January 21, 1974

Chairman
Council on Environmental Quality
722 Jackson Place, N.W.
Washington, D. C. 20006

ATTENTION: General Counsel

Dear Sir:

Enclosed are five copies of the draft environmental impact statement prepared in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190) and the plan for the Canby Creek Watershed, Minnesota.

We have also sent this statement and the watershed plan, for review and comment, to other departments of the federal government and to the Governor of Minnesota.

We have requested that all comments be sent to this office on or before March 22, 1974. The final environmental impact statement will include copies of all substantive comments received.

The plan for this project was prepared under the authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566), as amended.

Sincerely,

Harry M. Major
State Conservationist

Enclosures

cc: (without enclosures)
Administrator, Soil Conservation Service, Washington, D.C. 20250
Coordinator of Environmental Quality Activities, U.S. Department
of Agriculture, Room 307-A, 14th & Independence Avenue, S.W.,
Washington, D.C. 20250



EXHIBIT
13.90-3

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

EXAMPLE - TRANSMITTAL LETTER TO CEQ FOR FINAL EIS

August 28, 1973

Chairman
Council on Environmental Quality
722 Jackson Place, N.W.
Washington, D.C. 20006
Attention: General Counsel

Dear Sir:

Enclosed are five copies of the final environmental impact statement prepared in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190) and the plan for the South Fork Watershed, Nebraska.

This statement reflects the comments received on the draft statement which was forwarded to you on May 23, 1973. Substantive letters of comment received on the draft statement are appended to the final statement.

This plan was prepared under the authority of the Watershed Protection and Flood Prevention Act, Public Law 83-566, as amended.

Sincerely,

Wilson J. Parker
State Conservationist

Enclosures

cc: (without enclosures)
Administrator, Soil Conservation Service, Washington, D.C. 20250
Coordinator of Environmental Quality Activities, U.S. Department of
Agriculture, Room 307-A, 14th & Independence Avenue, S.W.,
Washington, D.C. 20250

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

EXAMPLE - TRANSMITTAL LETTER FOR INTERAGENCY REVIEW

January 21, 1974

The Honorable (Name)
The Secretary of the Interior
Department of the Interior
Washington, D. C. 20240

Dear Mr. Secretary:

In accordance with Section 5 of the Watershed Protection and Flood Prevention Act (P.L. 83-566), as amended, Section 2 of Executive Order 10913, and our responsibility as assigned by the Secretary of Agriculture, we are transmitting for your review and comment the draft watershed plan and draft environmental impact statement for the Canby Creek Watershed, Minnesota. The final plan will require approval by the appropriate Committees of the Senate and House of Representatives before federal assistance is authorized. 1/

The environmental impact statement was prepared in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 (P.L. 91-190).

We are requesting that comments on both documents be received by this office on or before March 22, 1974, or such later date as may be needed to total 45 days after CEQ publishes its notice of availability in the Federal Register. If your comments are not received by the due date, we will assume you do not wish to comment.

Sincerely,

Harry M. Major
State Conservationist

Enclosures - 1 plan and environmental impact statement
(under separate cover, 18 copies of plan and EIS)
cc: (without enclosures)
Administrator, Soil Conservation Service, Washington, D. C. 20250

1/ For Administratively approved plans, change this sentence to read:
"The final plan may be approved Administratively."

Similar letters should be sent to the following agencies:

Department of the Interior
Department of the Army
Department of Commerce
Department of Health, Education, and Welfare
Department of Transportation
Environmental Protection Agency
Federal Power Commission
Office of Equal Opportunity, USDA
State Clearinghouse (by name)
Areawide Clearinghouse (by name)
Other agencies, as appropriate -- See 13.90-1.



EXHIBIT
13.90-5

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

EXAMPLE - For Governor's review and approval of watershed plans and environmental impact statements. To be used only if the Governor has not designated to an agency the responsibility for review of P.L. 566 projects.

January 21, 1974

Honorable Wendell E. Anderson
Governor of Minnesota
St. Paul, Minnesota 55101

Dear Governor Anderson:

In accordance with Section 2 of Executive Order 10913, and our responsibility as assigned by the Secretary of Agriculture, we are transmitting for your review and comment the plan for the Canby Creek Watershed, Minnesota. This plan was prepared by the Yellow Medicine Soil and Water Conservation District, and the Lincoln Soil and Water Conservation District, with assistance by the Soil Conservation Service under authority of the Watershed Protection and Flood Prevention Act, as amended. The application for assistance in the preparation of the plan was approved by the State Soil Conservation Committee on June 29, 1964.

Attached to the plan for your review and comment is the draft environmental impact statement prepared in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 (P.L. 91-190). It is requested that comments on both documents be received by this office on or before March 22, 1974.

Sincerely,

Harry M. Major
State Conservationist

Enclosures - 1 plan and environmental impact statement

cc: (without enclosures)
Administrator, Soil Conservation Service, Washington, D.C. 20250



UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

EXHIBIT
13.90-6

EXAMPLE - To be used only if the Governor has designated a state agency to review and approve watershed plans and environmental impact statements. Note the reference to the Governor's designation of authority which must be adopted to fit each specific state.

April 29, 1974

Mr. Charles S. Staples
Executive Director
State Soil and Water
Conservation Committee
P.O. Drawer CS
Louisiana State University
Baton Rouge, Louisiana 70803

Dear Mr. Staples:

In accordance with Section 2 of Executive Order 10913, our responsibility as assigned by the Secretary of Agriculture and Governor Robert F. Kennon's letter of September 2, 1954, we are transmitting for your review and comment the plan for the Bayou Bonne Idee Watershed, Louisiana. This plan was prepared by the Bonne Idee Gravity Drainage District, the Morehouse Parish School Board, and the Morehouse Soil and Water Conservation District, with assistance by the Soil Conservation Service and the Forest Service under authority of the Watershed Protection and Flood Prevention Act, as amended. The application for assistance in the preparation of the plan was approved by the State Soil and Water Conservation Committee on December 19, 1967.

Attached to the plan for your review and comment is the draft environmental impact statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190). It is requested that comments on both documents be received by this office on or before June 28, 1974.

Sincerely,

Alton Mangum
State Conservationist

Enclosures - 1 plan and 1 environmental impact statement

cc: (without enclosures)
Administrator, Soil Conservation Service, Washington, D.C. 20250



EXHIBIT
13.90-7

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

EXAMPLE - LETTER FOR TRANSMITTING INFORMATION
COPIES OF DRAFT EIS.

January 21, 1974

Natural Resources Defense Council
917 15th Street, N.W.
Washington, D.C. 20005

Dear Sirs:

In accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 (P.L. 91-190), a draft environmental impact statement has been filed with the Council on Environmental Quality for the Canby Creek Watershed, Minnesota.

Any comments on the enclosed statement and plan should be received by this office on or before March 22, 1974, or such later date as may be needed to total 45 days after CEQ publishes its notice of availability in the Federal Register.

Sincerely,

Harry M. Major
State Conservationist

Enclosure

bc: (without enclosure)
Administrator, Soil Conservation Service, Washington, D.C. 20250

Identical letters should also be sent to:

Friends of the Earth
Environmental Defense Fund
National Wildlife Federation
National Audubon Society
Environmental Impact Assessment Project
Other groups and individuals who have shown interest.

EXAMPLE

9-8
Page 1

NEGATIVE DECLARATION

SOME WATERSHED

DATE _____

One and Two Counties, Any State

INTRODUCTION

Some Creek Watershed, comprising an area of 10,000 acres is located in One and Two Counties in Any State.

Land and water resource problems include periodic flooding of agricultural lands and accelerated erosion on urban development sites. Approximately 1,000 acres are subject to periodic inundation. Estimated average annual floodwater damages to crops of about \$13,000 are occurring. Accelerated erosion, estimated at about 8,000 tons annually on about 50 acres, is occurring on areas temporarily stripped of vegetative cover during urban construction.

The watershed provides a variety of agricultural, woodland, and wetland wildlife. The major water courses provide little or no fishery resource.

AUTHORITY

A project for watershed protection and flood prevention in One and Two Counties, Any State, to be implemented under the authority of the Watershed Protection and Flood Prevention Act (P.L.-566, 83d Congress, 68 Stat., 666), as amended.

THE SPONSORING LOCAL ORGANIZATIONS

Some Natural Resource Conservation District
Box 146, A City, Any State 12345

Other Natural Resource Conservation District
Box 66, B City, Any State 12345

Two County Boards of Supervisors
Court House, C City, Any State 12345

Flood Control District of One County
3325 W. Durango, D City, Any State 12345

Town of Some
P.O. Box 1269, Some, Any State 12345

PROPOSED ACTION

The planned action includes land treatment and structural measures within the 10,000 acre watershed in the vicinity of Some Town, Any State.

Land treatment measures and management practices are expected to include proper grazing use, deferred grazing, range seeding, waterspreading, ponds, wells, pasture and hayland management, and other measures and practices which are needed in the area to reverse the trend toward rangeland deterioration and which can be installed as a part of conservation plans developed by the ranchers for their individual ownerships.

Approximately 50 acres have been classified as critically eroding sediment source areas. These areas will be treated. Treatment may consist of pitting and contour furrowing, by seeding, and by the installation of waterspreading systems.

Two earthfill floodwater retarding structures are being planned across the Sunset and Sunrise tributaries. Outlet pipes from the two structures would carry floodwaters to the Big River. All structural measures would be installed within the city limits of Some Town. None of lands involved in the project are owned or controlled by the Soil Conservation Service.

PROBABLE IMPACTS

Land treatment and management practices on the rangeland would improve soil moisture, reduce erosion, reduce land scarring, and reduce the amount of sediment delivered to the Big River by about 3,850 tons per year. The treatment of the rangeland would increase the proportion of perennial vegetation and reduce the proportion of the annual vegetation. There would be an increase in livestock production which would contribute to improved economic stability of the area.

The reduction of damages resulting from floodwater and sediment deposition by construction of the structural measures would produce both physical and social benefits. Traffic delays and interruption of water, telephone and sewer service would be less frequent. Direct damages to homes, contents, yards, and streets would be reduced.

The construction of the dams, spillways and pipelines would destroy or disturb desert vegetation on about 15 acres of land within town. Plants affected would be mesquite, creosote bush, forbs and annual grasses. There would be noise and dust pollution during the construction period. The pool areas would assure that about 41 acres of open space will be preserved in town. The structures would be visible from 10 homes in the area.

CONSULTATION

The plan for this project will be developed in consultation with federal, state, and local agencies.

Public meetints have been held in Some Town during the planning. No significant adverse comments have been received.

The Any State Game and Fish Department and Water Pollution Control Agency, the Bureau of Sport Fisheries and Wildlife, the regional office of the Environmental Protection Agency, and the State Historic Preservation Officer have participated in the environmental assessment of the project.

CONCLUSION

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that there is not significant controversy associated with the project. Installation of the project will not effect any property listed in the most recent edition of the National Register of Historic Places nor will it involve any properties that might be eligible for inclusion in the Register. This project will not involve placing additional lands in federal ownership or otherwise change the responsibilities of federal agencies under Executive Order 11593 with respect to existing federal properties. As a result of these findings, the State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 100 Federal Building, 300 First Avenue, D City, Any State.

Approved by: _____ 4-27-74
John J. Doe Date
State Conservationist

EXHIBIT
13.90-9

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

EXAMPLE - TRANSMITTAL LETTER TO CEQ
FOR NEGATIVE DECLARATION

September 13, 1974

Chairman
Council on Environmental Quality
722 Jackson Place, N.W.
Washington, D. C.

Attention: General Counsel

Dear Sir:

Enclosed are five copies of the negative declaration prepared in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190) on the watershed plan for the Deport Creek Watershed, Texas.

We have also sent this negative declaration to other departments of the federal government and to the Governor of Texas.

The plan for this project is being prepared under the authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566), as amended.

Sincerely,

Edward E. Thomas
StateConservationist

Enclosures

cc: (without enclosures)
Administrator, Soil Conservation Service, Washington, D.C. 20250
Coordinator of Environmental Quality Activities, USDA, Room 307-A,
14th & Independence Ave., S.W., Washington, D.C. 20250



UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

EXHIBIT
13.90-10

EXAMPLE - TRANSMITTAL LETTER FOR
NEGATIVE DECLARATION

The Honorable (Name)
The Secretary of the Interior
Department of the Interior
Washington, D. C. 20240

Dear Mr. Secretary:

We are enclosing for your information copies of the negative declaration for the David Creek Watershed, Able and Baker Counties, Any State, prepared in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190).

The plan for this project is being prepared under the authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566), as amended.

Sincerely,

John J. Doe
State Conservationist

Enclosure

cc: (without enclosures)
Administrator, Soil Conservation Service, Washington, D.C. 20250

Note

Identical letters should also be sent to the same agencies, groups, and individuals which would otherwise receive a draft environmental impact statement. See Exhibit 13.90-1.



EXAMPLE
FEDERAL REGISTER NOTICE
FOR NEGATIVE DECLARATION

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SOME WATERSHED PROJECT, ANY STATE

Notice of Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Some Watershed Project, One and Two Counties, Any State.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. John J. Doe, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by two single purpose floodwater retarding structures.

Some Watershed Project, Any State
Notice of Availability of
Negative Declaration

Page 2

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 100 Federal Building, 300 First Avenue, D City, Any State 12345. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until 15 days after the date of this publication.

Assistant Administrator for Water Resources
Soil Conservation Service

Date:

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program - Public Law 83-566, 16 USC 1001-1008.) or
(Catalog of Federal Domestic Assistance Program No. 10.904, Flood Control Act-Public Law 78-534, 58 Stat. 905.)

Instructions

Double space the notice. Page 2 is second sheet.

Include the Catalog of Federal Domestic Assistance statement in parentheses at the bottom of the notice.

Use 1-1/2 inches for the left margin and at least 1 inch for the top, bottom, and right margins.

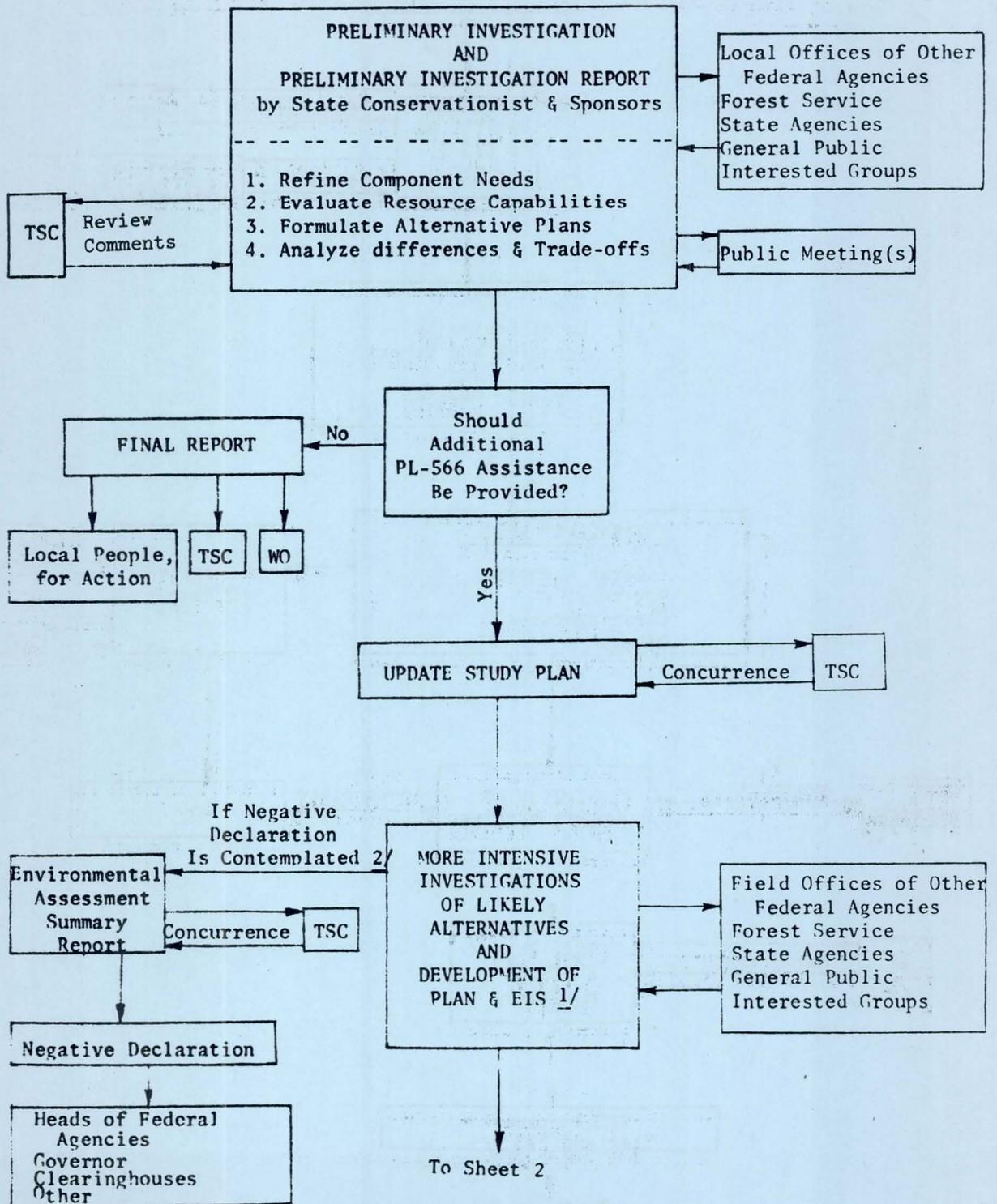
Send the original and four legible carbons on white to the Administrator.

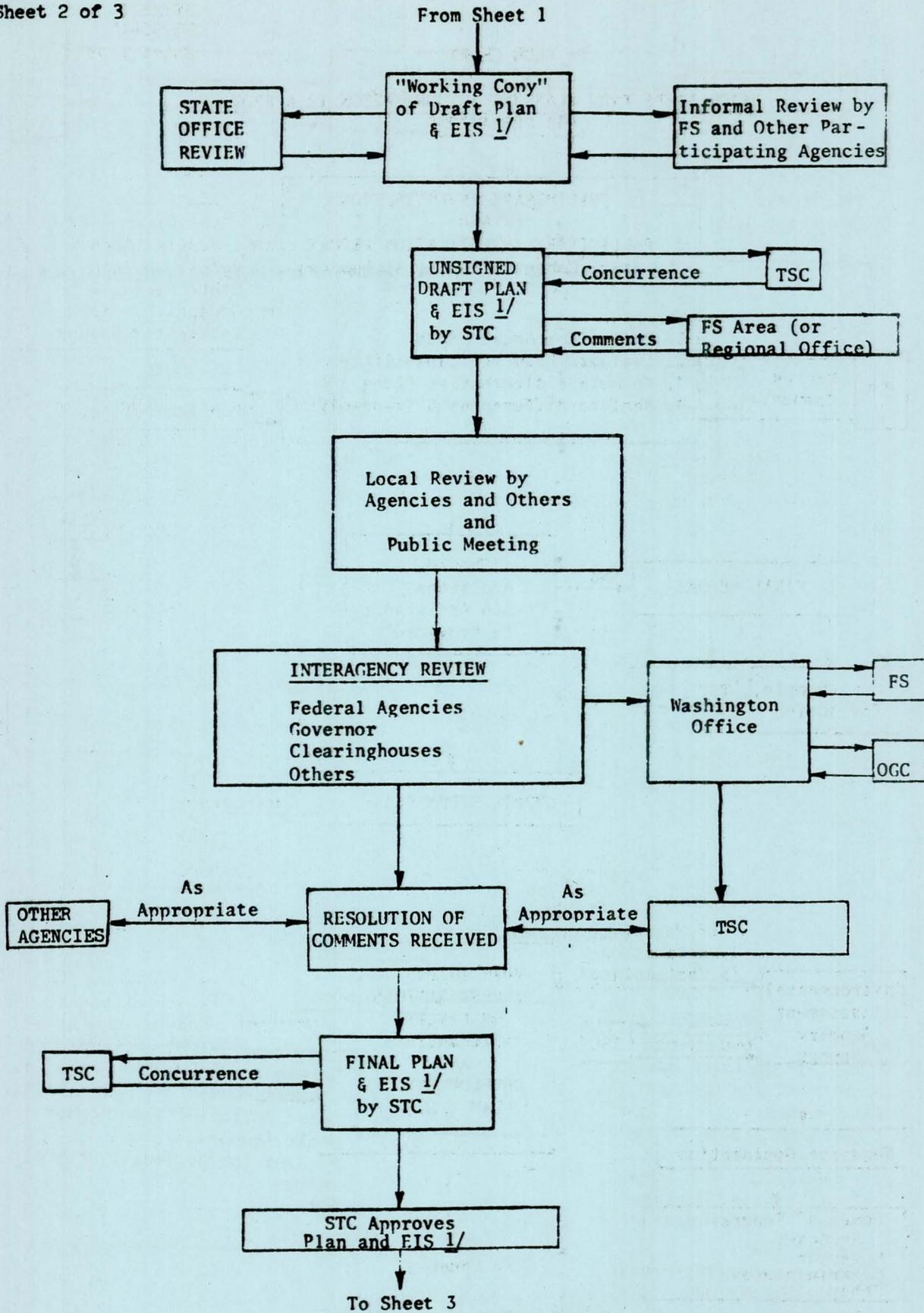
Leave sufficient space above Assistant Administrator's title for typewritten name and signature.

WPH Notice - 38 - 1/31/77

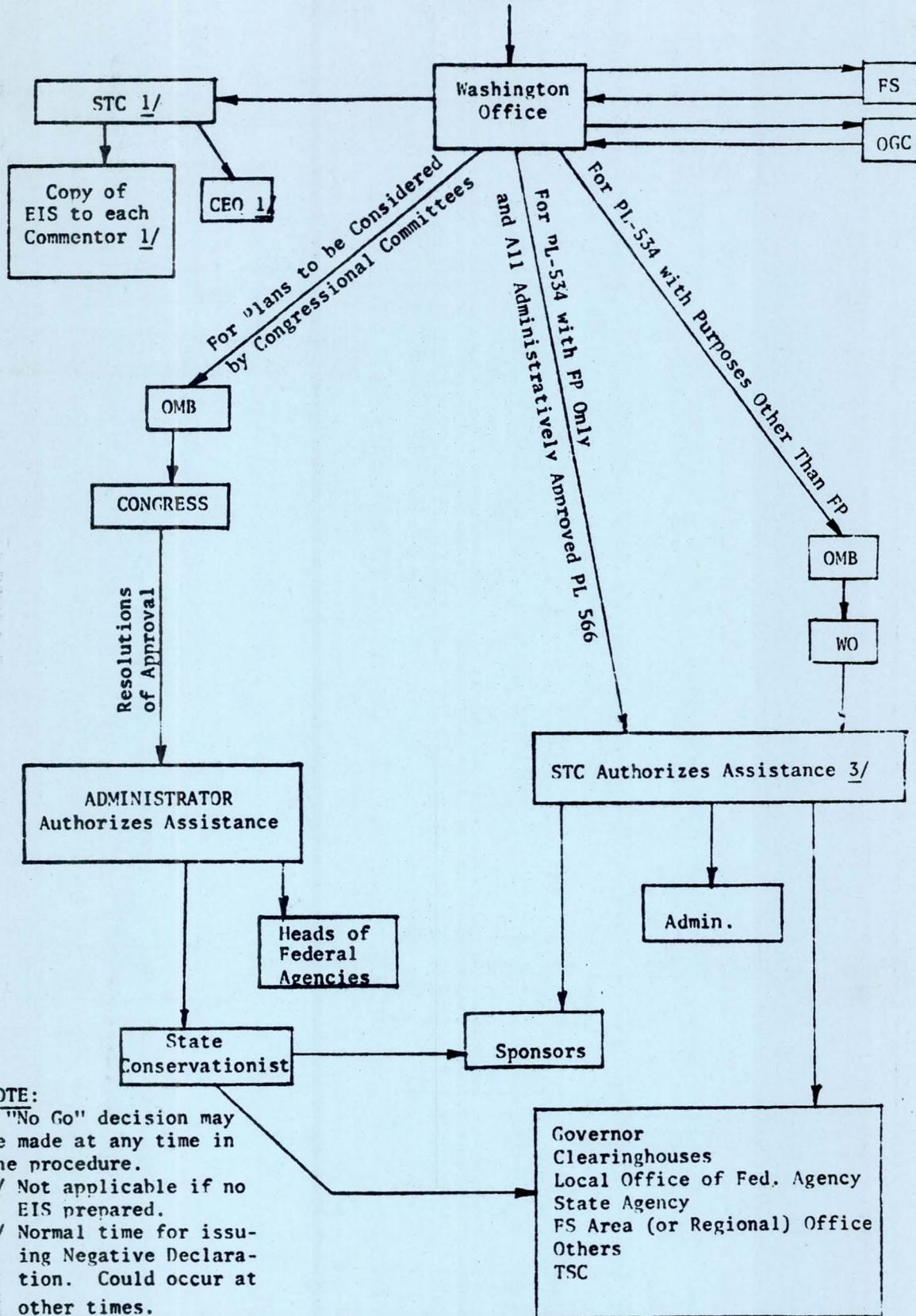
FLOW CHART

MAJOR STEPS FROM PLANNING AUTHORIZATION TO APPROVAL
FOR OPERATIONS





From Sheet 2



NOTE:

A "No Go" decision may be made at any time in the procedure.

1/ Not applicable if no EIS prepared.

2/ Normal time for issuing Negative Declaration. Could occur at other times.

3/ After observing proper waiting periods.

**14. Work Plan Revisions
and Supplements**

WATERSHED PROTECTION HANDBOOK

PART 1 - PLANNING AND OPERATIONS
CHAPTER 14 - WORK PLAN REVISIONS AND SUPPLEMENTSTABLE OF CONTENTS

- 114.00 - REVISION OR MODIFICATION OF WORK PLAN
- 114.01 - BY REVISED OR SUPPLEMENTAL WATERSHED WORK PLAN AGREEMENT
 - 114.011 - Conditions Governing Choice of a Revised or Supplemental Watershed Work Plan Agreement
 - 114.012 - Conditions Requiring Either a Revised or Supplemental Agreement
 - 114.0121 - Change in Purpose
 - 114.0122 - Change in Scope
 - 114.0123 - Change in Major Feature
 - 114.0124 - Change in Estimated Costs
 - 114.0125 - Change in Sponsoring Local Organization
 - 114.013 - Approval Authority
 - 114.0131 - Approval by Committees of Congress
 - 114.01311 - Watershed Work Plans Previously Approved by Committees of Congress
 - 114.01312 - Watershed Work Plans Previously Approved Administratively
 - 114.0132 - Administrative Approval
 - 114.014 - Approval Procedure
 - 114.015 - Notification of Approval
- 114.02 - BY PROJECT AGREEMENT OR CORRESPONDENCE
 - 114.021 - By Project Agreement
 - 114.022 - By Exchange of Correspondence
- 114.03 - REVISED OR SUPPLEMENTAL WATERSHED WORK PLAN AGREEMENT (WITH EXHIBITS)

WATERSHED PROTECTION HANDBOOK

PART 1 - PLANNING AND OPERATIONS
CHAPTER 14 - WORK PLAN REVISIONS AND SUPPLEMENTS

114.00 - REVISION OR MODIFICATION OF WORK PLAN - Whenever revisions or modification of the terms, conditions and stipulations of an approved work plan become necessary, approval of such changes will be made and agreement thereto documented by (1) executing a revised watershed work plan agreement supported by a revised watershed work plan, or (2) executing a supplemental watershed work plan agreement containing pertinent descriptive information. Minor modifications of approved work plans may be documented by (1) executing a project agreement, or (2) exchange of correspondence with the sponsoring local organization. The conditions governing the use of each of the methods and the approval procedure are discussed in the following paragraphs.

114.01 - BY REVISED OR SUPPLEMENTAL WATERSHED WORK PLAN AGREEMENT

114.011 - Conditions Governing Choice of a Revised or Supplemental Watershed Work Plan - The extent and complexity of changes made in modifying the terms, conditions and stipulations of an approved work plan will determine whether a revised watershed work plan or a work plan supplement will be required. The amount of time and facilities normally required to prepare a revised watershed work plan is significantly greater than that expended in developing a supplement. For this reason, judgment must be exercised to limit complete revisions to those situations where the modifications of the plan or changed conditions indicate the need for this action to clearly present and document the changes agreed to in the plan. In most instances a supplemental watershed work plan agreement with pertinent narrative and tables made a part thereof will document the changes in an acceptable manner. The amount of detail that should be included in a supplemental agreement will depend upon the nature of the modifications and their effect on the overall project. Examples of Revised and Supplemental work plan agreements are shown following paragraph 114.03.

114.012 - Conditions Requiring Either a Revised or Supplemental Agreement - The approved watershed work plan agreement, including the work plan, is the official document for carrying out the watershed project. When it is necessary to modify the work plan to change the purpose or scope of works of improvement, major features, the estimated cost, or the sponsoring local organization, mutual agreement to such changes will be documented by a Revised Watershed Work Plan Agreement including a revised work plan, or by a Supplemental Watershed Work Plan Agreement containing such supporting information as is necessary for an understanding of the significance of the changes.

114.0121

114.0121 - Change in Purpose - A change in purpose is considered to be the addition to or deletion from an approved watershed project of one or more purposes such as flood prevention, irrigation, drainage, fish and wildlife development, municipal or industrial water supply, or recreation.

114.0122 - Change in Scope - A change in scope is considered to be a planned increase or decrease in the degree or extent of project development specifically to benefit either (1) different beneficiaries, or (2) the same beneficiaries to a different degree.

114.0123 - Change in Major Features - A change in major features involves:

a. Using different ways of achieving agreed upon objectives without planned changes in purpose or scope, by such means as significantly changing the number, location, extent, or capacity of structural measures, or substituting channel improvement for floodwater retarding structures;

b. Adding provisions for P. L. 566 credit assistance; or

c. Changing the cost-sharing arrangements set forth in the watershed work plan agreement.

114.0124 - Change in Estimated Costs - A change in estimated costs is considered to be an increase in costs of such magnitude to require re-evaluation of benefits to reaffirm economic feasibility of the project or any components thereof even though no change in purpose, scope, or major features is planned.

114.0125 - Change in Sponsoring Local Organization - A change in sponsoring local organization is any change in the group of local organizations or their responsibilities.

114.013 - Approval Authority - Changes in a watershed work plan by a supplemental watershed work plan agreement or a revised work plan, if appropriate, will be approved either by Committees of Congress or administratively.

All sponsoring local organizations will be required to execute the revised or supplemental watershed work plan agreement unless provisions in the work plan make it unnecessary.

114.0131 - Approval by Committees of Congress - Any changes in purpose or scope that are determined to be significant in accordance with the following definitions will require approval by the Committees of Congress.

114.01311 - Watershed Work Plans Previously Approved by Committees of Congress - A change in purpose or scope is considered to be significant if it causes:

a. An increase of more than \$250,000 in the estimated P. L. 566 contribution to construction cost of works of improvement, such increase to be computed as the sum of all increases whether made at one time or at different times, or

b. An increase in the total capacity of a structure so as to require approval of the change by a Congressional Committee different than the one which approved the original work plan.

114.01312 - Watershed Work Plans Previously Approved Administratively - Any change in purpose or scope is considered to be significant if it causes:

a. The estimated P. L. 566 contribution to construction cost of works of improvement to exceed \$250,000 providing that this cost amounts to an increase of not less than 10 percent, or

b. The total capacity of any structure to exceed 2,500 acre-feet.

114.0132 - Administrative Approval - The State Conservationist will approve all changes other than those specified in 114.0131 by executing the revised or supplemental watershed work plan agreement.

114.014 - Approval Procedure - Revisions which require approval by the Committees of Congress will need the same review and concurrence as work plans. Changes in sponsoring local organizations may be approved by the State Conservationist after he has determined that the requirements for project sponsorship are adequate. Other revisions will be transmitted to the Administrator for authorization to approve. (Copies of supplements and revisions will be transmitted to the E&WP Unit for technical review in the same manner as work plans.) When such changes, in the judgment of the State Conservationist, appear to be of the kind of magnitude of concern to the State, he should provide the Governor, or his designated representative, an opportunity to review the revision before approving.

114.015 - Notification of Approval - The Administrator will notify the State Conservationist, the Governor, and concerned Federal agencies of all approvals of revised or supplemental watershed work plans approved by Congressional Committees with copies of the revised or supplemental work plan if not previously furnished.

114.015

The State Conservationist will take the following action for revisions which he approves:

a. Transmit one manually signed copy, and two unsigned copies of the revised plan or supplement to the Administrator.

b. Advise the sponsoring local organization, the Engineering and Watershed Planning Unit and field offices of all participating agencies and groups of his approval of a Revised or Supplemental Watershed Work Plan and furnish them with such copies of the material as is necessary for their participation in the modified project.

c. Where portions of the local share of the costs are being financed with a watershed loan, the FHA State Director will be furnished copies of all supplements to the work plan.

114.02 - BY PROJECT AGREEMENT OR CORRESPONDENCE - Agreement to minor revisions or modifications of the terms, conditions and stipulations of approved work plans which do not require the execution of a revised plan or Supplemental Watershed Work Plan Agreement may be documented by a project agreement or exchange of correspondence.

114.021 - By Project Agreement - An executed Project Agreement for the Construction of Works of Improvement provides adequate documentation of agreement to changes in cost, such as changes in the estimated P.L. 566 contribution to construction cost due to site adaptation or changing cost levels which do not modify the rate of P.L. 566 assistance for construction and do not require re-evaluation of benefits to reaffirm economic feasibility.

114.022 - By Exchange of Correspondence - Documentation of agreement to minor changes and modifications of the terms, conditions and stipulations of approved work plans other than changes specified in Par. 114.012, may be handled by an exchange of correspondence with each of the sponsoring local organizations unless provisions in the work plan agreement make it unnecessary. One manually signed and one unsigned copy of the exchange of correspondence should be transmitted to the Administrator.

114.0221 - Exchange of Correspondence - Federal Contracting - Public Law 90-361 approved June 27, 1968, amending Public Law 83-566, as amended, provides that the Secretary may enter into contracts for the construction of any structure if requested to do so by the local organization. This amendment is interpreted to authorize the Service to contract for both structural and cost-shared land treatment measures when requested by the sponsoring local organization. This amendment makes it optional for sponsoring local organizations to request the Secretary to administer contracts for such work. However, it does not

require the Secretary to do the contracting when requested. Furthermore, it does not authorize the Secretary to construct works of improvement by force account. When SCS agrees to administer contracts, the cost may be borne from federal funds.

a. Watershed work plans and work plan agreements which provide for the sponsors to administer contracts at their own expense must be supplemented in order for SCS to assume this responsibility. This may be effected by an exchange of correspondence initiated by the sponsors. The letter of request should (1) specify the measures covered by the request; (2) specify that the sponsors and the SCS will each bear the costs that it incurs for project administration including the cost of administering contracts if the request is approved; (3) be signed by all sponsors (unless otherwise provided for in the previous work plan agreement); or (4) at the discretion of the state conservationist, be signed by the designated contracting local organization and indicate that the other sponsors do not object to the request.

b. For instructions applicable to work plans which have not been completed refer to page 113.09-22 under the discussion on Project Installation.

114.03 - REVISED OR SUPPLEMENTAL WATERSHED WORK PLAN AGREEMENT - In carrying out a watershed work plan, it may be necessary or desirable to modify it. Agreement to substantive changes of the work plan should always be documented by a revised work plan and a revised watershed work plan agreement or by a supplemental watershed work plan agreement in accordance with Par. 114.01.

When revised tables are needed to document the contemplated changes, care should be taken that any cost figures shown properly reflect current estimates. To do this will often involve documenting other changes that have developed since the approved work plan was prepared. All participating State and Federal agencies should be given adequate opportunity to participate in the revised estimates that may be necessary to bring such work plans up to date.

The amount of detail contained in a revised watershed work plan agreement will be similar to that which appears in the standard agreement, modified substantially as shown in the attached sample (114.03-1).

The amount of detail needed in a supplemental agreement is governed by the nature and scope of the change and should be conditioned on the amount of supplementary information that is attached to and made part of it. The Agreement should, in all cases, specify the nature of the work plan revision, the provisions of the original agreement (as supplemented, if appropriate) that are being modified by the supplemental agreement, and those provisions in the original agreement that are not changed by the supplemental agreement. An example of a supplemental agreement is attached (see 114.03-2a and 114.03-2b).

The effective date for plans authorized by Congress is the date the Administrator authorizes Federal assistance for carrying out the project.

REVISED WATERSHED WORK PLAN AGREEMENT

between the

Local Organization

Local Organization

Local Organization

(hereinafter referred to as the Sponsoring Local Organization)
State of _____

and the

Soil Conservation Service
United States Department of Agriculture
(hereinafter referred to as the Service)

Whereas, the Watershed Work Plan Agreement for _____
Watershed, State of _____, executed by the sponsoring local organization named therein and the Service, became effective on the _____ day of _____, 19____; and

Note: If a supplemental agreement has been executed, this should be recognized by another "Whereas" statement similar to the foregoing. Thereafter reference to the Watershed Work Plan Agreement should include the phrase, "as supplemented"

Whereas, in order to carry out the watershed work plan for said watershed, it has become necessary to revise and supercede said watershed Work Plan Agreement; and

Whereas, a Revised Watershed Work Plan which modifies the watershed work plan dated _____ for said watershed has been developed through the cooperative efforts of the Sponsoring Local Organization and the Service, which plan is annexed to and made a part of this agreement;

Now, therefore, in view of the foregoing considerations, the Sponsoring Local Organization and the Secretary of Agriculture, through the Service, hereby agree on the revised watershed work plan, and further agree that the works of improvement as set forth in said plan can be installed in about _____ years.

(Continue with standard Work Plan Agreement format)

SUPPLEMENTAL WATERSHED WORK PLAN AGREEMENT

between the

Local Organization

Local Organization

Local Organization

(hereinafter referred to as the Sponsoring Local Organization)

State of _____

and the

Soil Conservation Service
United States Department of Agriculture
(hereinafter referred to as the Service)

Whereas, the Watershed Work Plan Agreement for _____
Watershed, State of _____, executed by the sponsoring
local organization named therein and the Service, became effective on
the _____ day of _____ 19____; and

Note: If another supplemental agreement has already been
executed, this should be recognized by another "Whereas" statement
similar to the foregoing. Thereafter reference to the Watershed Work
Plan Agreement should include the phrase, "as supplemented."

Whereas, in order to carry out the watershed work plan for said
watershed, it has become necessary to modify said Watershed Work Plan
Agreement; and

(Add other "Whereas" items as appropriate, such as:

Whereas, it has been found necessary to modify the watershed work
plan by adding 2.5 miles of channel improvement on the West Branch of
said watershed; or

Whereas, a Supplemental Watershed Work Plan which modifies the
watershed work plan dated _____ for said watershed
has been developed through the cooperative efforts of the Sponsoring
Local Organization and the Service; which plan is annexed to and made
a part of this agreement;)

Now, therefore, the Sponsoring Local Organization and the Service hereby agree upon the following modifications of the terms, conditions, and stipulations of said Watershed Work Plan Agreement:

Specify modifications of the Watershed Work Plan Agreement, such as:

1. The _____ Watershed Conservancy District hereby agrees to become one of the local organizations sponsoring said watershed project.

2. Paragraph numbered 1 is modified to read as follows:

Except as hereinafter provided, the Sponsoring Local Organization will acquire without cost to the Federal Government such land rights as will be needed in connection with the works of improvement. (Estimated Cost \$ _____). The percentages of this cost to be borne by the Sponsoring Local Organization and the Service are as follows:

<u>Works of Improvement</u>	<u>Sponsoring Local Organizations</u> (percent)	<u>Service</u> (percent)	<u>Estimated Land Rights Cost</u> (dollars)
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3. Paragraph numbered 3 is modified to read as follows:

The percentages of construction costs of the structural works of improvement to be paid by the Sponsoring Local Organization and by the Service are as follows:

<u>Works of Improvement</u>	<u>Sponsoring Local Organizations</u> (percent)	<u>Service</u> (percent)	<u>Estimated Construction Cost</u>
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Floodwater retarding structures, channel improvement, and floodways

None

100%

\$527,600

4. Floodwater Retarding Structure No. 8 referred to in the Watershed Work Plan is hereby deleted from the Work Plan.

5. Tables 1, 2, and 3 referred to in the Watershed Work Plan are modified to conform with Tables 1, 2, and 3 (Revised) which read as follows: (Insert Tables)

The Sponsoring Local Organization and the Service further agree to all other terms, conditions, and stipulations of said Watershed Work Plan Agreement not modified herein.

(Provision for signatures, Same as Standard Work Plan Agreement Format).

**15. Organization and
Management**

WATERSHED PROTECTION HANDBOOK

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WATERSHED PROTECTION HANDBOOK

PART 1 - PLANNING AND OPERATIONS
CHAPTER 15 - ORGANIZATION AND MANAGEMENT

115.00 - GENERAL - It is Soil Conservation Service policy to administer the watershed program in a manner that will result in maximum accomplishment from appropriated funds. To accomplish this, SCS must provide such technical and financial assistance to the sponsors as is authorized, available, and needed. This chapter includes policy and guidelines for some of the factors that affect the unit cost of watershed projects.

115.01 - ASSIGNMENT OF SCS RESPONSIBILITY - The following guidelines are provided to assist state conservationists in organizing and assigning specific watershed responsibilities. Within the general framework of these guidelines, each state conservationist is expected to designate the person or position that is to take needed actions to systematically plan and install watershed projects while maintaining an efficient and balanced watershed program.

115.011 - Assistant State Conservationist for Watersheds - The assistant state conservationist for watersheds has staff responsibility for coordinating, organizing, and programming overall watershed activities in the state to insure that each phase of the work, including maintenance and land treatment, results in an effective and efficient operation. He provides the stimulus and enthusiasm to insure that watershed work is realistically scheduled and that each element is completed in a timely manner.

The assistant state conservationist for watersheds is responsible for seeing that:

- a. Sponsors are fully informed about their responsibilities from the time of their first application for assistance to the completion of the project. This includes responsibilities for getting land treatment measures installed, obtaining land and water rights, making and meeting financial commitments, operating and maintaining completed works of improvement, and other duties sponsors will have to perform.
- b. Sponsors understand the necessity of scheduling their activities and coordinating their schedule with SCS and other agencies concerned in order to plan and install the project.
- c. Sponsors are provided authorized and needed assistance to organize and schedule their activities to fulfill their responsibilities on time. This assistance includes providing initial land-rights work maps during the planning phase; helping sponsors arrange for and take action necessary for timely acquisition of land and water rights; arranging for financing the local share of work; and arranging for operating and maintaining completed watershed installations.

115.00

d. The work plan is complete, is of high quality, and adequately covers all elements; planned work is within the capability of sponsors, SCS, and others concerned; and that the schedule for installation is realistic and meaningful and can be followed.

e. The state administrative officer, state conservation engineer, state resource conservationist, state soil scientist, area conservationist, district conservationist, and other personnel responsible for segments of watershed planning and installations work in unison in scheduling their activities for timely completion of their part of the work.

f. Watershed activities are coordinated with all concerned federal, state and local agencies.

g. The state conservationist is currently advised of staffing, facilities, and training needs to maintain the desired level of watershed activities.

115.012 - State Administrative Officer - The SAO has staff leadership responsibility for:

a. Determining that procurement proposed in work plans is legal and conforms with Department and federal procurement regulations and SCS policy.

b. Scheduling SCS administrative activities to accomplish state goals.

c. Determining ability of sponsors to meet their financial and other commitments.

d. Determining adequacy of land and water rights required for watershed works of improvement.

e. Preparing and administering agreements, SCS contracts, and other SCS procurement involved in watershed activities.

f. Providing sponsors assistance in carrying out sponsor awarded watershed contracts.

g. Maintaining fiscal control.

h. Recruiting and arranging for training SCS personnel.

115.013 - State Conservation Engineer - The state conservation engineer provides technical leadership and criteria for field surveys and investigations, hydrology, layout, and design for all phases of work plan preparation and installation. It is his responsibility to:

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- a. Maintain proper quality of all watershed engineering work.
- b. Provide technical direction and control of the engineering aspects of work plans to insure that standards and criteria apply equally to planning and design.
- c. Participate in decisions on quality of watershed work plans, programming installation, the engineering requirements relating to contract administration, and the selection, training, and use of engineering personnel.
- d. See that overall field survey and foundation investigation, design, and construction schedules are made and are realistic.
- e. See that required land rights for works of improvement are delineated on the land-rights work map.
- f. Set up engineering requirements for operation and maintenance for inclusion in the operation and maintenance agreement.
- g. Provide the technical direction and control to insure that construction work is carried out in conformance with plans and specifications.

115.014 - State Resource Conservationist - The state resource conservationist has staff responsibility for adequacy of the land treatment and other vegetative aspects of the work plan. This includes:

- a. Determining land treatment needs.
- b. Consulting with state soil scientist to identify floodplain areas that are suitable for the changed land use or intensification of use that will result from the project.
- c. Projecting land use, cropping patterns, yields, and production costs for project evaluation.
- d. Designing vegetative measures for initial installation and revegetation when needed.
- e. Scheduling installation of vegetative measures to obtain the level of activities necessary to accomplish state goals.
- f. Following up to insure that vegetative measures are properly maintained.

115.015 - State Soil Scientist - The state soil scientist has staff leadership responsibility for soil surveys. This includes providing technical guidance for and interpretations of soil surveys, as well

115.015

as collaborating with area and district conservationists in programming and scheduling needed surveys. He also is to assist the state resource conservationist identify areas suitable for changed or intensified use.

115.016 - Area Conservationist - The area conservationist (AC) has the overall responsibility for the watershed work in his assigned area. He has administrative supervisory responsibility for the government representative - project engineer (GR) and district conservationist (DC). He arranges for the assignment of necessary personnel and equipment to the GR and DC. The AC is responsible for scheduling or seeing that watershed activities in his area are scheduled, following up to insure that scheduled activities are carried out on time, and keeping the state office informed. He develops and administers the program for accelerating land treatment installations to obtain maximum results during the project installation period. In states without areas, the assignment of AC responsibilities is at the discretion of the state conservationist.

115.017 - District Conservationist - Under the administrative supervision of the AC and the technical guidance of appropriate area and state staff specialists, the DC is the local SCS representative responsible for land treatment, operation and maintenance, information, and relations with sponsoring local organizations, as well as individual landowners.

The DC obtains for the sponsors the information they need to determine the desirability of applying for watershed assistance. This includes general estimates of benefits to be expected and estimates of costs to sponsors in time, effort, and funds. The DC must be assured that sponsors are fully and frankly informed of the responsibility they will assume for such items as acquiring land rights; providing construction and other required funds; making decisions regarding works of improvement to be installed; land treatment measures that are needed; cooperation and assistance that are needed from individual landowners; and for operating and maintaining completed works of improvement. The information responsibility extends to keeping the sponsors and the general public currently informed on the status of the project and the actions sponsors need to take.

The DC provides sponsors with authorized technical assistance, information, and guidance as needed for installing land treatment measures, acquiring land rights, and operating and maintaining watershed works of improvement. He must be knowledgeable about the purpose of and needs for the planned works of improvement and how they will affect individual landowners. However, except for the responsibility for providing sponsors assistance in getting land rights and serving as GR for vegetative contracts when so designated, the DC has no responsibility for contracting or constructing structural measures. He has SCS responsibility for surveillance of operation and maintenance after structures are completed.

115.018 - Planning Staff Leader - The planning staff leader supervises a watershed planning staff including scientists in the disciplines

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of economics, hydrology, hydraulic engineering, civil engineering, and geology, as well as engineering technicians and facilitating clerical personnel. His principal duties are to:

a. Provide leadership in conducting field examinations and preliminary investigations of watershed areas for determining feasibility.

b. Assume major staff responsibility for developing and updating work outlines, activity schedules, and progress reports.

c. Supervise the planning staff in collecting and analyzing pertinent data used in making and evaluating plans for watershed projects.

d. Provide the land-rights work maps prepared by SCS during watershed planning.

e. Provide guidance on standards and format and coordinate the work of the technical staff in the final preparation of the watershed work plan and supplements thereto.

f. Maintain close working relations with the state program staff, AC, DC, local sponsors, and state and federal agency personnel participating in the watershed planning activities to insure proper coordination throughout.

115.019 - Government Representative - The government representative (GR) is responsible for determining compliance with contract or agreement provisions and otherwise insuring that the federal government's interests are protected during the installation of watershed works of improvement. The GR's duties are outlined in his letter of appointment. He supervises inspectors and such other assistants as are assigned to him. He is under the administrative supervision of the AC, but is responsible to the SAO for contract or agreement administration and to the state conservation engineer or state resource conservationist, as appropriate, for the technical adequacy of the engineering or agronomic aspects of his work.

115.02 - MANAGEMENT - SCS will develop and follow a system of controls designed to insure the orderly flow of action and effective use of resources in planning, installing, and maintaining watershed projects. This will involve careful determination of program needs, development of plans, establishment of goals, preparation of schedules, and development of procedures for systematic followup. Each responsible party, both the sponsors and SCS personnel, must know what he is expected to do and when the action is to be completed. Sponsors are to be advised and consulted at all stages of scheduling and performing work. The system of controls will be developed for both planning and installing projects according to the circumstances in each state. Chapter 13, Part 1, of this Handbook outlines the basic steps of a system to use in planning a watershed. The more significant steps to be covered by the system for installing a watershed project are:

115.02

- a. Prepare schedule of operations for the entire project, showing broadly the work to be accomplished by fiscal years.
- b. Break down annual work into contract-size jobs.
- c. Indicate who performs each step and when it is to be completed.
- d. Analyze each step in terms of personnel needs and sponsors' obligations.
- e. Estimate amount and kind of staff and facilities needed.
- f. Test schedules and requirements against capabilities of SCS and sponsors to meet needs. Include test of state office capability of meeting aggregate requirements.
- g. Explore all sources of help; i.e., state SCS staff, appropriate RTSC specialists, sponsors and others.
- h. Readjust schedules in accordance with the best use of available assistance and follow through on commitments.
- i. Monitor, evaluate, expedite, adjust.
- j. Maintain a system of communication that will keep all concerned personnel currently informed.

115.03 - RELATIONSHIP OF WATERSHED PLANNING TO PROJECT INSTALLATION -
The extent of the planning effort directly affects the total cost and time required to plan and install the project. When activities such as detailed surveys, subsurface investigations, and certain design details needed to firmly locate and proportion the works of improvement can be performed more economically and expediently during the planning stage, the planning schedule should be adjusted to provide for accomplishing these items of work.

To facilitate orderly progress and transition between the planning and operational phases, SCS will provide sponsors with land-rights work maps by the time the watershed work plan agreement is signed for at least the following works of improvement:

- a. All structural measures where watershed funds are to be used to share in land-rights costs.
- b. All other multiple-purpose reservoirs that are to be involved in the first 2 years of construction activity.
- c. All channel reaches and appurtenances thereto that are to be involved in at least the first year of construction effort.

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d. All floodwater retarding structures unless the project includes a large number and the similarity of conditions makes it possible to locate, proportion, determine feasibility, and develop reliable cost estimates without the surveys and investigations that ordinarily are required to prepare land-rights work maps.

e. Where the exceptional conditions described in item d. exist, the state conservationist may limit the preparation of land-rights work maps for floodwater retarding structures during the planning phase to:

(1) The number required to provide a reasonable basis for determining the similarity described in item d. or

(2) Those involved in the first 2 years of construction activity, whichever is the larger number.

Land-rights work maps are to be provided by the time the work plan agreement is signed for such additional structural measures as the state conservationist determines are needed to minimize the total cost to PL-566 funds as well as to maintain a continuous construction program until the project is completed.

115.04 - ASSISTING SPONSORS - To make the best possible use of watershed funds, the state conservationist is to decide on a case-by-case basis the amount of assistance to be provided the sponsors. The policy and procedural outlines listed in this section are to be applied by the state conservationist in making his decisions.

Sponsors with an organization experienced in acquiring land rights need less assistance than sponsors without such experience. SCS assistance to sponsors in determining maintenance needs should lessen as sponsors gain experience. The degree of SCS assistance on other items should be varied to meet the needs of each project or part of the project.

115.041 - Land Rights - SCS provides sponsors with authorized assistance as needed to acquire land rights for structural measures with a minimum of delay. Authorized assistance includes:

- a. Providing land-rights work maps.
- b. Helping organize and schedule sponsors' personnel and resources.
- c. Accompanying sponsor representatives in visits to landowners to explain land-rights needs, how the particular structure will affect the landowners, and its relationship to the total project.
- d. Determining amount of PL-566 financial assistance available for sharing in cost of land rights.

e. Sharing in land-rights costs within the limit permitted by the Act and as agreed to in the watershed work plan.

115.0411 - Land-Rights Work Maps - SCS is to provide sponsors with land-rights work maps for all structural measures. These maps must designate the area for which land rights are to be obtained. They are to be referenced to known or established landmarks to aid the sponsors in making field locations of the land on which rights are required. SCS includes on the map items such as known or suspected utilities, apparent ownership if this information is readily available, and other available information that will be helpful to the sponsors. See 2204.13, Part 2 of this Handbook.

The minimum land-rights work maps to be furnished to the sponsors by the time they sign the watershed work plan agreement is set forth in 115.03. Land-rights work maps for the remaining channel work and all other structural measures are to be furnished to sponsors early enough to allow sponsors 1 full year to acquire land rights before the scheduled commencement of construction. If experience in the state shows that sponsors need more than 1 year to get the land rights, the state conservationist is to see that the land-rights work maps are provided correspondingly earlier.

115.0412 - Land Rights for Construction Start - The sponsors may start getting land rights or options for land rights as soon as they receive the land-rights work map(s). The acquisition of land rights for the construction unit or units involved in the first year of scheduled construction should be given highest priority. A construction unit is defined as a structure or group of closely related or interrelated structures which is economically justified in the absence of the remaining works of improvement included in the project.

Construction should be started within 1 year from the date the project is approved for operations. However, construction is not to be started until land rights for the first construction unit are cleared, or until land rights for the first construction contract are cleared and the state conservationist is reasonably sure that the sponsors' acquisition program will provide land rights when needed for the remainder of the construction unit. In making this decision, the state conservationist is to consider such factors as:

- a. Past performance of sponsors in getting land rights.
- b. Sponsors' legal condemnation authority and the resources needed to exercise the authority.
- c. Sponsors' demonstrated interest, enthusiasm, and willingness to carry out their responsibilities.
- d. Any knowledge of sponsors or SCS that the acquisition of land rights on any parcel of land will be unduly delayed.

115.0413 - Land Rights on Federal Land - To minimize delay in obtaining land rights on federal land, the federal agency responsible for the land must be kept informed of progress in project installation. The state conservationist is to inform the responsible official of the federal land administering agency by September 30 each year the approximate dates on which land rights will be requested for installing approved watershed project structures on the federal land.

115.042 - Operation and Maintenance - Maintenance includes performance of work and the application of measures to prevent deterioration as well as repairing damages after they occur. This includes both the routine and recurring needs such as repainting exposed surfaces or fertilizing vegetation and the more complex, costly, and skilled work required to make needed repairs, or to replace concrete, steel, or earthen portions of structure measures. Skilled labor, heavy equipment, materials, and costly specialized machinery may be required. The cost can usually be minimized by performing maintenance when it is first needed. The need may occur at any time and usually can be expected to be in proportion to the severity of storms. The repair of damages to completed structural measures and to established vegetative measures caused by deterioration, flash floods, abnormal rainfall events, or vandalism is maintenance regardless of whether it occurs immediately after or several years after a work of improvement is completed or established.

115.0421 - Authorized Assistance for Operation and Maintenance - SCS assistance for operation and maintenance should be consistent with the knowledge, capability, interest, experience, and attitude of the local organization with these responsibilities. Assistance is authorized for such items as:

- a. Providing frank and timely information to sponsors on estimated costs in time, effort, and money that they can be expected to bear for operation and maintenance.
- b. Helping sponsors schedule and program their operation and maintenance resources.
- c. Helping sponsors establish entrance and user fees, where applicable.
- d. Helping sponsors make maintenance inspections.
(Usually limited to the first 3 years for each structure.)
- e. Advising sponsors on operation and maintenance controls and techniques.
- f. Furnishing information from as-built plans when needed.
- g. Making engineering surveys and designs for maintenance when needed (as SCS facilities are available).
- h. Taking actions to inform, train, and encourage sponsors to perform operation and maintenance promptly as needed.

115.0421

SCS may not perform or bear the cost of maintenance work.

115.0422 - Maintenance Access Roads - Occasionally it may be desirable to provide a route to get maintenance equipment to otherwise inaccessible channel reaches that are being improved. In most places, existing state, county, and farm roads or trails, open traversable areas, or construction access roads provide adequate access for the kind of equipment required during the time of year maintenance is expected to be performed. PL-566 cost sharing for constructing maintenance access roads is to be limited to the length necessary to reach sections of planned but unconstructed channel improvement that is otherwise inaccessible. The quality of maintenance access roads is to be the minimum needed to move the kind of equipment required during the season of year maintenance is to be performed.

Maintenance access roads and crossings are to be designed to serve multiple purposes whenever possible. For example, culverts or fords for maintenance access roads may serve as:

- a. Controlled inlets for side drainage.
- b. Water-level controls for laterals or swamp areas when required for wildlife-habitat enhancement.
- c. Other authorized project purposes.

The land rights for constructing and maintaining access roads must be provided without PL-566 cost sharing. Provisions must be made for the sponsors to maintain the roads.

115.0423 - Operation and Maintenance Inspection and Followup - SCS policy for operation and maintenance inspections and followup is as follows:

- a. Where a watershed project is within one work unit, SCS responsibility for O&M inspections and followup is assigned to the district conservationist. Certain conditions may dictate the need for a specialist to participate in the inspections.
- b. Where a project involves two or more work units, SCS responsibility for O&M inspections and followup is to be assigned by the state conservationist.
- c. Where two or more states are concerned, responsibility for O&M inspections and followup is to be determined jointly by the state conservationists.
- d. The SCS employee responsible for O&M inspections and followup and the sponsors are to make a joint inspection annually, after unusually severe floods, and after any other unusual conditions that might

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adversely affect the structural measure. These joint annual inspections are to continue for 3 years following installation of each structure. The sponsors are responsible for continuing the inspections after the third year. They are to prepare a report and send a copy to the SCS employee responsible for O&M inspections and followup. In situations where the sponsors have shown lack of ability to carry out inspections properly or where conditions indicate need for continued SCS assistance, SCS may continue to provide inspection assistance after the third year. This should be only for special situations as determined by the state conservationist.

e. The SCS employee responsible for O&M inspections and followup is to review thoroughly the sponsors' O&M reports of inspections and maintenance. Evidence that inspections or needed maintenance are not being performed properly and promptly are to be reported immediately to the state conservationist, who must then take appropriate action on the reported deficiencies.

115.05 - ESTABLISHMENT PERIOD - An "establishment period" is prescribed to allow time for latent defects and design deficiencies to become apparent. The establishment period for structural works of improvement shall extend 3 years from the date the structural works of improvement are accepted from the contractor as being completed. The establishment period for vegetative work associated with a structural measure is to terminate when any of the following conditions are met:

- a. Adequate vegetative cover is obtained.
- b. Two growing seasons have elapsed after the initial installation of vegetative work.
- c. The establishment period for the associated structural measure has terminated.

115.06 - REPAIR AND ADDITIONAL WORK - During the establishment period for vegetative measures, the state conservationist may approve PL-566 cost sharing for any additional work required to obtain an adequate vegetative cover. Approval of the administrator is required for PL-566 cost sharing for other repair or additional work on completed structural works of improvement. Requests for approval will be considered if:

- a. The need is determined during the establishment period.
- b. The need results from latent conditions unknown to both SCS and the sponsors or from misjudgments, deficiencies, or mistakes by SCS.
- c. PL-566 cost sharing requested for the repair or additional work does not exceed the ratio authorized for the original construction of the specific work involved.

115.06

d. Performance of the repair or additional work does not lessen or adversely affect the legal liability of the construction contractor or his surety to bear the cost of the work.

115.061 - Ineligible for Assistance - The following categories of repair or additional work are not eligible for PL-566 financial assistance:

a. Work on basic facilities and associated improvements of land and water areas for public recreation or fish and wildlife developments.

b. Maintenance work, either preventive maintenance, repair, or replacement, which SCS determines to be an item of maintenance cost.

c. Work necessitated by lack of or improper operation or maintenance as determined by SCS.

d. Work on any part of channels except those parts on which permanent linings, such as concrete riprap or grouted rock, was installed with PL-566 cost sharing.

115.062 - Requests for Approval - Requests for the Administrator's approval for repair or additional work on completed watershed works of improvement should include, but need not be limited to, the following:

a. Identification, location, and description of the works of improvement.

b. Description of deficiency, which may include drawings and photographs.

c. Cause of deficiency.

d. Summary of operation and maintenance performed.

e. Proposed repair or additional work.

f. Reason repair or additional work is not considered maintenance.

g. Estimated cost.

h. Copy of structural deficiency report when applicable.

i. Other pertinent information.

115.07 - INACTIVE PROJECTS - Available PL-566 assistance is to be provided for each approved project at the rate it can be used effectively for installing planned measures. For example, when the watershed work plan

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provides for accelerating installation of land treatment measures, SCS will endeavor to begin furnishing the needed additional technical assistance as soon as the project is approved for operations. Likewise, SCS will provide available assistance to get construction of structural measures underway on approved projects as soon as the sponsors have met their commitments for getting construction started. The objective is to assist the sponsors in completing their project within the planned installation period. This usually necessitates an early construction start and continuity of construction as well as extra effort toward installing land treatment measures. However, PL-566 assistance will not continue to be supplied for projects where the installation of structural measures is unduly delayed because the sponsors failed to carry out their responsibilities. If such delays in construction occur, the state conservationist is to notify the sponsors by letter that corrective action is requisite for continuation of PL-566 assistance. The notice should provide sponsors reasonable time to act and should establish a cutoff date for PL-566 assistance in the event sponsors fail to act.

The state conservationist is to end immediately all forms of PL-566 assistance for projects where sponsors' improper actions or inactions result in a continuous 2-year delay in construction. If there is little likelihood that the remaining structural work will ever be completed, the project should be closed. This can be accomplished by supplementing the work plan agreement to delete the measures that have not been installed. If the sponsors do not agree to close the project or the state conservationist determines this action is not desirable, the state conservationist is to declare the project inactive. PL-566 funds are not to be expended for a project while it is in an inactive status.

The state conservationist is to notify the sponsors by letter when their project is placed on the inactive list. The letter should state the reasons for the action, the fact that PL-566 assistance is terminated, and the actions that sponsors may take to qualify the project for reactivation. Copies of the letter are to be sent to other concerned federal and state agencies such as Forest Service, Bureau of Land Management, the Governor or State Committee, and to the Administrator.

The Administrator's approval is to be obtained before an inactive project is reactivated.

115.08 - TERMINATED PROJECTS - Approved projects should be terminated which fail to reach the construction stage or where only minor measures were installed and, in the judgment of the state conservationist, there is little likelihood of a successful project. These projects can be terminated by an exchange of correspondence with sponsoring local organizations specifying reasons for the action. Concurrently, the state conservationist is to provide the Administrator, the RTSC, the state agency, appropriate clearinghouse, and other concerned state or federal agencies with copies of the exchange of correspondence to serve as notice of termination.

115.09

115.09 - COMPLETED PROJECTS - A project is considered completed when the work plan commitments for PL-566 assistance for installing works of improvement are satisfied. Insofar as PL-566 assistance is concerned, these commitments are satisfied when:

a. All structural measures involving PL-566 assistance are installed.

b. The needed land treatment measures according to the work plan estimate have been substantially installed or their installation has progressed to the extent that it can be carried on with technical assistance from going programs.

No additional PL-566 funds may be charged to a completed project without prior approval of the Administrator.

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CHAPTER 16 - WATERSHED REPORTS

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WATERSHED PROTECTION HANDBOOK

CHAPTER 16 - WATERSHED REPORTS

16.00 - GENERAL - Reports and notices of watershed activities are used to (a) currently inform the executive and legislative branches of the federal and state governments, as well as the general public, of program accomplishments and trends, and of the planned and actual uses of funds; (b) permit the coordination of watershed activities with other federal and state programs and projects to maximize benefits and minimize duplication and conflicts; (c) identify needs for new authorities; (d) identify program problem areas and need for policy or procedure changes; and (e) assist programmers and managers in activities such as projecting budget needs, estimating workloads, allotting funds, and scheduling work.

Some reports are required by law or executive direction. Although many of these reports and notices are prepared in the Washington office, the basic information must come from data submitted from field locations. Generally, the data contained in the SCS Progress Reporting System as supplemented by the periodic reports discussed in this chapter, will suffice. Needs for special, nonrecurring reports will be handled by specific requests.

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16.01 - RESERVED

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16.02 - FIELD COST ESTIMATE, WATERSHED PROJECTS - FORM SCS-WS-207

(a) Submission - Form SCS-WS-207 (Exhibit 16.02) is designed for reporting the financial status of each individual PL-566 and Flood Prevention watershed project. This report, covering active projects, is due in the Washington office June 1 of each year. Field cost estimates are to be submitted for each project within 15 days after the project is approved for operations. Lines 7 through 13 of Form SCS-WS-207 will not be completed for the initial report on new projects. During the installation period of the project, the field cost estimates will be updated at least annually. Revised reports are to be submitted during the year if the state conservationist determines that an updated or corrected financial status of the project is desirable for informational, budget, or management purposes. Revised reports are to be for the same fiscal years for which estimates were submitted in the preceding initial or annual report. A final Form SCS-WS-207 is to be submitted with the final Table 1 when the project is completed and total project obligations have been provided by the Budget and Finance Division. For each submission, three copies are to be sent to the Washington office and one copy to the TSC.

(b) Preparation - In developing the field cost estimates, consideration is to be given to such factors as (1) the watershed work plan schedule of operations; (2) the state's schedule for installing watershed

projects; (3) the progress of the sponsoring local organizations in fulfilling their obligations; (4) the sponsors' current capability to proceed with installations; and (5) the work schedule of other concerned local, state, and federal agencies. The estimates are to be developed by appropriate program and administrative staff members with consultations as needed with representatives of sponsors, other agencies, and area or district conservationist. If the project is located in more than one state, the state responsible for preparing the work plan will be responsible for submitting a consolidated field cost estimate for the project. A copy of the individual state reports will be attached to the consolidated report. The other concerned states are to furnish the responsible state with Form SCS-WS-207 for the portion of the project located in their respective states and will receive a copy of the consolidated report from the responsible state.

(c) Cost Included - Form SCS-WS-207 is to be completed in accordance with instructions on the reverse side of the form. The heading will identify the state and project. The project number is to be shown following the project name. Lines 1 through 6 are not to be completed for the Eleven Authorized Flood Prevention projects. For PL-566 projects, this section will show all project costs, including cumulative obligations through the prior fiscal year and the current estimates of the remaining costs of completing the project. The totals in this section must be updated if Table 1 is revised or if estimates for the project are otherwise updated. The totals shown in each column of line 6 must equal or exceed the sum of respective column totals shown on lines 13, 19, 25, and 31. Field cost estimates for current, budget, and projected years, lines 14 through 31, are to include only direct project and state costs. Estimates for administrative levels above the state and regional offices of all agencies, including the TSC and Washington maintained accounts will be added by the Washington office. Sources of information on nonfederal or other costs include records and knowledge of the local organization and SCS knowledge of the particular project and experience on projects with similar conditions. Line 12 will show the total obligations of ERS and USGS. For cumulative obligations, lines 7 through 13, column D, costs will be obtained from Form SCS-B&F-17 which is maintained by SCS accounting offices. These offices also can obtain from Form SCS-B&F-239b the amount of SCS construction cost for line 7, column C. SCS Washington and TSC costs charged to each project are provided by the Budget and Finance Division at the end of each fiscal year. States will be informed annually of other federal agencies' obligations charged to the project. These figures, combined with the state obligations, will be the total obligations for that fiscal year. The obligations shown in the June 1 report should not be changed in any intermediate report made prior to the next annual report. If it is determined that there is a decrease in the prior year's obligations from the amount shown, such decrease is to be subtracted from the estimated obligation for the current fiscal year. Similarly, the amount of any increase in the prior year's obligation is to be added to the estimated obligations for the current fiscal year.

16.03 - WATERSHED PROGRAMMING - FORM SCS-WS-404 - This report (shown in Exhibit 16.03-A for a January report, and Exhibit 16.03-B for an August report) is due in the Washington office August 15, January 15, and May 15 each year. It provides information needed for programming and management, including the distribution and redistribution of available watershed installation funds. Instructions for completing and submitting the report are printed on the reverse side of Form SCS-WS-404. Care must be exercised to include the best possible projections of cost and planned work as well as the date future obligations can be made. This information should be checked for accuracy. Good judgment needs to be exercised so as to obtain realistic dependable estimates. Amounts needed for relocation payments under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL 91-646) are to be shown separately for each project. In establishing and listing priorities on the report, careful consideration must be given to completing work on actions already underway, and to this extent the assigned numerical priorities may not coincide with the anticipated timing of the obligations. For example, vegetating a structure currently under construction may have number-one priority even though funds for the vegetation will not be obligated until late in the fiscal year. Similarly, funds for the federal share of relocation payments must be available when displacements occur. Thus, if sponsors have initiated landrights acquisition procedures which will result in persons being displaced during the fiscal year, funds for this purpose should be assigned a high priority on Form SCS-WS-404.

16.04 - RESERVED

16.05 - REPORT OF CONSTRUCTION FUND OBLIGATION AND NEW CONSTRUCTION STARTS - Program management and new construction limitation responsibilities require that the Watersheds Division maintain a running account of the cumulative total of new construction starts as well as SCS obligations of watershed construction funds. Timeliness of this information is essential. Therefore, state conservationists are to notify the Watersheds Division by telephone as soon as watershed construction funds are obligated by an agreement or contract or a modification to an agreement or contract. In addition, notification is required at the time of signing a project agreement which provides for subsequent obligation of SCS construction funds by an SCS contract. A followup telephone report is required as soon as the actual obligation is made.

Each telephone report is to identify the state, project, and structural measure; give the date and amount of SCS obligation; identify how the obligation is made; whether the contract is to be awarded by sponsor or SCS; and specify whether the obligation constitutes a new construction start.

Construction funds are obligated by agreement or SCS-awarded contract to pay for or share in the cost of items such as relocation payments, landrights, construction, and land treatment. Obligations made

from funds allocated for personal services and related expenses need not be reported. This latter category includes the cost of items such as technical assistance, engineering services, project evaluation, and project administration.

A new construction start exists when construction funds are first obligated for actual construction of structural measures in each watershed project. The obligation of construction funds for items other than construction of structural measures, such as relocation payments, landrights, or land treatment, is not considered a new construction start.

Some states may find that small obligations (less than \$100 each) occasioned by agreement and contract modifications are so numerous as to be burdensome to report individually. In such cases the state conservationist may, after making prior arrangements with the Watersheds Division, report only the total of such small obligations when the total reaches \$10,000 or at monthly intervals, whichever occurs first.

* 16.06 - RESERVED *

16.07 - REPORT OF AGREEMENTS AND CONTRACTS - FORM SCS-AS-71 - This report (shown in Exhibit 16.07) provides the Washington and TSC offices with current information on work or actions for which federal funds are currently obligated by agreement or contract. Instructions for completing and submitting the report are printed on the reverse side of Form SCS-AS-71. The report is to include all active agreements and contracts which obligate federal funds, such as project agreements; landrights agreements; agreements for relocation of displaced persons, businesses, and farm operations; agreements for engineering services; construction contracts; architectural and engineering services contracts; vegetative contracts; and appraisal contracts.

16.08 - ANNUAL PROGRESS SUMMARIES

(a) The annual progress summaries are to consist of (1) a narrative report for each operational project on which federal funds were expended during the year; (2) a narrative report on completed projects installation is credited with significant, interesting, unusual, or outstanding benefit occurrences during the year (Some examples of such occurrences are avoidance of loss from a flood event; new industries established; additional jobs created; human interest accounts; individual or group success events; environmental enhancements; changed land use; rural area development; unplanned or unexpected benefits; improved esthetics; water management; increases in number and variety of game, fish, and wildlife; results of improved quantity and quality of water; effect on the economy of the watershed community; and the advantages of adequate, attractive, local recreation facilities.); and (3) twenty copies of a state map with appropriate legend showing location, name, and status of each watershed in the application, planning, operation, and completed stages.

(b) Twenty copies of each narrative report and 20 copies of the state map are to be submitted to the Washington office and one copy of each to the TSC. The report is due by November 1, or within two weeks after necessary data summaries become available through the Progress Reporting System. Assemble all 20 copies of each watershed narrative statement together. Do not assemble into 20 sets. Maps should be kept separate.

(c) The report for each project should, as a minimum, include:

(1) an overview of the project, to include date approved for operations; land ownership and use; sponsors; current estimated or actual total cost, identifying amount of PL-566 and other cost; and nature of problem;

(2) status of land treatment indicating the number of farmers and ranchers, cooperators, and conservation plans; the percent of land adequately protected; and the estimated percent of the accelerated land treatment program shown in Table 1 of the work plan that has been applied;

(3) scope and status of structural measures, including the units (number, miles, etc.) planned, units completed and their costs; the units and cost of those under contract; and an estimate of the percent of the total planned structural program that is completed;

(4) status of landrights acquisitions activities, including the number of landowners involved and the estimated dollar value;

(5) relocation payments made, including number, type, and cost; and

(6) cost histories of watershed project benefits. These benefits may be expressed in dollars, physical quantities, or as statements by local people. Case histories should be brief, factual, and specific but in enough detail so they will be informative and interesting.

(d) See Exhibit 16.08 for a sample narrative report.

16.09 - ADDENDUM TO INVENTORY OF WATERSHED CHANNEL WORK - FORM SCS-WS-7

The inventory of watershed channel work is to be updated annually. State conservationists are to report by January 31 all changes, additions, or deletions to the record inventory during the preceding calendar year. Two copies of the annual report on Form SCS-WS-7 are to be submitted to the Washington office and one copy to the TSC. See Exhibit 16.09.

16.10 - INACTIVE PROJECT REPORTS

(a) Approximately 3 months before declaring a project inactive as discussed in 15.07 WPH, the state conservationist is to notify sponsors that (1) installation of their project is stalled; (2) in the absence of corrective action the project will be placed in an inactive

status on a specified date; (3) SCS assistance is not authorized for an inactive project; and (4) advise sponsors of actions they must take or responsibilities they must fulfill to avoid having an inactive project. The SCS should offer such authorized assistance as is available to help sponsors meet their requirements. This notice is to be confirmed by letter with a copy to the Administrator.

(b) If it becomes necessary to declare the project inactive, the state conservationist is to send a letter to each local organization sponsoring the project, advising that their project is in an inactive status; the reasons; that federal watershed assistance is terminated until the project is reactivated; and that the Administrator's approval is required to reactivate the project. Copies of the letter are to be provided to the Administrator, the TSC, other federal agencies having authority to spend watershed funds on the project, the governor or his designated agency, and others who would be concerned with the suspension of project installations.

(c) After the sponsors have corrected the deficiency which resulted in the project becoming inactive, and the state conservationist is satisfied that sponsors can and will continue to carry out their responsibilities, the Administrator's approval to reactivate the project should be requested. The memorandum of request should briefly state the problem, actions taken and appropriate dates, and reasons to believe the project should be reactivated. Upon receipt of the Administrator's approval, the state conservationist should notify the sponsors, by letter, that the project is reactivated. If the project was declared inactive prior to January 1, 1970--the effective date of the National Environmental Policy Act of 1969 (P.L. 91-190)--the request memorandum will also indicate whether or not an environmental impact statement will be prepared and processed before installations are resumed. Copies of the letter should be provided to all recipients of the deactivation notice.

16.11 - TERMINATED PROJECTS - Projects which are terminated, as provided in Chapter 15 WPH, are to be reported to the Administrator, the TSC, state agency, appropriate clearinghouse, and other concerned state and federal agencies. This report may be accomplished by providing each recipient with a copy of the exchange of correspondence which terminated the project.

16.12 - COMPLETION REPORTS - State conservationists are to report completion of watershed work in two stages--construction completion and project completion.

(a) Completion of construction will be reported by memorandum to the Washington and TSC offices. This report will be submitted as soon as all planned structural measures, and associated features such as fencing and seeding, have been initially completed. After construction is completed, federal assistance will be restricted to the installation of land treatment measures, reseeding, and other work specifically authorized by the Administrator such as evaluation studies or repair.

16.12

(b) As soon as a project is completed, the state conservationist is to:

(1) notify the Administrator of the project completion date and the date construction of structural measures was completed. A final Table 1 and corresponding final Field Cost Estimate, Form SCS-WS-207, for the project are to be forwarded as soon as the state obtains information as to total project obligations from the Budget and Finance Division;

(2) send copies of the project completion notification to the RTSC and to other concerned federal agencies; and

(3) send each of the local organizations who sponsored the project a letter complimenting them on their completion of the project; informing them of the official completion date of the project; reminding them that their responsibility for operations and maintenance, as detailed in the O&M agreement(s), is fully effective for the entire project; and other information as deemed desirable. As a courtesy to the sponsors, and to provide clean documentation of final agreement, each sponsor should be requested to acknowledge receipt of the letter and concur in its contents. However, sponsors' concurrence is not required to close out a completed project.

16.13 - STATUS OF PLANNING AND OPERATIONS, 11 AUTHORIZED FP WATERSHEDS - FORM SCS-405 - This report (Exhibit 16.13) is to be prepared by all states in which flood prevention projects authorized under P.L. 78-534 are operating. Two copies of the status of planning and operations report will be submitted to the Watershed Operations Division by October 10 each year. The report will show accomplishments during the fiscal year just ended (first column); anticipated accomplishments during the next two fiscal years (second and third columns); as of September 30 of the fiscal year just ended, the total number of potential subwatershed projects, including those already planned; the number of subwatersheds remaining to be planned; and cumulative totals of subwatersheds with planning starts, planning completions, approved for construction, new construction starts, structural measures completions, and project completions (fourth column).

16.14 - REPORT OF FLOOD STUDIES - State conservationists are to report flood studies as provided in Administrator's General Memorandum-9 dated December 1, 1972.

16.15 - EVALUATION STUDIES

(a) Coverage - The SCS may initiate studies, make investigations, and collect and analyze data in selected watersheds where such information is pertinent to and essential for the planning of watersheds in the general area upon which applications for planning have been received under provisions of the Act. This will not include the collection of supporting data necessary to the planning of a specific watershed. The

latter type of information would not be considered a special study but would be in the same category as engineering surveys and the collection of hydrologic, economic, and geologic information, and would be obtained in connection with regular planning operations.

In carrying out the Service's obligation to furnish technical assistance and information necessary for development of work plans, and the installation of works of improvement, the following studies, investigations, and collection of basic data may be initiated and carried out:

(1) inventory of physical and economic watershed conditions, including erosion, plant cover, soil, sedimentation, hydrologic and geologic conditions, and existing land treatment and structural measures; and

(2) determinations of the effects of various combinations of watershed conditions on the hydrologic, erosion, and sedimentation characteristics and the economic significance of each.

(b) Review of Needs - The state conservationist, with the assistance of the RTSC, should review periodically the basic data and information being used in work plan development on watersheds in each general problem area in the state. These reviews will be for the purpose of determining the adequacy of basic data and planning information for watersheds on which applications for planning assistance have been received, to meet Service technical standards as contained in SCS technical handbooks and guides. In addition, the state conservationist should review the needs for basic data with other agencies participating in the development of watershed work plans.

(c) Request for Approval of Evaluation Studies - Requests concurred in by the Director, RTSC, may be made to the Administrator for approval to initiate special studies, obtain information, or collect basic data essential for planning and installing watershed projects consistent with good agricultural, engineering, and economic standards. The request should be accompanied by a summarized statement (3 or 4 pages) giving pertinent information such as:

(1) location and size of watershed or area;

(2) need, type, and magnitude of study to be undertaken;

(3) expected results to be obtained;

(4) cost of the studies; and

(5) facilities for carrying out the studies, including proposed assistance to be provided by other agencies.

This summarized statement will provide a basis for coordinating the studies of the various states on a national basis to prevent overlapping and duplication of effort.

(d) Preparation of Detailed Plan - If it seems feasible to proceed with the special studies, and funds are available, the Administrator will advise the state conservationist concerned to proceed with the preparation of a detailed plan of study which will be submitted to the Washington office for approval. The detailed plan should be reviewed and concurred in by the RTSC before it is submitted to the Administrator by the state conservationist. The initiation of the special studies will be contingent upon approval of the plan by the Administrator. This detailed plan is desirable from the standpoint of achieving as great a degree of uniformity and standardization of objectives, procedures, analysis, interpretation, and publication of information as wide diversity of conditions will permit.

The detailed plan should describe the following:

- (1) scope;
- (2) objectives;
- (3) intended use of the results of the study;
- (4) date study is to be initiated including duration;
- (5) kind of data to be collected;
- (6) needed instrumentation;
- (7) method of collection of economic, hydrologic, sedimentation, and other types of information;
- (8) provisions for collection, analysis, and interpretation of information and report preparation;
- (9) cooperation and assistance of other agencies;
- (10) costs and source of funds, including:
 - installation cost, annual operation and maintenance cost, and total estimated cost for study by:
 - (i) Soil Conservation Service (total)
 - (ii) other (by agency)
 - (iii) transferred to other agencies by Soil Conservation Service (by agency)
 - (iv) total study, and
- (11) schedule for reporting.

(e) Implementing Evaluation Studies - The responsibilities for carrying out these studies shall be as follows:

(1) the state conservationist is responsible for preparing the reports to the Administrator. Upon approval of evaluation studies by the Administrator, the state conservationist is responsible for the initiation of the studies, the collection, recording, analysis, interpretation, and the reporting of information. A detailed technical report will be submitted at the end of the study.

(2) the RTSC will provide technical guidance in preparing the detailed plan and in the analysis and interpretation of data; and

(3) funds will be allocated for approved studies based upon cost estimates submitted by the state conservationist in the detailed plan or revisions thereof.

(f) Assistance of Other Departmental Agencies - The services of other Departmental agencies, particularly the ARS, may be used to achieve the objectives of the studies. Field requests for assistance by the state conservationist should be transmitted to the Washington office through the appropriate RTSC. The Washington office will arrange with ARS for personnel assignments as required, based on the detailed plan of investigations.

The FS will also participate in special studies where forest, associated range, and wild lands are included. The state conservationist will provide for transfer of funds and other details through the Washington office.

(g) Assistance of Other Federal Agencies - The implementation of evaluation studies may require the installation of rain gages, stream gages, and other instrumentation. The services of the data-gathering agencies may be used to achieve the objectives of the studies, including the collection, analysis, and interpretation of basic data. Services of the USGS to construct or install or arrange to construct or install such structure and instrumentation as stream gaging stations, water level recorders, crest gages, sediment sampling stations, etc.; to furnish services for taking records, measuring streamflow, ground-water information, changing charts, calibrating gages and sections, maintaining instruments, equipment, and structures; to furnish services and equipment for taking sediment samples, for providing laboratory analysis, and to perform the necessary compilation and analysis of the observed and recorded data for the reporting of the results in standard tabular form, may be provided for through locally executed memorandums of agreement.

The SCS will reimburse the USGS for cost of instruments, construction, installations, and services in accordance with agreed-to-amounts. The number of such instruments and the construction and services to be performed by the USGS and the amount to be paid by the SCS shall be as mutually agreed upon between the state conservationist of the SCS and the local district supervisor of the USGS.

All property, structures, and materials contributed or paid for directly by the SCS shall remain the property of the Service unless mutual agreement is otherwise reached for the transfer of such property, structures, or materials to the USGS.

The National Weather Service has asked that all requests for their services be consolidated by our Washington office. Therefore, services of the NWS for furnishing equipment, installation of equipment, operation, inspection, maintenance and printing, and processing and photocopying of records may be obtained by referring such requests to the Administrator. Normally, annual requests for such services will be forwarded to the NWS during the month of June. Assistance of other federal agencies may be obtained as needed.

WATERSHED PLANNING ACTIVITIES
P. L. 566

(See Instructions on Reverse)

1. State No State Month June Year 1972 Page 1 of 1

2. Applications Pending Approval Action by No State Department of Natural Resources and Environmental Control No. 5
(State Agency)

3. Watershed _____	6. Percent Completed _____
4. Size (Acres) _____	7. Estimated Completion _____
5. Preliminary Investigations Initiated _____	8. Approval By _____

9. Narrative Report:

In PI's - No Change

In Planning - No Change

Park Creek (Apr. 72)
Mud Creek (Feb. 72)

Pond Creek (Dec. 71)

3. Watershed <u>Running Water</u>	6. Percent Completed _____
4. Size (Acres) <u>62,250</u>	7. Estimated Completion _____
5. Preliminary Investigations Initiated <u>5/1/72</u>	8. Approval By _____

9. Narrative Report:

Watershed area corrected - no change in intended boundary.

3. Watershed <u>Mud Creek</u>	6. Percent Completed <u>55%</u>
4. Size (Acres) _____	7. Estimated Completion <u>12/1/73</u>
5. Preliminary Investigations Initiated _____	8. Approval By <u>Public Works Committee</u>

9 Narrative Reports: Met with Corps of Engineers on May 15, 1972, to coordinate studies being prepared by both agencies. The Corps has contracted with a consultant to perform their study. Both will continue to assemble information and prepare separate reports.

Approval to change from Agriculture to Public Works Committee due to multiple-purpose capacity of Site-3.

WPH - February 1973
Notice No. 22

INSTRUCTIONS FORM SCS-WS-311 (Rev. 1-73)

- Item 1. Enter name of State, Month, Year, and page designation. The report should be completed every two months soon after the first of the month selected for reporting. Submit one copy each to the Watershed Planning Division, Washington, D.C., and to the RTSC to arrive by the 10th of the month.
- Item 2. Enter name of State Agency and number of applications received by the agency but not approved and forwarded to SCS.
- Item 3. Enter the watershed name which distinguishes it from all other watersheds in the state. Listing should start after the application has been approved by the state agency, acknowledged as valid by SCS, and preliminary investigation initiated. Listing may be dropped from the report after the P.I. reveals conditions which preclude progress and these are explained in Item 9 or when planning has been completed, suspended, or terminated. (See Item 6 for additional instructions on dropping those authorized for planning.)
- Item 4. Enter watershed size in acres as it appears in the application or amendments. This report should be used to correct inaccuracies in the original delineation provided a statement is included in the "Narrative Report" (Item 9) to clearly identify the correction as not a change in the application area.
- Item 5. Enter date when preliminary investigation (not field examination) is initiated as defined in the WPH Para. 112.10.
- Note: Items 3, 4, and 5 concern valid watershed applications in both the P.I. stage and the planning stage. Items 6, 7, 8, and 9 concern only watersheds authorized for planning.
- Item 6. Enter estimate of status of planning at the end of reporting period in percent complete. If there is no change in status during the period insert the word "no change" and give the reason for the lack of progress in "Narrative Report" (Item 9). Several watersheds having no change in status for the second consecutive report should be shown in the first "Narrative Report" block by listing the names of those in the P.I. stage on the left side of the block and those authorized for planning on the right side, including in parentheses by each listed the date of the latest report explaining the reasons for no progress. When there has been no change in planning status of projects authorized for planning during a period of six months, consideration should be given to suspending or terminating planning. (See Item 3 for dropping those in the P.I. stage.)
- Item 7. Enter best estimate at the time of this report of work plan completion date. Planning is considered complete when the work plan agreement has been signed by all the sponsors and the state conservationist has either signed the agreement or transmitted the plan to the Administrator.
- Item 8. Enter "State Conservationist," "Agriculture Committee," or "Public Works Committee." Be alert to recognize changes during planning which would require a different approval and explain it in Item 9.
- Item 9. Briefly describe significant problems and accomplishments during the reporting period and any explanations stipulated in the instructions for other items in this report.

Note: Items 3 through 8, as appropriate, should be completed for each watershed on which progress is reported.

1/ Additional single copies of this report may be sent to the state, regional and metropolitan clearinghouses; regional representatives of the Forest Service, Bureau of Sport Fisheries and Wildlife, and other concerned federal agencies; and appropriate state agencies.

FIELD COST ESTIMATE
WATERSHED PROJECTS

See instructions on reverse

STATE No State PROJECT Martin Creek (2062)

Agency	Installation Services and Tech. Assist.	Construction	Total Federal WP or FP	Non-Federal or Other	Total
(A)	(B)	(C)	(D)	(E)	(F)
TOTAL PROJECT COSTS					
1 SCS	743,900	2,221,100	2,965,000		
2 FS	23,000	66,500	89,500		
3 BLM					
4 BIA					
5					
6 TOTAL	766,900	2,287,600	3,054,500	1,128,100	4,182,600
CUMULATIVE OBLIGATIONS THROUGH FY <u>72</u>					
7 SCS	11,038	36,439	47,477		
8 FS	2,166	4,023	6,189		
9 BLM					
10 BIA					
11					
12 All others	105		105		
13 TOTAL	13,309	40,462	53,771	190,775	244,546
OBLIGATION ESTIMATES (DIRECT PROJECT AND STATE COSTS ONLY)					
FY <u>73</u> "Current Year"					
14 SCS	54,000	0	54,000		
15 FS	5,000	10,000	15,000		
16 BLM					
17 BIA					
18					
19 TOTAL	59,000	10,000	69,000	239,100	308,100
FY <u>74</u> "Budget Year"					
20 SCS	107,400	443,300	550,700		
21 FS	6,000	15,000	21,000		
22 BLM					
23 BIA					
24					
25 TOTAL	113,400	458,300	571,700	310,600	882,300
FY <u>75</u> "Projected Year"					
26 SCS	94,300	538,200	632,500		
27 FS	6,000	19,000	25,000		
28 BLM					
29 BIA					
30					
31 TOTAL	100,300	557,200	657,500	342,700	1,000,200

Estimated amounts needed for project evaluation:

19 _____ \$ _____
19 _____ \$ _____

Date March 1, 1973
WPH - February 1973
Notice No. 22

INSTRUCTIONS - FIELD COST ESTIMATES - WATERSHED PROJECTS
SCS-207

1. The reports are due in the Washington office by March 1 of each year. Submit 3 copies to Washington office and 1 copy to E & WP Unit.
2. It is essential that consideration be given to each blank space to assure that all applicable entries are made. Entries for BLM and BIA are not applicable where the Bureau of Land Management and Bureau of Indian Affairs are not participating.
3. Lines 1-6 TOTAL PROJECT COSTS will show, as does Table 1, all estimated costs from Watershed Protection funds and total costs line 6 from NON-Federal or Other. They will include E & WP Unit and Washington office maintained accounts for SCS and the estimated total costs of other Federal agencies. Lines 1-6 are not to be completed for the 11 authorized watersheds.
4. Lines 7-13 will show Cumulative Total Obligations as of June 30th of the preceding fiscal year. The total Federal amounts are furnished to the State Office during November or December each year by the Budget & Finance Division, with exception of amounts for Columns (B) and (C) which are not available. Line 12 "All Others" will show the total amount of ARS, USGS, and other Federal agency obligations which are chargeable against the project.
5. Lines 14-31 will show breakdown of funds by agencies for the fiscal year in which the report is made and the two following fiscal years. Federal entries for each project will show obligation estimates that are direct project and State costs only. Show estimates no more precise than to the nearest \$100. Estimates for administrative levels above the State and/or Regional offices for all agencies, including the indirect costs of Washington office maintained accounts and the costs of E & WP Units, will be added by the Washington office.
6. Lines 5, 11, 18, 24 and 30 are to be used for showing, if applicable, Federal agencies other than those listed.
7. Column B - show amounts of Federal funds required for installation services to plan and install structural measures and for technical assistance to plan and apply land treatment measures - amounts other than construction contracts in object classifications 07 or 11. In the 11 authorized watersheds include cost for work plan preparation. For projects not approved for construction do not include installation services needed during construction in lines 14-31. In these cases show only funds needed for advanced engineering and technical assistance.
8. Column C - show Federal funds required for (a) construction of structural measures, (b) land treatment measures for flood prevention, and (c) personal services and application costs of land treatment measures on Federal land.
9. Column E - show total costs to non-Federal or other interests for installing works of improvement including costs or value of land, easements, and rights-of-way; water rights; administration of contracts; and cost for installing land treatment measures.

In the blank spaces at the bottom of the form insert estimated amounts for the budget year and the projected year that are direct project and State costs needed for project evaluation. This applies only to projects previously approved for evaluation by the Administrator. Project evaluation amounts are not to be included on lines 19, 25 and 31.

Fiscal Year 73

WP-08 or FP-03 Funds WF-08

State _____

PROJECT IDENTIFICATION (A)	MEASURES Use separate line item for each obligating document. (B)	OBLIGATIONS PROGRAMMED			OBLIGATIONS MADE	
		Estimated Date (C)	Estimated Amount (D)	Priority (E)	Date (F)	Amount (G)
Broad River Watershed	Land Rights Str. 5 FHA Loan involved				7/15/72	25,000
	Relocation payments Str. 5				8/12/72	5,000
	Str. 5				10/1/72	145,000
Cow Creek Watershed	6 miles channel Str. 1A				7/15/72	200,000
	Completed construction				9/10/72	95,000
Dry Creek Watershed	Multipurpose Str. 4A New start				10/1/72	100,000
	Basic Rec. fac. Str. 4A	5/23/73	25,000			
Elk Creek Watershed	Str. 4				10/1/72	- 16,000(Recovery)
Turkey Run Watershed	Advance of funds M&I water	11/25/72	240,000			
Whiskey Branch Watershed	Str. 6 & 7	1/31/73	55,000			
Contingencies			40,000			10,000
Total Construction			360,000			564,000

Funds Needed for Technical Assistance, Engineering Services and Project Administration

\$ 850,000

(Show partial breakdown below:)

Land Treatment 10,000

Engineering Services (Contracts) 25,000

A&E Contracts 20,000

Project Evaluation 1,500

Signature of State Conservationist _____

Date

Nov. 15, 1972

WPH Notice No. 22 February 1973

Exhibit 116.03-A

INSTRUCTIONS - WATERSHED PROGRAMMING
SCS-WS-404 (Rev. 3-71)

WPH Notice 22 - February 1973

Report separately for WP-08 and FP-03 funds.

The due dates and data requested in each report are shown below:

Due Dates	Project Agreements or Federal Contracts Programmed	Project Agreements or Federal Contracts Signed During the Period
June 15	Programming for next fiscal year	XXXXXXXXXXXXXXXXXXXX
Nov. 15	Revised Programming for the fiscal year	July 1 to Nov. 1
Apr. 15	Revised Programming for the fiscal year	July 1 to Apr. 1

Column A - Name of PL 566 Project or Flood Prevention Project and Subwatershed grouped by: (1) Projects approved prior to date of report, and (2) Projects expected to be approved during the fiscal year.

Column B - List measures to be included in each obligating document as separate line items. Show separately from other measures (1) Land Rights, (2) Basic facilities, and (3) Advance of funds for future municipal and industrial water supply. Do not include agreements or contracts for engineering services. Identify first and last construction obligation in each project by inserting the words "New Start" or "Completes Construction" following the description of measures. Indicate when FHA loan funds are involved.

Column C - Estimated date Federal obligation is to be made.

Column D - Estimated amount of Federal funds required for each construction project agreement or Federal contract. The April 15 report will not include amounts for any contingencies estimated to be required after July 1. The June 15 report may include a single line item showing a lump sum amount for contingencies in the next fiscal year for all project agreements signed in the current fiscal year. As last entry show total estimated obligations.

Column E - Recommended priority for each obligating document beginning with number 1 for the highest priority with successively higher numbers indicating descending order of priority for each obligating document.

Column F - Date project agreement or Federal contract was signed.

Column G - Funds obligated by each obligating document. Show total obligations. Include a line item showing as a credit any recoveries of prior-year obligations.

Technical Assistance, Engineering Services and Project Administration - The amount shown for these items will include all costs other than those included in construction project agreements or Federal contracts. Include and show in spaces provided for (1) Land Treatment, (2) A&E Contracts, (3) Engineering Services (Contracts), and (4) Project Evaluation. In states where applicable include amount for flood prevention subwatershed planning, and contributions for seed, fertilizer, equipment, etc. by separate footnotes.

Distribution - Submit 2 copies to the Washington Office and 1 copy to the E&WP Unit.

WATERSHED PROGRAMMING
SCS-WS-404
Rev. 3-71
(File Code WS-7)

U.S. Department of Agriculture
Soil Conservation Service

Fiscal Year 73

WP-08 or FP-03 Funds WF-08

State _____

PROJECT IDENTIFICATION (A)	MEASURES Use separate line item for each obligating document. (B)	OBLIGATIONS PROGRAMMED			OBLIGATIONS MADE	
		Estimated Date (C)	Estimated Amount (D)	Priority (E)	Date (F)	Amount (G)
Broad River Watershed	Land Rights Str 5	7/8/72	25,000			
	<u>FHA Loan involved</u>					
	Relocation Payments Str 5	8/9/72	5,000			
	Str. 5	10/1/72	150,000			
Cow Creek Watershed	6 miles channel	7/15/72	200,000			
	Str. 1A	9/10/72	95,000			
	<u>Completed construction</u>					
Dry Creek Watershed	Multipurpose Str. 4A	10/1/72	100,000			
	<u>New start</u>					
	Basic Rec. fac. Str. 4A	5/23/73	25,000			
Turkey Run Watershed	Advance of funds M&I water	8/5/72	240,000			
Whiskey Branch Watershed	Str. 6 & 7	1/3/73	55,000			
Contingencies			50,000			
Total Construction			950,000			

WPH Notice 22 - February 1973

Funds Needed for Technical Assistance, Engineering Services and Project Administration \$1,000,000
(Show partial breakdown below:)

Land Treatment	<u>10,000</u>	Engineering Services (Contracts)	<u>25,000</u>
A&E Contracts	<u>20,000</u>	Project Evaluation	<u>1,500</u>

Signature of State Conservationist _____

Date
June 15, 1972

Exhibit 116.03-B

INSTRUCTIONS - WATERSHED PROGRAMMING
SCS-WS-404 (Rev. 3-71)

Report separately for WP-08 and FP-03 funds.

The due dates and data requested in each report are shown below:

Due Dates	Project Agreements or Federal Contracts Programmed	Project Agreements or Federal Contracts Signed During the Period
June 15	Programming for next fiscal year	XXXXXXXXXXXXXXXXXXXX
Nov. 15	Revised Programming for the fiscal year	July 1 to Nov. 1
Apr. 15	Revised Programming for the fiscal year	July 1 to Apr. 1

Column A - Name of PL 566 Project or Flood Prevention Project and Subwatershed grouped by: (1) Projects approved prior to date of report, and (2) Projects expected to be approved during the fiscal year.

Column B - List measures to be included in each obligating document as separate line items. Show separately from other measures (1) Land Rights, (2) Basic facilities, and (3) Advance of funds for future municipal and industrial water supply. Do not include agreements or contracts for engineering services. Identify first and last construction obligation in each project by inserting the words "New Start" or "Completes Construction" following the description of measures. Indicate when FHA loan funds are involved.

Column C - Estimated date Federal obligation is to be made.

Column D - Estimated amount of Federal funds required for each construction project agreement or Federal contract. The April 15 report will not include amounts for any contingencies estimated to be required after July 1. The June 15 report may include a single line item showing a lump sum amount for contingencies in the next fiscal year for all project agreements signed in the current fiscal year. As last entry show total estimated obligations.

Column E - Recommended priority for each obligating document beginning with number 1 for the highest priority with successively higher numbers indicating descending order of priority for each obligating document.

Column F - Date project agreement or Federal contract was signed.

Column G - Funds obligated by each obligating document. Show total obligations. Include a line item showing as a credit any recoveries of prior-year obligations.

Technical Assistance, Engineering Services and Project Administration - The amount shown for these items will include all costs other than those included in construction project agreements or Federal contracts. Include and show in spaces provided for (1) Land Treatment, (2) A&E Contracts, (3) Engineering Services (Contracts), and (4) Project Evaluation. In states where applicable include amount for flood prevention subwatershed planning, and contributions for seed, fertilizer, equipment, etc. by separate footnotes.

Distribution - Submit 2 copies to the Washington Office and 1 copy to the E&WP Unit.

WPH Notice 22 - February 1973

NOTIFICATION OF GRANT-IN-AID ACTION				Do Not Use This Space				
1. STATE APPLICATION IDENTIFIER		2. (Reserved for use by State central information reception agency)						
3. GRANTOR: a. Federal agency								
b. Organizational unit								
c. Administering office - (1) Name								
(2) Address - Street or P.O. Box		City	State	Zip Code				
4. FEDERAL AGENCY GRANT IDENTIFIER:		a. Code	b. Title					
c. Purpose								
5. GRANTEE: a. Name								
b. Address - Street or P.O. Box		City	State	Zip Code				
6. GRANTEE TYPE (Check only the single most applicable box)								
a. State	b. Inter-state	c. County	d. City	e. School district				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
f. Special unit		g. Community action		h. Sponsored organization				
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>				
i. Other <input type="checkbox"/>								
7. APPLICATION RECEIPT DATE		8. ACTION DATE		9. EFFECTIVE STARTING DATE		10. ENDING DATE		
Year	Month	Day	Year	Month	Day	Year	Month	Day
11. TYPE OF ACTION (Check as many boxes as apply to this action)								
a. New grant		b. Continuation grant		c. Supplemental grant		d. Change in existing grant		
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		(identify agency in item 16)		
				(1) Increase in duration		(2) Decrease in duration		(3) Cancellation
				<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
						(4) Increase(\$)		(5) Decrease(\$)
						<input type="checkbox"/>		<input type="checkbox"/>
12. AMOUNT OF CONTRIBUTION				b. State		c. Local		d. Other
a. Federal - (1) basic		(2) Supplemental		\$		\$		\$
\$		\$						
13. CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAM (if none, clarify in item 16)				a. Program Number			b. Supplemental Program Number	
14. AUTHORIZATION								
a. Federal Budget Accounts			PL Title Sec.			PL Title Sec.		
b. Public Laws			PL Title Sec.			PL Title Sec.		
c. U.S. Code								
15. FACILITY LOCATION: (For facility grant actions only)								
a. City					b. County			
16. REMARKS								
STANDARD FORM 240 June 1970 Bureau of the Budget Circular A-98 240-101								

WPH - February 1973
 Notice No. 22

INSTRUCTIONS FOR PREPARATION OF STANDARD FORM 240

NOTIFICATION OF GRANT-IN-AID ACTION

1. State application identifier—the code or number assigned by State clearinghouses on applications requiring State clearinghouse coordination for programs listed in Attachment D to Bureau of the Budget Circular No. A-95. This is to be filed in by the *grantor* where such coding is available from the application.
2. Reserved for use by State information reception agency—this space is reserved for the administrative use of each State's central information reception agency and is to be *left blank*.
3. Grantor.
 - a. Federal agency—the executive department or independent agency under whose responsibility the grant program is administered.
 - b. Organizational unit—the *primary* organizational unit below the department level, where applicable.
 - c. Administering office.
 - (1) Name—the lowest level Federal agency organization having *direct operational responsibility* for managing the grant program.
 - (2) Address—the street or post office box number, city, State, and zip code of the administering office.
4. Federal agency grant identifier.
 - a. Code—the code used by the grantor to identify the grant within his own system. If no code exists, fill in "NA"
 - b. Title—the descriptive name or heading of *this* grant.
 - c. Purpose—a brief but complete description of the purpose or nature of the grant.
5. Grantee—the primary recipient of the grant.
 - a. Name—the organization identified as the primary recipient of the grant.
 - b. Address—street or post office box number, city, State, and zip code of the grantee.
6. Grantee type (check only the *single most* applicable box).
 - a. State—an organizational unit of State government.
 - b. Interstate—an organizational unit established by two or more States to coordinate certain regional programs such as water pollution control (e.g., New England Interstate Water Pollution Control Commission).
 - c. County—an organizational unit of the government of a county (or parish).
 - d. City—an organizational unit of the government of a city, town, township, or other municipality.
 - e. School district—a specified school district.
 - f. Special unit—a special district, or other limited-purpose political subdivision of a State, county, or city—other than a school district (include here such institutions as public colleges and universities, and *intrastate* regions such as water and sewer districts).
 - g. Community action—a community action agency set up under the Economic Opportunity Act of 1964, as amended.
 - h. Sponsored organization—a public-purpose organization, other than an organizational unit of government, that is a beneficiary under a plan or program administered by a State or a political subdivision of a State, county, or city and which is subject to approval by a Federal agency (e.g., Economic Development Districts).
 - i. Other—If the grantee is not covered by any of the types listed above (e.g., Indian reservations, private educational institutions, and private and nonprofit organizations not covered as "sponsored organizations," etc.). Identify type of grantee in item 16, "Remarks," when the type is not self-evident from the name of the grantee in item 5a above.
7. Application receipt date—the date the formal application for this grant was first received by a Federal office for a new, continuation, or supplemental grant. If this action is a "change in existing grant" (see item 11d), fill in "NA." Use two digits each for year, month and day, in that sequence in accordance with the Federal Information Processing Standards (FIPS).
8. Action date—the date the grantor officially authorizes this action. Use two digits each for year, month and day, in that sequence.
9. Effective starting date—the date that grant benefits related to this action are available for use by the grantee. Use two digits each for year, month and day, in that sequence.
10. Ending date—the date of the end of the grant period related to this action, if the grant-in-aid (or change to an existing grant) awarded specifies such. Use two digits each for year, month and day, in that sequence. If there is no set grant period or duration, fill in "NA."
11. Type of action (check as many boxes as apply to this action).
 - a. New grant—an action considered by the grantor to be an award of a new grant.
 - b. Continuation grant—an action that constitutes a continuation action within a multi-year grant (e.g., the second year award under a five-year project period grant).
 - c. Supplemental grant—an action that increases the Federal contribution in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded under the Appalachian Regional Commission's program, "Appalachia—Supplements to Federal Grants-in-Aid"). Identify the Federal agency that awarded the supplemental grant in item 16.
 - d. Change in existing grant.
 - (1) Increase in duration—an extension of the period of time the grant is available.
 - (2) Decrease in duration—a reduction in the period of time the grant is available.
 - (3) Cancellation—a cancellation of a grant previously awarded.
 - (4) Increase (\$)—an increase in the dollar value of the Federal contribution.
 - (5) Decrease (\$)—a decrease in the dollar value of the Federal contribution.
12. Amount of contribution in dollars (include the dollar value of in-kind contributions for all benefits—direct or indirect where applicable). If the action is a change in dollar amount of an existing grant, *indicate only the amount of the change*.
 - a. Federal contribution—the dollar value of the Federal contribution related to *this action*.
 - (1) Basic—the dollar value of the basic Federal contribution. This would *not* include any contribution provided under a supplemental grant as defined in 11c above.
 - (2) Supplemental—the dollar value of the supplemental portion of the Federal contribution as defined in 11c above.
 - b. State contribution—the dollar value of the State contribution related to *this action*, if this information is available.
 - c. Local contribution—the dollar value of county, city, or other local government contribution related to *this action*, if this information is available.
 - d. Other contribution—the dollar value of private, nonprofit, or other nongovernmental contribution related to *this action*, if this information is available.
13. "Catalog of Federal Domestic Assistance" (CFDA) program.
 - a. Program number—the five-digit number designating the program as identified in the most recent "Catalog of Federal Domestic Assistance" (beginning with the 1970 edition) under which this grant is awarded. In the event that this grant cannot be directly related to any program in the CFDA, fill in "NA" and explain in item 16.
 - b. Supplemental program number—the five-digit number designating the supplemental program related to 11c above as identified in the most recent "Catalog of Federal Domestic Assistance."
14. Authorization.
 - a. Federal Budget account—the 13 digit code(s) identifying the account(s) funding the grant as expressed in the Appendix to the Budget of the United States (e.g., 06-70-1703-0-1-502 is the Department of Commerce, State Marine Schools account).
 - b. Public Laws—the Public Law citation(s) (P.L.'s) for the legislative authorization(s) including, if applicable and available, the title and section of the Public Law.
 - c. U.S. Code—the United States Code citation(s) for the legislative authorization(s), if applicable.
15. Facility location (for facility grant actions only)—if this action is concerned with the acquisition, construction or improvement of a specific, identifiable, fixed facility, identify the location of the facility. If more than one facility is involved, clarify in item 16.
 - a. City—the city, town, township, or other municipality in which the facility is located.
 - b. County—the county in which the facility is located, if this information is available.
16. Remarks—provide a brief explanation if appropriate and if the action calls for the identification of:
 - (1) "Other" grantee type (item 6i).
 - (2) Federal agency awarding the supplemental grant (item 11c).
 - (3) The reason this action is not directly related to a CFDA program (item 13).
 - (4) Additional facility locations (item 15).
 - (5) Other explanatory remarks deemed pertinent.

One copy of this form is to be submitted to each of the following:

1. The appropriate State central information reception agency.
2. Bureau of the Budget, Management Information Systems Staff, Washington, D.C. 20503.

SCS-AS-71 (Rev. 10-71)

REPORT OF AGREEMENTS AND CONTRACTS
(See Instructions on Reverse)U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICEState No StateProgram WF-08 Date: October 5, 1972
(WF-03, WF-08, RC&D-25)

(1) Watershed, RC&D or Other Project and Works of Improvement	(2) Agrmnt. or Contr. No.	(3) Date of Agreement	(4) Agreements Amount (\$)		(5) Date of Award	(6) Contracts or Work Amount (\$)		(7) Com- pletion Date	(8) Percent of Work Completed	(9) Percent of Work Scheduled	(10) Percent of Performance Time Used	(11) Est. Constr. Cost (A&E Contr. only)
			Federal	Local		Federal	Local					
			Cow Creek Str. 5 (RD & FWRS)	00003		9/26/71	325,000					
Donahue Creek Land Rights Str. 3 (FWRS)	00002	12/18/71	139,000	139,000	-	-	-	-	-	-	-	
Elk Creek Str. 6 (FWRS) New Start	00005		-	-	2/8/72	67,680	-	9/2/72	100	-	-	
Lambert Creek Channel Improvement Reach 1 - 2 mi. (DR)	00006	12/30/71	195,000	-	2/1/72	184,000	-	12/2/72	72	83	73	
Middle Creek Str. 5 (RD & FWRS)	00001	9/25/70	135,551	37,849	11/20/70	133,562	37,452	12/15/72	25	25	19	
Red River Engineering Serv. Str. 1 (FWRS & MI)	00007	9/1/72	30,000									
West Creek Engineering Serv. Basic Rec. Site 2 (RD & FWRS)	00008	10/1/72	28,870	28,870								305,000

MPH NOTICE 22 - February 1973

Exhibit 116.07

INSTRUCTIONS - FORM SCS-AS-71

Prepare report as of end of each month. Submit two copies to the Administrative Services Division and one copy to the EW&P Unit not later than 15th of following month. Prepare separate reports for WF-03, WF-08 and RC&D-25.

Include all active Project Agreements, Project Measures Agreements, Construction Contracts, Agreements for Engineering Services, and Land Rights Agreements whether signed in the states or Washington office, and resulting contracts or work. Also, include A&E contracts negotiated by the Service for work under above programs.

Report each month all agreements and contracts involving SCS financial contributions under the WF-03, WF-08, and RC&D-25 programs, until the first month after all work included in the agreement or contract is completed. The report for the first month after completion will be the last time it is reported.

Column (1) List name of project and identify the structure(s) or project measures covered by the agreement or contract. When vegetation is reported as a separate contract or item of force account, show the purpose of the work being vegetated. Show purpose(s) of structure in abbreviated form in parentheses following each structure number or name as follows:

Floodwater Retarding Structure - FWRS	Irrigation	- IRR
Grade Stabilization - GS	Drainage	- DR
Debris Basin - DB	Rural Water Supply	- RUR
Sed. Storage Reservoir - SED	Recreation Development	- RD
Municipal & Industrial Water - MI	Recreation Improvement	- RI
Water Quality Management - QUAL	Fish & Wildlife Development	- FD
	Fish & Wildlife Improvement	- FI

For channel improvement show length in miles and purpose in abbreviated form in parentheses as follows:

Flood Prevention - FP; Drainage - DR; Irrigation - IRR; Recreation - REC; Fish & Wildlife - FWL.

For multiple-purpose channels show each purpose. For example, show a multiple-purpose channel serving flood prevention, drainage, and recreation as follows: CI Main A. 10 miles (FP, DR, REC)

Column (2) Show Service number assigned to the agreement or contract. If the agreement results in a federal contract, show only the contract number after award.

Column (3) Show date agreement was signed by the Service. If this represents a new construction start, add the words "New Construction Start."

Column (4) Show current amount of funds obligated by the government and the local organization in the agreement. These figures may vary from month to month when amendments to agreements are executed. Leave federal column blank when there will be a federal contract. 1/

Column (5) Show date contract was awarded or force account work began.

Column (6) Show breakdown of current contract price. These figures will vary from month to month as contract modifications are made. For force account work, show actual expenditures to date of report as shown on the SCS-AS-49a. 1/

Column (7) The completion date is date performance time expires, or date work was actually completed and accepted if prior to expiration of performance time. If this date represents the completion of construction of all structural measures in the watershed, add the words, "Completes construction of structural measures."

Columns (8) (9) & (10) Enter applicable date from "Status of Contract Work to Date" block of current Forms SCS-AS-49 or SCS-AS-49a and show date of these forms immediately below each entry. 1/

Column (11) For A&E contracts related to FP, PL-566, and RC&D show estimated construction cost of work covered by the A&E contract.

Explain by narrative footnote lack of appropriate progress or other items in report which are not self explanatory.

1/ When work is done by division of work arrangement, insert initials D.O.W. in "Local" column and leave columns (8), (9), & (10) blank.

116.08

(b) Twenty copies of each narrative report and 20 copies of the state map are to be submitted to the Washington office and one copy of each to the RTSC. The report is due by August 1, or within two weeks after necessary data summaries become available through the Progress Reporting System.

(c) The report for each project should, as a minimum, include:

(1) an overview of the project, to include date approved for operations; land ownership and use; sponsors; current estimated or actual total cost, identifying amount of PL-566 and other cost; and nature of problems;

(2) status of land treatment indicating the number of farmers and ranchers, cooperators, and conservation plans; the percent of land adequately protected; and the estimated percent of the accelerated land treatment program shown in Table 1 of the work plan that has been applied;

(3) scope and status of structural measures, including the units (number, miles, etc.) planned, units completed and their costs; the units and cost of those under contract; and an estimate of the percent of the total planned structural program that is completed;

(4) status of land-rights acquisitions activities, including the number of landowners involved and the estimated dollar value;

(5) relocation payments made, including number, type, and cost; and

(6) case histories of watershed project benefits. These benefits may be expressed in dollars, physical quantities, or as statements by local people. Case histories should be brief, factual, and specific but in enough detail so they will be informative and interesting.

(d) See Exhibit 116.08 for a sample narrative report.

116.09 - ADDENDUM TO INVENTORY OF WATERSHED CHANNEL WORK - FORM SCS-WS-7 - The inventory of watershed channel work is to be updated annually. State conservationists are to report by January 31 all changes, additions, or deletions to the record inventory during the preceding calendar year. Two copies of the annual report on Form SCS-WS-7 are to be submitted to the Washington office and one copy to the RTSC. See Exhibit 116.09.

116.10 - INACTIVE PROJECT REPORTS

(a) Approximately 3 months before declaring a project inactive as discussed in 115.07 WPH, the state conservationist is to notify sponsors that (1) installation of their project is stalled; (2) in the absence of corrective action the project will be placed in an inactive

Fish and Wildlife - How fish and wildlife conditions improved in the project.

Agricultural Water Management - How drainage improved value of rural and urban land. How irrigation from watershed project reservoirs and more efficient use of irrigation water increased yields of non-surplus crops or resulted in converting from production of crops in surplus to specialized high income crops.

Local Reaction - Statements from local people about benefits of project--mayors, county supervisors, bankers, merchants, industrial managers, homeowners, farmers, ranchers.

SCS-405
4-67

UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service
Washington, D. C. 20250

Status of Planning and Operations
11 Authorized Flood Prevention Watersheds

State No State

Authorized Watershed one of eleven

	FY <u>1/</u> 19 <u>72</u>	FY 19 <u>73</u>	FY 19 <u>74</u>	Total or <u>2/</u> Cumulative
<u>Planning</u>				
1. Subwatersheds with Project Potential	XXXXXX	XXXXXX	XXXXXX	18
2. Feasible Watersheds Remaining to be Planned	XXXXXX	XXXXXX	XXXXXX	3
3. Planning Starts	1	0	0	18
4. Work Plans Completed <u>3/</u>	0	2	1	15
<u>Operations</u>				
1. Approved for Construction	0	2	1	15
2. New Construction Starts	1	1	1	11
3. All Structural Measures Completed	0	1	1	10
4. Projects Completed <u>4/</u>	1	1	1	8

1/ Fiscal year just ended.

2/ Cumulative to June 30 of fiscal year just ended.

3/ Attach a list showing the names and acres of subwatersheds with completed work plans. (See Operations Item 4)

4/ Indicate on the list developed for footnote 3 which of these projects have or will have all works of improvement installed by June 30 of the fiscal year just ended.

Submit two copies to the Watersheds Operations Staff by July 10 of each year.

State Conservationist _____

Date _____

WATERSHED PROTECTION HANDBOOK

APPENDICES

- (1) - WATERSHED PROTECTION AND FLOOD PREVENTION ACT, AS AMENDED
- (2) - TEXT OF EXECUTIVE ORDER NO. 10584 OF DECEMBER 18, 1954, PRESCRIBING RULES AND REGULATIONS RELATING TO THE ADMINISTRATION OF THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT AS AMENDED AND SUPPLEMENTED BY EXECUTIVE ORDER NO. 10913 OF JANUARY 18, 1961
- (3) - POLICY OF THE SECRETARY OF AGRICULTURE FOR THE ADMINISTRATION OF THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT (PL 566-83d CONG., 68 STAT. 666, AS AMENDED)
- (4) - INDEX OF REFERENCE MATERIAL
- (5) - AGREEMENTS BETWEEN THE SOIL CONSERVATION SERVICE AND THE CORPS OF ENGINEERS WITH RESPECT TO FLOOD PREVENTION BY ENGINEERING WORKS, DATED SEPTEMBER 23, 1965, AND JANUARY 19, 1959
- (6) - MEMORANDUM OF UNDERSTANDING BETWEEN THE SOIL CONSERVATION SERVICE AND THE FARMERS HOME ADMINISTRATION RELATING TO THE MAKING OF LOANS AND ADVANCES UNDER THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT, WITH FmHA INSTRUCTION 447.1 - WATERSHED LOAN POLICIES AND AUTHORIZATIONS
- (7) - MEMORANDUM ISSUED JOINTLY BY ADMINISTRATOR, SOIL CONSERVATION SERVICE AND ADMINISTRATOR, FARMERS HOME ADMINISTRATION, DATED JULY 6, 1967, RELATING TO COORDINATION BETWEEN THE AGENCIES IN COMPREHENSIVE PLANNING ACTIVITIES
- (8) - LETTERS OF ASSURANCE RELATING TO ESTABLISHMENT AND MAINTENANCE OF LAND TREATMENT MEASURES ON PUBLIC LANDS

Letter from the Forest Service

Letter from the Secretary of the Interior
- (9) - POLICIES AND PROCEDURE MEMORANDUM 50-4.2 - U.S. DEPARTMENT OF COMMERCE, BUREAU OF PUBLIC ROADS
- (10) - DELAWARE RIVER BASIN COMMISSION, ADMINISTRATIVE AGREEMENT WITH THE SOIL CONSERVATION SERVICE
- (11) - MEMORANDUM OF UNDERSTANDING BETWEEN THE TENNESSEE VALLEY AUTHORITY AND THE SOIL CONSERVATION SERVICE

- (12) - RESERVED
- (13) - MEMORANDUM OF UNDERSTANDING BETWEEN THE ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE AND THE SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE
- (14) - EXECUTIVE ORDER 11296, DATED AUGUST 10, 1966, AND SECRETARY'S MEMORANDUMS 1606 AND 1607, DATED NOVEMBER 7, 1966, RELATING TO A UNIFIED NATIONAL PROGRAM FOR MANAGING FLOOD LOSSES
- (15) - PUBLIC LAW 90-480 - RELATING TO BUILDINGS AND FACILITIES FOR THE HANDICAPPED, AND A REPRINT FROM THE CONGRESSIONAL RECORD WHICH CONTAINS THE AMERICAN STANDARD SPECIFICATIONS FOR MAKING BUILDINGS AND FACILITIES ACCESSIBLE TO, AND USABLE BY THE PHYSICALLY HANDICAPPED.
- (16) - MEMORANDUM OF UNDERSTANDING BETWEEN THE SOIL CONSERVATION SERVICE AND THE ECONOMIC RESEARCH SERVICE - JANUARY 27, 1972.
- (17) - INTERAGENCY AGREEMENT BETWEEN THE SOIL CONSERVATION SERVICE AND THE FOREST SERVICE, SEPTEMBER 21, 1977.

Watershed Protection and Flood Prevention Act, as amended*

AN ACT

To authorize the Secretary of Agriculture to cooperate with States and local agencies in the planning and carrying out of works of improvement for soil conservation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That erosion, floodwater, and sediment damages in the watersheds of the rivers and streams of the United States, causing loss of life and damage to property, constitute a menace to the national welfare; and that it is the sense of Congress that the Federal Government should cooperate with States and their political subdivisions, soil or water conservation districts, flood prevention or control districts, and other local public agencies for the purpose of preventing such damages, of furthering the conservation, development, utilization, and disposal of water, and the conservation and utilization of land and thereby of preserving, protecting, and improving the Nation's land and water resources and the quality of the environment.

SEC. 2. For the purposes of this Act, the following terms shall mean:

The "Secretary" --the Secretary of Agriculture of the United States.

"Works of improvement" --any undertaking for--

- (1) flood prevention (including structural and land-treatment measures),
- (2) the conservation, development, utilization, and disposal of water, or
- (3) the conservation and proper utilization of land in watershed or subwatershed areas not exceeding two hundred and fifty thousand acres and not including any single structure which provides more than twelve thousand five hundred acre-feet of floodwater detention capacity, and more than twenty-five thousand acre-feet of total capacity. No appropriation shall be made for any plan involving an estimated Federal contribution to construction costs in excess of \$1,000,000 or which includes any structure which provides more than twenty-five hundred acre-feet of total capacity unless such plan has been approved by resolutions adopted by the appropriate committees of the Senate and House of Representatives: Provided, That in the case of any plan involving no single structure providing more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives and in the case of any plan involving any single structure of more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Public Works of the Senate and the Committee on Public Works of the House of Representatives, respectively. A number of such subwatersheds when they are component parts of a larger watershed may be planned together when the local sponsoring organizations so desire.

"Local organization" --any State, political subdivision thereof, soil or water conservation district, flood prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out, maintain and operate the works of improvement; or any irrigation or reservoir company, water users' association, or similar organization having such authority and not being operated for profit that may be approved by the Secretary.

SEC. 3. In order to assist local organizations in preparing and carrying out plans for works of improvement, the Secretary is authorized, upon application of local organizations if such application has been submitted to, and not disapproved within 45 days by, the State agency having supervisory responsibility over programs provided for in this Act, or by the Governor if there is no State agency having such responsibility--

- (1) to conduct such investigations and surveys as may be necessary to prepare plans for works of improvement;
- (2) to prepare plans and estimates required for adequate engineering evaluation;
- (3) to make allocations of costs to the various purposes to show the basis of such allocations and to determine whether benefits exceed costs;
- (4) to cooperate and enter into agreements with and to furnish financial and other assistance to local organizations: Provided, That, for the land-treatment measures, the Federal assistance shall not exceed the rate of assistance for similar practices under existing national programs;
- (5) to obtain the cooperation and assistance of other Federal agencies in carrying out the purposes of this section;
- (6) to enter into agreements with landowners, operators, and occupiers, individually or collectively, based on conservation plans of such landowners, operators, and occupiers which are developed in cooperation with and approved by the soil and water conservation district in which the land described in the agreement is situated, to be carried out on such land during a period of not to exceed ten years, providing for changes in cropping systems and land uses and for the installation of soil and water conservation practices and measures needed to conserve and develop the soil, water, woodland, wildlife, and recreation resources of lands within the area included in plans for works of improvement, as provided for in such plans, including watershed or subwatershed work plans in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented. Applications for assistance in developing such conservation plans shall be made in writing to the soil and

*(P.L. 566, 83d Cong., 68 Stat. 666; P.L. 1018, 84th Cong., 70 Stat. 1088; P.L. 85-624, 85th Cong., 72 Stat. 563; P.L. 85-865, 85th Cong., 72 Stat. 1605; P.L. 86-468, 86th Cong., 74 Stat. 131, 132; P.L. 86-545, 86th Cong., 74 Stat. 254; P.L. 87-170, 87th Cong., 75 Stat. 408; P.L. 87-703, 87th Cong., 76 Stat. 608; P.L. 89-337, 89th Cong., 79 Stat. 1300; P.L. 90-361, 90th Cong., 82 Stat. 250; P.L. 92-419, 92d Cong., 86 Stat. 667; P.L. 95-113, 95th Cong., 91 Stat. 913.)

water conservation district involved, and the proposed agreement shall be reviewed by such district. In return for such agreements by landowners, operators, and occupiers the Secretary shall agree to share the costs of carrying out those practices and measures set forth in the agreement for which he determines that cost sharing is appropriate and in the public interest. The portion of such costs, including labor, to be shared shall be that part which the Secretary determines is appropriate and in the public interest for the carrying out of the practices and measures set forth in the agreement, except that the Federal assistance shall not exceed the rate of assistance for similar practices and measures under existing national programs. The Secretary may terminate any agreement with a landowner, operator, or occupier by mutual agreement if the Secretary determines that such termination would be in the public interest, and may agree to such modifications of agreements, previously entered into hereunder, as he deems desirable to carry out the purposes of this paragraph or to facilitate the practical administration of the agreements provided for herein. Notwithstanding any other provision of law, the Secretary, to the extent he deems it desirable to carry out the purposes of this paragraph, may provide in any agreement hereunder for (1) preservation for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage, and allotment history applicable to land covered by the agreement for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation on the production of any crop; or (2) surrender of any such history and allotments.

SEC. 4. The Secretary shall require as a condition to providing Federal assistance for the installation of works of improvement that local organizations shall--

(1) acquire, or with respect to interests in land to be acquired by condemnation provide assurances satisfactory to the Secretary that they will acquire, without cost to the Federal Government from funds appropriated for the purposes of this act, such land, easements, or rights-of-way as will be needed in connection with works of improvement installed with Federal assistance: Provided, That when a local organization agrees to operate and maintain any reservoir or other area included in a plan for public fish and wildlife or recreational development, the Secretary shall be authorized to bear not to exceed one-half of the costs of (a) the land, easements, or rights-of-way acquired or to be acquired by the local organization for such reservoir or other area, and (b) minimum basic facilities needed for public health and safety, access to, and use of such reservoir or other area for such purposes: Provided further, That the Secretary shall be authorized to participate in recreational development in any watershed project only to the extent that the need therefor is demonstrated in accordance with standards established by him, taking into account the anticipated man-days of use of the projected recreational development and giving consideration to the availability within the region of existing water-based outdoor recreational developments: Provided further, That the Secretary shall be authorized to participate in not more than one recreational development in a watershed project containing less than seventy-five thousand acres, or two such developments in a project containing between seventy-five thousand and one hundred and fifty thousand acres, or three such developments in projects exceeding one hundred and fifty thousand acres: Provided further, That when the Secretary and a local organization have agreed that the immediate acquisition by the local organization of land, easements, or rights-of-way is advisable for the preservation of sites for works of improvement included in a plan from encroachment by residential, commercial, industrial, or other development, the Secretary shall be authorized to advance to the local organization from funds appropriated for construction of works of improvement the amounts required for the acquisition of such land, easements or rights-of-way; and, except where such costs are to be borne by the Secretary, such advance shall be repaid by the local organization, with interest, prior to construction of the works of improvement, for credit to such construction funds.

(2) assume (A) such proportionate share, as is determined by the Secretary to be equitable in consideration of national needs and assistance authorized for similar purposes under other Federal programs, of the costs of installing any works of improvement, involving Federal assistance (excluding engineering costs), which is applicable to the agricultural phases of the conservation, development, utilization, and disposal of water or for fish and wildlife development, recreational development, ground water recharge, water quality management, or the conservation and proper utilization of land: Provided, That works of improvement for water quality management shall consist primarily of water storage capacity in reservoirs for regulation of streamflow, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source, and shall be consistent with standards and regulations adopted by the Water Resources Council on Federal cost sharing for water quality management, and (B) all of the cost of installing any portion of such works applicable to other purposes except that any part of the construction cost (including engineering costs) applicable to flood prevention and features relating thereto shall be borne by the Federal Government and paid for by the Secretary out of funds appropriated for the purposes of this Act: Provided, That, in addition to and without limitation on the authority of the Secretary to make loans or advancements under section 8, the Secretary may pay for any storage of water for present or anticipated future demands or needs for municipal or industrial water included in any reservoir structure constructed or modified under the provisions of this Act as hereinafter provided: Provided further, That the cost of water storage to meet future demands may not exceed 30 per centum of the total estimated cost of such reservoir structure and the local organization shall give reasonable assurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit repayment within the life of the reservoir structure of the cost of such storage: Provided further, That the Secretary shall determine prior to initiation of construction or modification of any reservoir structure including such water supply storage that there are adequate assurances by the local organization or by an agency of the State having authority to give such assurances, that the Secretary will be reimbursed the cost of water supply storage for anticipated future demands, and that the local organization will pay not less than 50 per centum of the cost of storage for present water supply demands: And provided further, That the cost to be borne by the local

organization for anticipated future demands may be repaid within the life of the reservoir structure but in no event to exceed fifty years after the reservoir structure is first used for the storage of water for anticipated future water supply demands, except that (1) no reimbursement of the cost of such water supply storage for anticipated future demands need be made until such supply is first used, and (2) no interest shall be charged on the cost of such water supply storage for anticipated future demands until such supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing the interest on the unpaid balance shall be determined in accordance with the provisions of section 8.

(3) make arrangements satisfactory to the Secretary for defraying costs of operating and maintaining such works of improvement, in accordance with regulations presented by the Secretary of Agriculture.

(4) acquire, or provide assurance that landowners or water users have acquired, such water rights, pursuant to State law, as may be needed in the installation and operation of the work of improvement.

(5) obtain agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than 50 per centum of the lands situated in the drainage area above each retention reservoir to be installed with Federal assistance; and

(6) submit a plan of repayment satisfactory to the Secretary for any loan or advancement made under the provisions of section 8.

SEC. 5. (1) At such time as the Secretary and the interested local organization have agreed on a plan for works of improvement, and the Secretary has determined that the benefits exceed the costs, and the local organization has met the requirements for participation in carrying out the works of improvement as set forth in section 4, the local organization may secure engineering and other services, including the design, preparation of contracts and specifications, awarding of contracts, and supervision of construction, in connection with such works of improvement, by retaining or employing a professional engineer or engineers satisfactory to the Secretary or may request the Secretary to provide such services: Provided, That if the local organization elects to employ a professional engineer or engineers, the Secretary shall reimburse the local organization for the costs of such engineering and other services secured by the local organization as are properly chargeable to such works of improvement in an amount not to exceed the amount agreed upon in the plan for works of improvement or any modification thereof: Provided further, That the Secretary may advance such amounts as may be necessary to pay for such services, but such advances with respect to any works of improvement shall not exceed 5 per centum of the estimated installation cost of such works.

(2) Except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure: Provided, That if requested to do so by the local organization, the Secretary may enter into contracts for the construction of structures.

(3) Whenever the estimated Federal contribution to the construction cost of works of improvement in the plan for any watershed or subwatershed area shall exceed \$1,000,000 or the works of improvement include any structure having a total capacity in excess of twenty-five hundred acre-feet, the Secretary shall transmit a copy of the plan and the justification therefor to the Congress through the President.

(4) Any plan for works of improvement involving an estimated Federal contribution to construction costs in excess of \$1,000,000 or including any structure having a total capacity in excess of twenty-five hundred acre-feet (a) which includes works of improvement for reclamation or irrigation, or which affects public or other lands or wildlife under the jurisdiction of the Secretary of the Interior, (b) which includes Federal assistance for floodwater detention structures, (c) which includes features which may affect the public health, or (d) which includes measures for control or abatement of water pollution, shall be submitted to the Secretary of the Interior, the Secretary of the Army, the Secretary of Health, Education, and Welfare, or the Administrator of the Environmental Protection Agency, respectively, for his views and recommendations at least thirty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, the Secretary of the Army, the Secretary of Health, Education, and Welfare, and the Administrator of the Environmental Protection Agency, if received by the Secretary prior to the expiration of the above thirty-day period, shall accompany the plan transmitted by the Secretary to the Congress through the President.

(5) Prior to any Federal participation in the works of improvement under this Act, the President shall issue such rules and regulations as he deems necessary or desirable to carry out the purposes of this Act, and to assure the coordination of the work authorized under this Act and related work of other agencies, including the Department of the Interior and the Department of the Army.

SEC. 6. The Secretary is authorized in cooperation with other Federal and with States and local agencies to make investigations and surveys of the watersheds of rivers and other waterways as a basis for the development of coordinated programs. In areas where the programs of the Secretary of Agriculture may affect public or other lands under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture in the planning and development of works or programs for such lands.

SEC. 7. The provisions of the Act of June 22, 1936 (49 Stat. 1570), as amended and supplemented, conferring authority upon the Department of Agriculture under the direction of the Secretary of Agriculture to make preliminary examinations and surveys and to prosecute works of improvement for runoff and waterflow retardation and soil erosion prevention on the watersheds of rivers and other waterways are hereby repealed: Provided, That (a) the authority of that Department of Agriculture, under the direction of the Secretary, to prosecute the works of improvement for runoff and waterflow retardation and soil erosion prevention authorized to be carried out by the Department by the Act of December 22, 1944 (58 Stat. 887), as amended, and (b) the authority of the Secretary of Agriculture to undertake emergency measures for runoff retardation and soil erosion prevention authorized to be carried out by section 7 of the Act of June 28, 1938 (52 Stat. 1215), as amended by section 216 of the Act of May 17, 1950 (64 Stat. 163), shall not be

affected by the provisions of this section: Provided further, That in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented, the Secretary of Agriculture is authorized to prosecute additional works of improvement for the conservation, development, utilization, and disposal of water in accordance with the provisions of section 4 of this Act or any amendments hereafter made thereto.

SEC. 8. The Secretary is authorized to make loans or advancements (a) to local organizations to finance the local share of costs of carrying out works of improvement provided for in this Act, and (b) to State and local agencies to finance the local share of costs of carrying out works of improvement (as defined in section 2 of this Act) in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented: Provided, That the works of improvement in connection with said eleven watershed improvement programs shall be integral parts of watershed or subwatershed work plans agreed upon by the Secretary of Agriculture and the concerned State and local agencies. Such loans or advancements shall be made under contracts or agreements which will provide, under such terms and conditions as the Secretary deems appropriate, for the repayment thereof in not more than fifty years from the date when the principal benefits of the works of improvement first become available, with interest at the average rate, as determined by the Secretary of the Treasury, payable by the Treasury upon its marketable public obligations outstanding at the beginning of the fiscal year in which the loan or advancement is made, which are neither due nor callable for redemption for fifteen years from date of issue. With respect to any single plan for works of improvement, the amount of any such loan or advancement shall not exceed \$10,000,000.

SEC. 9. The provisions of this Act shall be applicable to Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, such sums to remain available until expended. No appropriation hereafter available for assisting local organizations in preparing and carrying out plans for works of improvement under the provisions of section 3 or clause (a) of section 8 of this Act shall be available for any works of improvement pursuant to this Act or otherwise in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented, or for making loans or advancements to State and local agencies as authorized by clause (b) of section 8.

SEC. 11. This Act may be cited as the "Watershed Protection and Flood Prevention Act".

SEC. 12. When the Secretary approves the furnishing of assistance to a local organization in preparing a plan for works of improvement as provided for in section 3:

(1) The Secretary shall so notify the Secretary of the Interior in order that the latter, as he desires, may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of wildlife resources and participate, under arrangements satisfactory to the Secretary of Agriculture, in the preparation of a plan for works of improvement that is acceptable to the local organization and the Secretary of Agriculture.

(2) Full consideration shall be given to the recommendations contained in any such report of the Secretary of the Interior as he may submit to the Secretary of Agriculture prior to the time the local organization and the Secretary of Agriculture have agreed on a plan for works of improvement. The plan shall include such of the technically and economically feasible works of improvement for wildlife purposes recommended in the report by the Secretary of the Interior as are acceptable to, and agreed to by, the local organization and the Secretary of Agriculture, and such report of the Secretary of the Interior shall, if requested by the Secretary of the Interior, accompany the plan for works of improvement when it is submitted to the Secretary of Agriculture for approval or transmitted to the Congress through the President.

(3) The cost of making surveys and investigations and of preparing reports concerning the conservation and development of wildlife resources shall be borne by the Secretary of the Interior out of funds appropriated to his Department.

TEXT OF EXECUTIVE ORDER NO. 10584 OF
DECEMBER 18, 1954, PRESCRIBING RULES AND
REGULATIONS RELATING TO THE ADMINISTRATION OF
THE WATERSHED PROTECTION AND FLOOD PREVENTION
ACT AS AMENDED AND SUPPLEMENTED BY EXECUTIVE
ORDER NO. 10913 OF JANUARY 18, 1961

By virtue of the authority vested in me by the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001 et seq.), and as President of the United States, it is ordered that Executive Order No. 10584 of December 18, 1954, be, and it is hereby, amended by deleting sections 1, 2, 3, and 4 thereof, by renumbering sections 5 and 6 thereof as sections 6 and 7, respectively, and by substituting the following new sections:

"Section 1. Scope of order. This order shall apply (a) to the planning, construction, operation, and maintenance of all works of improvement under the authority of the Watershed Protection and Flood Prevention Act (Public Law 566, approved August 4, 1954, as amended; 16 U.S.C. 1001 et seq.), hereinafter referred to as the Act, and (b) to other programs and projects of the Department of Agriculture, and to programs and projects of the Department of the Interior, the Department of the Army, and other Federal agencies to the extent that such programs or projects affect, or are affected significantly by, works of improvement provided for in the Act.

"Sec. 2. General administration. The Secretary of Agriculture shall have the following-described responsibilities under the Act:

"(a) Approval or disapproval of applications for Federal assistance in preparing plans for works of improvement, and the assignment of priorities for the provision of such assistance.

"(b) Establishing criteria for the formulation and justification of plans for works of improvement and criteria for the sharing of the cost of both structural and land-treatment measures which conform with the provisions of the Act and with policies established by or at the direction of the President for watershed protection, flood prevention, irrigation, drainage, water supply, and related water-resources development purposes.

"(c) Establishing engineering and economic standards and objectives, including standards as to degrees of flood protection, for works of improvement planned and carried out under the authority of the Act.

"(d) Determination and definition of (1) those land-treatment measures and structural improvements for flood prevention and measures for the

agricultural phases of conservation, development, use and disposal of water or for fish and wildlife development which are eligible for assistance under the Act, and (2) the nature and extent of such assistance and the conditions under which such assistance shall be rendered.

"(e) Planning and installing works of improvement on lands under his jurisdiction, and arranging for the participation of other Federal agencies in the planning and installation of works of improvement on lands under their jurisdiction. Recommendations of the heads of other Federal agencies for necessary works of improvement on lands under their jurisdiction shall be submitted as an integral part of the plans of the Department of Agriculture for works of improvement. Arrangements for construction, operation, and maintenance of works of improvement on such lands shall be mutually satisfactory to the Secretary of Agriculture and the head of the Federal agency concerned.

"(f) Submitting plans for works of improvement to the State Governor or Governors concerned and to the Federal agencies concerned for review and comment when the Secretary and the interested local organization have agreed on such plans; and, when and as required by the Act, submitting such plans to the Secretary of the Interior and the Secretary of the Army for their review and comment prior to transmission of the plans to the Congress through the President.

"(g) Giving full consideration to the recommendations concerning the conservation and development of fish and wildlife resources contained in any report of the Secretary of the Interior which is submitted to him, in accordance with section 12 of the Act and section 5 of this order, prior to the time he and the local organization have agreed on a plan for works of improvement, and including in the plan such works of improvement for fish and wildlife purposes recommended in the report as are acceptable to him and the local organization.

"(h) Holding public hearings at suitable times and places when he determines that such action will further the purposes of the Act.

"Sec. 3. Notification. (a) The Secretary of Agriculture shall:

"(1) Notify in writing the State Governor or Governors concerned, the Secretary of the Interior, the Secretary of the Army, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.

"(2) Notify the following, severally, in writing of all approvals or disapprovals of applications for planning assistance: the sponsoring organization, the State Governor or Governors concerned, the Secretary of the Interior, the Secretary of the Army, and other Federal agencies concerned.

"(b) The Secretary of the Interior shall notify in writing the State Governor or Governors concerned, the Secretary of Agriculture, The Secretary of the Army, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.

"(c) The Secretary of the Army shall notify in writing the State Governor or Governors concerned, the Secretary of Agriculture, the Secretary of the Interior, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.

"Sec. 4. Coordination. In order to assure the coordination of work authorized under the Act and the related work of other agencies, so that the proper use, conservation, and development of water and related land resources through Federal programs and financial assistance may be achieved in the most orderly, economical, and effective manner.

"(a) The Secretary of Agriculture, before authorizing planning assistance in response to an application from a local organization for assistance under the Act, shall:

"(1) When an application applies to a watershed located in one of the seventeen western reclamation States or Hawaii and it appears that a major objective is the agricultural phases of the conservation, development, utilization, and disposal of water for irrigation purposes, request the views of the Secretary of the Interior concerning the feasibility of achieving equivalent irrigation benefits by means of works of improvement constructed pursuant to the Reclamation Act of June 17, 1902 (43 U.S.C. 391), and acts amendatory or supplementary thereto, or by means of assistance furnished pursuant to the Small Reclamation Projects Act of 1956, as amended (43 U.S.C. 422a-422k), and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving that objective.

"(2) When it appears that a major objective of an application is the reduction of flood damages in urban areas (as defined in the most recent census), request the views of the Secretary of the Army concerning the feasibility of achieving equivalent urban flood protection benefits by means of works of improvement constructed pursuant to the Flood Control Act of March 1, 1917 (39 Stat. 948), the Flood Control Act of May 15, 1928 (45 Stat. 534), the Flood Control Act of June 22, 1936 (49 Stat. 1570), or acts amendatory or supplementary thereto, and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving that objective.

"(3) When an application applies to a watershed located in the Tennessee River drainage basin, request the views of the Board of Directors of the Tennessee Valley Authority concerning the feasibility of achieving the objectives of the application by means of works of improvement for flood control or watershed protection constructed under the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831 et seq.), and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving such objectives; and when such planning assistance is authorized, consult with the Tennessee Valley Authority throughout all phases of project development concerning the relationship of works of improvement under the Act to the unified development and regulation of the Tennessee River system.

"(b) The Secretary of the Interior shall, prior to undertaking any survey or field investigation under the Reclamation Act of June 17, 1902 (43 U.S.C. 391), and acts amendatory or supplementary thereto, or prior to initiating investigations after receipt of a Notice of Intent to apply for a loan under the Small Reclamation Projects Act of 1956, as amended (43 U.S.C. 422a-422k), relating to works of improvement wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibility of achieving the major objectives of the project proposal by means of Federal assistance furnished pursuant to the Act, and submit a report on such a survey or field investigation or approve such application for assistance only after carefully considering whether works of improvement under his authorities would be a more appropriate method of achieving such objectives.

"(c) The Secretary of the Army shall, prior to undertaking any survey or field investigation pursuant to the Flood Control Act of March 1, 1917 (39 Stat. 948), the Flood Control Act of May 15, 1928 (45 Stat. 534), the Flood Control Act of June 22, 1936 (49 Stat. 1570), and acts amendatory or supplementary thereto, relating to works of improvement wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibility of achieving the major objectives of the project proposal by means of Federal assistance furnished pursuant to the Act, and submit a report on such survey or field investigation only after carefully considering whether works of improvement under his authorities would be a more appropriate method of achieving such objectives.

"(d) The Board of Directors of the Tennessee Valley Authority shall, prior to undertaking any survey or field investigation under the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831 et seq.), relating to works of improvement for flood control or watershed protection to be installed wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibility of achieving the major objectives of the works of improvement for flood control or watershed

protection by means of works of improvement constructed under the Act, and proceed with such survey or investigation only after carefully considering whether works of improvement under the Tennessee Valley Authority Act would be a more appropriate method of achieving such objectives.

"(e) Whenever the foregoing provisions of this section require an agency head to request the views of another agency head, such request shall be effected prior to the making of any commitment to local interests, and local interests shall be informed at the outset of negotiations that any plan resulting therefrom is subject to coordination as required by this section.

"(f) When any agency having responsibilities for water resources development is considering the initiation of surveys or field investigations in a watershed or subwatershed area of not more than 250,000 acres and it appears that the purposes to be served by the project under investigation could more advantageously be met by means of a combination of works of improvement under the statutory authority available to that and other agencies, the appropriate agency head shall consider with the other agency heads concerned and the cooperating local interests the feasibility of preparing a jointly developed plan for coordinated action under available statutory authority.

"Sec. 5. Fish and wildlife development. Upon receipt of the notice required by section 12 of the Act and section 3(a)(1) of this order, the Secretary of the Interior, as he desires, may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of fish and wildlife resources and participate, under arrangements satisfactory to the Secretary of Agriculture, in the preparation of a plan for works of improvement which will be acceptable to the local organization and the Secretary of Agriculture."

Section 6. Relationship to comprehensive development. (a) The Secretary of Agriculture shall submit plans for installation of works of improvement under the Act to the Congress through the President only if the Secretary is satisfied that such works constitute needed and harmonious elements in the comprehensive development of the river sub-basin or river basin involved.

(b) Federal agencies having responsibilities for water resource developments shall, in the design and justification of works of improvement, take cognizance of all upstream and downstream works in place and in operation, or soon to be brought into operation. The guiding principle shall be to adjust the nature, capacity, and operating characteristics of works of improvement in a manner that (1) reflects the respective contributions of upstream and downstream works to flood protection and to the conservation, development, use, and disposal of water, and (2) provides the best use and control of water resources at minimum cost. Whenever approximately equivalent benefits can be obtained from alternative works of improvement or combinations of improvements, with approximately the same cost, the alternative or combination least costly to the Federal Government shall be given preferential consideration. In case benefits are produced jointly by more than one work of improvement, or in case complementary relationships exist between the projects and plans of the several agencies, the benefits claimed in justification of a system of improvements shall not include any duplication or compounding of benefits.

Section 7. Basic data. In the utilization of existing basic physical and economic data, and in the acquisition of additional basic data required for planning, design, construction, operation and evaluation of works of improvement authorized under the Act, the Department of Agriculture shall be assisted by the principal basic-data collection agencies, including the Geological Survey in the Department of the Interior and the Weather Bureau in the Department of Commerce. The basic-data collection agencies shall assist and cooperate with the Department of Agriculture with respect to the following:

(a) Provision of pertinent information in the preliminary planning of works of improvement.

(b) Collaboration in planning programs of hydrologic-data collection in project areas, in the selection of station sites and installation of equipment for collecting hydrologic data, and in the collection of such data.

(c) Collaboration in the analysis and interpretation of hydrologic data collected specifically for projects initiated under the Act, and of relevant data which may contribute to an analysis of the effects of such projects.

POLICY OF THE SECRETARY OF AGRICULTURE FOR THE ADMINISTRATION
OF THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT
(P.L. 566, 83d Cong., 68 Stat. 666, as amended)

Delegations of Authority

The Administrator of the Soil Conservation Service hereby is assigned responsibility for the administration of the Watershed Protection and Flood Prevention Act, P.L. 566, 83d Cong., 68 Stat. 666, as amended, hereinafter referred to as the Act, except that administration of Section 8 and obligations for repayments made under the provisions of Section 4 shall be a responsibility of the Administrator of the Farmers Home Administration.

The Administrator of the Soil Conservation Service shall discharge his responsibility:

- (1) subject to the general direction and supervision of the Assistant Secretary of Agriculture for Rural Development and Conservation;
- (2) with careful regard for the language of the Act and provisions of the regulations of the President as contained in applicable Executive Orders;
- (3) in accordance with the statement of policies, standards, and procedures in the formulation, evaluation, and review of plans for the use and development of water and related land resources approved by the President on May 15, 1962;
- (4) in accordance with the provisions of Title 9 of the Administrative Regulations of the Department of Agriculture; and
- (5) in harmony with the policies set forth herein.

In accordance with the stipulations and policies herein set forth, the Administrator of the Soil Conservation Service will (1) receive and approve applications for assistance, (2) determine and define measures eligible for assistance under the Act, (3) establish standards for work plan development, and, after consultation with Economic Research Service, for program justification, cost allocation and cost sharing, (4) subject to prior specific review of Assistant Secretary of Agriculture for Rural Development and Conservation, assign planning priorities on a national basis, (5) inform and cooperate with other Federal agencies in rendering authorized Federal assistance as provided in applicable Executive Orders and otherwise, (6) cooperate with designated State agencies or Governors in carrying out their responsibilities, (7) assist local organizations in planning and carrying out works of improvement, (8) prescribe such regulations as may be required for operation and maintenance by local organizations, (9) approve or disapprove those plans for works of improvement which are not required to be transmitted to the Congress,

(10) recommend approval or disapproval of those plans which are required to be transmitted to the Congress, and (11) take such other action as is necessary to carry out the provisions of the Act except with respect to the loan or advancement provisions of Sections 4 and 8 of the Act.

The Administrator of the Farmers Home Administration shall be responsible for carrying out the authority to make loans or advancements as contained in Section 8, and shall be responsible for obligations for repayments made under the provisions of Section 4. However, no loans or advancements shall be made under the provisions of the Act until the Administrator of the Soil Conservation Service and the local organization have agreed on a plan for works of improvement and, if required, the plan has been approved by the appropriate committees of the Congress.

The Administrator of the Farmers Home Administration shall discharge his responsibilities with respect to the provisions of Sections 4 and 8 of the Act:

1. Subject to the approval of the general credit policies for loans or advancements under the Act by the Assistant Secretary for Rural Development and Conservation.

2. In harmony with the policies contained in this statement.

3. Subject to working agreements entered into with the Administrator of the Soil Conservation Service covering the methods to be employed in coordinating the assigned responsibilities of the Soil Conservation Service and the Farmers Home Administration.

General Policies

The initiative for all projects under the Act must come through applications for assistance from local organizations that have the requisite legal authority to carry out, maintain and operate the proposed works of improvement in the proposed project area.

No application for assistance will be accepted by the Department of Agriculture until it has been approved by the State agency having supervisory responsibility provided for in the Act or by the Governor if there is no such State agency.

The State agency or the Governor shall be requested to recommend the order in which watershed applications in the State are provided planning assistance. State governments will be encouraged to develop sound criteria on which to base their priority recommendations. Assistance in developing such criteria will be provided to the State government by the Soil Conservation Service upon request. Emphasis will be given to establishing high priority for multiple-purpose projects which incorporate all needed features for sound land and water management that are required for community and rural areas development.

All appropriate agencies of the Department of Agriculture, and it is expected all State agencies, will make available to local organizations to the fullest extent practicable and commensurate with their regular responsibilities such technical assistance and information as may be necessary to development of work plans, installation of works of improvement, and application of land-treatment measures.

The evaluation of watershed projects shall be based on sound economic analysis. Benefits are to be assessed with care and are to be clearly creditable to the works of improvement. The period used in economic evaluation shall be the expected useful economic life of the project or separable parts thereof, or 100 years, whichever is less. Among the benefits that may be evaluated in monetary terms and used in determining economic feasibility are the following:

1. Recreational benefits from the use of project facilities by organized groups or the general public.
2. Redevelopment benefits where projects are located in areas of chronic and persistent unemployment or underemployment designated under the Public Works and Economic Development Act of 1965 (P.L. 89-136) or other authorized procedures.
3. Secondary benefits attributable to a watershed project.

Fish and wildlife benefits usually will be evaluated in terms of fishing, hunting, or other recreational use. However, where this is not feasible such benefits shall be considered to equal or exceed the costs thereof when States or local organizations contribute at least 50 percent of the construction costs allocated to this purpose.

Flood prevention is defined as works of improvement installed for the purpose of reducing damage from floodwater, sediment, and erosion thus reducing losses of life, property, services, and other private and public values and which may also result in increased land productivity or enhancement from reduction of those flood hazards. To differentiate flood prevention from drainage on flat lands, flood prevention is defined as the conveyance, control, and disposal of surface water caused by abnormally high direct precipitation, stream overflow, or floods aggravated by or due to wind or tidal effects.

Drainage is defined as works of improvement installed for the purpose of lowering the water level in areas that under natural conditions are, or would be, swamps, marshes, or lakes, or in areas where normal precipitation or normal tidal action, seepage, or excess irrigation water keeps soil too wet for sustained agricultural use.

Recreation is defined as the enjoyment of all forms of outdoor recreation based on the use of, or resulting from the proximity of, bodies of water developed or improved as a part of the watershed project. Such recreation includes fishing and hunting.

Recreational or fish and wildlife developments include the creation or improvement of reservoirs, lakes, natural streams, or shorelines for habitat improvement or recreational use including the minimum basic facilities needed for public health and safety, access and use.

Works of improvement, including both land-treatment measures and structural measures, which are needed for flood prevention or the conservation, development, utilization, and disposal of water, including fish and wildlife or recreational purposes, will be planned for all lands within a watershed, regardless of their ownership, to provide maximum benefits to groups of landowners, communities, or the general public.

Water laws of the various States and all of the rights of any landowner, appropriator or other person to the use of water from any source shall be fully honored.

Recreational developments eligible for Federal financial assistance under the Act must be available to the public generally and not limited to certain classes or organized groups. Before Federal financial assistance will be made available for recreational and fish and wildlife development measures, sponsoring local organizations or State agencies will be required to obtain full title to or perpetual easements on affected non-Federal land providing for public access and use for public purposes in accordance with the provisions of Section 4 of the Act and applicable State laws and regulations.

Federal assistance for land-treatment measures on non-Federal lands generally shall be limited to technical assistance required in addition to that provided under other program activities to complete the planning and application of such measures during the scheduled period for completion of the project. When, however, the Administrator of the Soil Conservation Service determines that specific land-treatment measures cannot be installed in amounts adequate to meet project objectives during the period scheduled for project completion within the amount of cost-sharing funds provided under other going programs, the Federal financial assistance for applying such measures may be provided in accordance with Section 3 of the Act. Such assistance shall not be provided for any specific land-treatment measure installed by a landowner with cost-sharing assistance under any other Federal program.

Operation and maintenance of all works of improvement installed on non-Federal land will be the responsibility of the local organization.

Land-treatment measures will be installed, operated and maintained on Federal lands by the agency administering such land. Funds needed to complete the installation of land treatment measures on Federal land during the scheduled period for completion of the project will be provided from sources other than the Act.

The cost of installing, operating and maintaining structural works of improvement on Federal land solely for the benefit of non-Federal land will be borne in the same manner as if the works of improvement were installed on non-Federal land in accordance with the criteria hereinafter stated. Appropriate adjustments in cost-sharing will be made when benefits from works of improvement accrue jointly to Federal and non-Federal land.

The operation and maintenance of works of improvement on Federal land shall be the responsibility of the Federal agency responsible for the management of such land.

The cost of operation and maintenance of any measures shall not be paid from funds appropriated under the authority of the Act.

Local organizations will be required to assume the following costs of installing structural works of improvement for which Federal financial assistance is provided from funds made available under authority of the Act:

1. the cost of acquiring land, easements, or rights-of-way for all works of improvement for purposes other than public fish and wildlife or recreational developments;
2. at least fifty percent of the cost of the land, easements, or rights-of-way to be acquired for works of improvement for public fish and wildlife or recreational developments;
3. the cost of acquiring water rights;
4. their own project administration costs;
5. the construction cost allocated to purposes other than (1) flood prevention, (2) the agricultural phases of the conservation, development, utilization, and disposal of water, and (3) public fish and wildlife or recreational measures;
6. at least fifty percent of the construction cost allocated to (1) the agricultural phases of the conservation, development, utilization, and disposal of water, and (2) public fish and wildlife or recreational measures;
7. the cost of engineering services allocated to purposes other than (1) flood prevention, (2) the agricultural phases of the conservation, development, utilization, and disposal of water, and (3) public fish and wildlife or recreational measures;
8. at least fifty percent of the engineering services required in connection with minimum basic facilities for public fish and wildlife or recreational developments;

9. the cost of operating and maintaining works of improvement on non-Federal land;

10. an equitable part of the cost of operating and maintaining structural works of improvement on Federal land in consideration of the benefits that accrue to non-Federal land.

The Secretary of Agriculture will assume the following costs of structural works of improvement from funds made available under authority of the Act:

1. Not more than 50 percent of the cost of the land, easements, or rights-of-way acquired for works of improvement for public fish and wildlife or recreational development purposes;

2. the costs incurred by the Soil Conservation Service for project administration;

3. the construction cost allocated to flood prevention;

4. not more than fifty percent of the construction cost allocated to (1) the agricultural phases of the conservation, development, utilization, and disposal of water, and (2) public fish and wildlife or recreational measures;

5. the cost of engineering services allocated to (1) flood prevention, (2) agricultural phases of the conservation, development, utilization, and disposal of water, and (3) the development or improvement of water areas for public fish and wildlife or recreational measures;

6. not more than fifty percent of the engineering services required in connection with minimum basic facilities for public fish and wildlife or recreational developments.

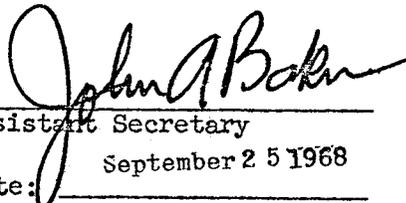
An exception to the above stated requirements of Federal and local participation may be involved in projects in the seventeen Western States and Hawaii in which the Reclamation Acts are applicable. When such projects include separate works of improvement or classes of improvements which (1) have a major part of the installation cost allocated to irrigation and (2) are of a size and cost greater than that which would be eligible for cost-sharing under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the current USDA National Bulletin for the Agricultural Conservation Program, the Federal contribution to the installation cost (the cost of installation services, construction, land, easements, and rights-of-way, and local contract administration) of such separate works of improvement or classes of improvements will be an amount equivalent to the present worth of the interest foregone on an interest-free loan for the total amount of such installation cost during a 50-year amortization period at the current rate established under Section 8 of the Act.

The cost of multiple-purpose structures which provide storage or detention capacity for two or more purposes will normally be allocated by the use of facilities method. The cost assigned to capacity which serves more than one purpose shall be allocated equally among the purposes served. The cost assigned to sediment storage capacity shall be allocated to flood prevention to the extent justified by the accrual of sediment damage reduction benefits. Any cost in excess of these benefits shall be allocated to the purposes served by the structure in proportion to the capacity provided for each purpose. The separable costs-remaining benefits method or the alternative justifiable expenditure method will be acceptable if it appears that they will provide a more equitable allocation to the several purposes.

Prior to receiving Federal assistance in the installation of works of improvement on non-Federal land, the local organization will:

1. provide assurance that it can meet the financial obligations involved in the installation of works of improvement as shown in the work plan;
2. furnish satisfactory evidence that arrangements have been made to assure the adequate operation and maintenance of such works;
3. acquire or provide evidence that landowners or water users have acquired in accordance with any applicable State laws such water rights as are needed in the installation and operation of works of improvement;
4. provide assurance that structural works of improvement will be installed, operated and maintained in accordance with applicable State laws;
5. provide for informing landowners and others participating in carrying out the plan of their responsibilities for compliance with applicable State and Federal laws;
6. provide documentary evidence of acquisition of land, easements, and rights-of-way necessary to the installation of proposed works of improvement; and
7. submit a satisfactory plan of repayment for any loan or advancement made under the provisions of Sections 4 or 8 of the Act.

Approved:


Assistant Secretary
Date: September 25 1968

WATERSHED PROTECTION HANDBOOK

APPENDIX 4

INDEX OF REFERENCE MATERIAL

This appendix provides the Handbook user with a list of reference material. The material itself is not reproduced here but can be referred to at the source cited. Copies of the reference material may be obtained through normal channels.

I. ENVIRONMENTAL REFERENCE MATERIAL

ENVIRONMENT MEMORANDUM - 1

- Part A - 7 CFR 650 - Compliance with NEPA -
Subpart A - Preparation of Environmental Impact Statements -
Guidelines
- Part B - 7 CFR 650 - Compliance with NEPA -
Subpart B - Related Environmental Concerns
- Part C - Reference 1 - PL 91-190, National Environmental Policy
Act of 1969 (NEPA)
 - Reference 2 - EO 11507, Control of Air and Water Pollution
at Federal Facilities
 - Reference 3 - EO 11514, Protection and Enhancement of
Environmental Quality
 - Reference 4 - 40 CFR 1500, CEQ, Preparation of Environmental
Impact Statements - Guidelines
 - Reference 5 - Environmental Protection Agency Manual, Policy
and Responsibilities
 - Reference 6 - PL 89-487 - Public Information Availability
 - Reference 7 - National Register of Historic Places
 - Reference 8 - PL 89-665 - Preservation of Historic Properties
 - Reference 9 - EO 11593 - Protection and Enhancement of the
Cultural Environment

Reference 10 - 36 CFR 800 - Procedures for the Protection of
Historic and Cultural Properties

Reference 11 - PL 93-291 - Preservation of Historical and
Archeological Data

Reference 12 - USDA Secretary's Memorandum 1695 and Supplements

II. REFERENCE MATERIAL FOR COORDINATION AND REVIEW

ADMINISTRATOR'S GENERAL MEMORANDUM - 5

Attachment - Office of Management and Budget Circular A-95

III. RELOCATION AND ACQUISITION REFERENCE MATERIAL

ADMINISTRATIVE SERVICES HANDBOOK

EXHIBIT 2300 - PL 91-646 - Uniform Relocation Assistance and Real
Property Acquisition Policies Act of 1970

EXHIBIT 2300.01 - 7 CFR 21 - USDA Rules and Regulations

AGREEMENT

Between The
Soil Conservation Service, Department of Agriculture
And The
Corps of Engineers, Department of the Army

WITH RESPECT TO FLOOD PROTECTION BY ENGINEERING WORKS

Objectives

The Corps of Engineers of the Department of the Army, and the Soil Conservation Service of the Department of Agriculture, enter into this agreement in order to:

- a. Provide a basis for deciding which agency will assume primary responsibility for providing flood protection by means of engineering works in those instances in which either agency could assume such responsibility under available legislative authorities;
- b. insure that both agencies follow the same policy in dealing with local interests; and,
- c. foster coordination in the preparation of flood protection plans for areas in which there is a mutual interest.

Agreement

The Corps of Engineers and the Soil Conservation Service agree:

1. That they will endeavor to plan any engineering works which they may propose for flood protection, as harmonious components of plans for the optimum development of the river basin or region in which they are located.

2. That in the preparation of plans under the authorities of Public Law 566 the primary flood protection objective of the Soil Conservation Service will be to provide protection for upstream agricultural flood plains and for those upstream urbanized areas where flood problems of minor magnitude exist; but that this will not preclude the

inclusion in Public Law 566 plans of upstream engineering works for, (a) the protection of downstream agricultural flood plain lands pursuant to section 4 hereof, or (b) the protection of upstream urbanized areas, pursuant to section 8 hereof, where flood problems of intermediate magnitude exist.

3. That in the preparation of plans under the authorities of the Flood Control Acts the primary flood protection objective of the Corps of Engineers will be to provide protection for downstream agricultural flood plains and for urbanized areas where flood problems of major magnitude exist; but this will not preclude the inclusion in plans prepared under the Flood Control Acts of upstream engineering works for, (a) the protection of upstream agricultural flood plain lands pursuant to section 5 of this agreement, or (b) the protection of upstream urbanized areas, pursuant to section 8 hereof, where flood problems of intermediate magnitude exist.

4. That within the limitations of Public Law 566 the Soil Conservation Service may provide, in addition to land treatment and minor engineering works, reservoir capacity the primary purpose of which is to protect downstream flood plains if the following conditions are met:

- a. That such capacity is provided by ungated storage of not more than 12,500 acre-feet for flood protection in any single reservoir.
- b. That protection by this means would be more economic than protection by reservoirs providing more than 12,500 acre-feet of capacity for flood protection in any single reservoir.
- c. That the proposal is consistent with any existing or contemplated comprehensive river basin or regional plan.
- d. That the Corps of Engineers has been given an opportunity to review the proposal and its views have been considered.

5. That the Corps of Engineers may provide reservoir capacity the primary purpose of which is to protect upstream agricultural flood plains if the following conditions are met:

- a. That protection by this means would be more economic than protection by a combination of land treatment and structural works that could be provided under the authorities of Public Law 566.

- b. That the proposal is consistent with any existing or contemplated comprehensive river basin or regional plan.
- c. That the Soil Conservation Service has been given an opportunity to review the proposal and its views have been considered.

6. That the Soil Conservation Service will generally provide protection for upstream urbanized areas at which the flood problem is of "minor magnitude."

7. That the Corps of Engineers will generally provide protection for upstream urbanized areas at which the flood problem is of "major magnitude."

8. That when either the Soil Conservation Service or the Corps of Engineers contemplates the provision of flood protection for any upstream urbanized area at which the flood problem is of "intermediate magnitude" it will inform the other party to this agreement, and that the two parties will consult with a view to reaching agreement as to which of them should provide such protection. Such consultations shall be guided by the following:

- a. In general, the Corps of Engineers will assume responsibility where, (1) a very high degree of protection is needed (i.e., where a great flood would result in such catastrophic damages and possible loss of life that protection against a flood larger than a 100 year flood appears to be justified), or (2) where protection (regardless of the degree of protection contemplated) can most economically be provided by local protection works.
- b. In general, the Soil Conservation Service will assume responsibility where, (1) protection against a flood of 100 year magnitude or less is found to be adequate, or (2) protection may most economically be provided principally by upstream reservoirs none of which provide more than 12,500 acre-feet of flood protection capacity, or (3) protection of upstream agricultural lands may be advantageously combined with protection of the urban area.

- c. Consideration shall also be given to the readiness of the two agencies to proceed promptly and to the desires of the interests to be benefited.

Agreements resulting from such consultations shall be confirmed in writing.

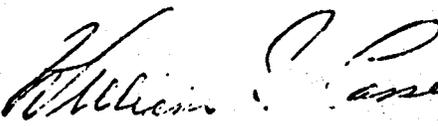
9. That when either the Soil Conservation Service or the Corps of Engineers concludes that for a particular situation special conditions would justify an assignment of responsibility not in conformance with section 6 or section 7 hereof, it may propose a consultation similar to that provided for by section 8 hereof and propose a departure from the provisions of sections 6 and 7.

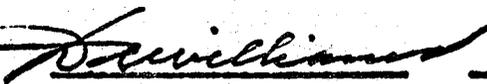
10. That in the event consultations at field level under sections 8 or 9 hereof fail to result in agreement as to the proper assignment of responsibility for protecting a specific urbanized area, the issue shall be referred to the Washington Offices of the Soil Conservation Service and the Corps of Engineers for further consideration.

11. That the definitions of Supplement A shall govern the interpretation of this agreement.

12. That the agreement of 19 January 1959 between the parties hereto shall remain in effect.

13. That this agreement shall become effective upon the date of approval of legislation raising to 12,500 acre-feet the limit on the floodwater detention capacity which may be provided in any reservoir proposed under the authorities of Public Law 566, and that the provisions hereof shall govern all planning initiated after that date by either of the parties hereto.

 23/1/65
WILLIAM F. CASSIDY
Lieutenant General, USA
Chief of Engineers (Date)

 9/23/65
D. A. WILLIAMS
Administrator, Soil
Conservation Service (Date)

SUPPLEMENT A

DEFINITIONS OF TERMS

"Upstream": Above the point at which the drainage area equals 250,000 acres.

"Downstream": Below the point at which the drainage area equals 250,000 acres.

"Urbanized area": A city, town or other area occupied by residences, public or commercial buildings and industrial structures, or expected to be so occupied within a period of 10 years; the area so occupied being essentially continuous.

"Urban flood problem of major magnitude": The flood problem at an urban area where a flood large enough to inundate substantially the entire flood plain would, should it occur ten years in the future, probably result in flood damages exceeding \$2,000,000.

"Urban flood problem of minor magnitude": The flood problem at an urban area where a flood large enough to inundate substantially the entire flood plain would, should it occur ten years in the future, probably result in flood damages of less than \$750,000.

"Urban flood problem of intermediate magnitude": The flood problem at an urban area where a flood large enough to inundate substantially the entire flood plain would, should it occur ten years in the future, probably result in flood damages exceeding \$750,000, but less than \$2,000,000.

19 January 1959

AGREEMENT BETWEEN THE
CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY
AND
SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE
ON PARTICIPATION IN URBAN FLOOD PROTECTION

1. The Corps of Engineers of the Department of the Army and the Soil Conservation Service of the Department of Agriculture, in addition to other normal coordination and cooperation, agree to the following basic position on participation in providing flood protection for urban areas:

Under the flood control laws and the watershed protection and flood prevention acts which govern the activities of the two agencies in this field, both agencies have authority to plan, recommend and carry out, or to provide assistance to local organizations in carrying out, projects for the reduction of flood damages in urban areas.

2. In order to carry out their responsibilities in this area of overlapping authorization, the District Engineers of the Corps of Engineers, the State Conservationists of the Soil Conservation Service, and the local organizations concerned with the development of proposed projects will consult in the following cases with a view to reaching a mutually satisfactory decision as to whether the Corps of Engineers or the Soil Conservation Service should provide the Federal assistance desired by local organizations:

a. When the Soil Conservation Service receives an application for assistance in developing a watershed work plan where the problem appears to require for its solution the installation of local protection within an urban area or the benefits accrue primarily to an urban area.

b. When the Corps of Engineers is confronted with an urban flood problem where it appears that an optimum solution could be obtained as a part of a watershed work plan normally provided under P. L. 566.

3. In such consultations District Engineers and State Conservationists shall be guided by the following:

a. Local protection works such as channel, levee or similar improvements for urban flood protection shall normally be provided by the Corps of Engineers.

b. Reservoirs for urban flood protection may be provided by the Corps of Engineers, or by the Soil Conservation Service under authority of P. L. 566.

c. In the event it is concluded that an urban area can be protected most advantageously by a combination of works some of which could best be provided by the Corps of Engineers and some of which could best be provided by the Soil Conservation Service, the District Engineer and the State Conservationist will consider the desirability of jointly developing a unified plan to be carried out by coordinated action of the concerned agencies.

d. Regardless of the types of improvement used in providing protection to urban areas, or of the agency involved in planning such protection, the standards of design, project evaluation, and cost sharing should be as uniform as practicable within the legislation under which the two agencies function.

/s/ Dewey Short
Dewey Short
Assistant Secretary of the Army
(Civil-Military Affairs)

/s/ E. L. Peterson
E. L. Peterson
Assistant Secretary of Agriculture

/s/ E. C. Itschner
E. C. Itschner, Major General
Chief of Engineers, U. S. Army

/s/ D. A. Williams
D. A. Williams
Administrator, Soil Conservation
Service

U. S. Department of Agriculture
Farmers Home Administration

WATERSHED LOANS

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Supplemented by AL-797(400) - PN 865 - 11-13-63
Supplemented by AL-837(400) - PN 927 - 1-20-65
Supplemented by AL-939(440) - PN 100 - 5-15-68
Supplemented by AL-940(440) - SPECIAL PN 5-21-68
Modified by FHA Instruction 440.2 - SPECIAL PN 11-18-65

WATERSHED LOANS

I **GENERAL:** This Instruction sets forth the general policies and authorizations for making Watershed (WS) loans and advances to sponsoring local organizations under the Watershed Protection and Flood Prevention Act (Public Law 566, 83rd Congress, as amended 16 U.S.C. 1001, et. seq.), hereafter referred to as the Act. Under that Act, the Secretary of Agriculture is authorized to give technical and financial assistance to sponsoring local organizations in planning and carrying out works of improvement for protecting and developing the land and water resources in small watershed or subwatershed project areas, including recreation, wildlife, and storage of water for future use. Local people acting through their sponsoring local organizations must take the initiative and full responsibility for starting small watershed projects.

A Definitions.

1 "Sponsoring local organization" means a State or a department, agency, or political subdivision thereof, soil or water conservation district, irrigation district, drainage district, flood prevention or control district, municipal corporation, or similar governmental unit having authority under State law to carry out, maintain, and operate works of improvement, and to borrow and repay loans for the installation thereof; or any irrigation or reservoir company, water users' association, or similar organization having such authority, whether organized and chartered under special law, general nonprofit corporation law, or general profit corporation law, if it is operated on a nonprofit basis under adequate charter, bylaw, mortgage or supplementary agreement provisions which will assure continued operation in that manner. Sponsorship is evidenced by execution of the watershed work plan agreement.

2 "Works of improvement" are defined as structural and land treatment measures needed in small watershed or subwatershed areas and included in a watershed work plan for (a) flood prevention to reduce floodwater, sediment, and erosion damage, and (b) the conservation, development, utilization, and disposal of water, including public recreation and fish and wildlife developments which must be an integral part of a watershed project.

3 A "watershed work plan" is a plan agreed upon by a sponsoring local organization and the Soil Conservation Service (SCS) for carrying out, operating, and

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(5-9-69) PN 153

Sheet 1

Program Operations
Loan and Grant Making
Watershed

maintaining works of improvement for protecting and developing land and water resources in a particular watershed or subwatershed area. It describes the watershed and its problems and needs. It contains estimates of costs, cost-sharing arrangements, responsibilities, and economic justification for specific works of improvement desired by local people for protection and improvement of that watershed. When approved, it is the basis for extending Federal technical and cost-sharing assistance. It will be used by the Farmers Home Administration (FHA) when considering an application for a WS loan or advance.

4 A "watershed project" under the Act is a system of works of improvement in a watershed or subwatershed area of not more than 250,000 acres for flood prevention, irrigation, drainage, municipal water supply, public recreation, public fish and wildlife, or other water management purposes.

5 The term "loan" means WS loans made by the FHA.

6 The term "advance" means advances made by the SCS from construction funds to sponsoring local organizations for future water supply or preservation of sites.

7 "Future water supply" means the capacity authorized in a watershed work plan to be installed in a reservoir with related facilities for the release or withdrawal of water therefrom to meet anticipated future demand for municipal or industrial use.

8 "Preservation of sites" means the immediate purchase of land, easements, or rights-of-way essential to preserve sites for works of improvements from encroachment by other developments that would interfere with the use of the sites for projects purposes.

9 "Local share of watershed project costs" means that part of the total project costs set out in the watershed work plan to be paid by sponsoring local organizations. The estimated amount of local share will be set out in Table I of the watershed work plan.

B Effects of State Law.

1 Sponsoring local organizations are organized and conduct their business affairs under the statutes of the State in which they are located. Consequently, they may be subject to restrictions of State law which will not permit them to take full advantage of the FHA authorizations. It is, therefore, incumbent upon FHA officials, in cooperation with the Office of the General Counsel (OGC), to become familiar with applicable statutory requirements for a particular applicant. This is essential for applying FHA policies, making administrative decisions, and preparing instructions for processing a WS loan. Also, applicants for loans or advances must comply with State and local laws pertaining to, among other things:

a Organization and authority to install, acquire, operate, and maintain the proposed facilities.

I B 1 (cont.)

- b The borrowing of money, giving security therefor, levying taxes, making assessments, or raising revenues for the repayment thereof.
- c Land use zoning.
- d Permission to construct facilities and the approval of construction plans and specifications by appropriate State officials.
- e Health and sanitation standards.
- f Public service commission or similar State public body rules and regulations, where applicable.

C Coordination of SCS and FHA Responsibilities and Activities. The Secretary of Agriculture assigned to the FHA responsibility for administering Section 8 of the Act relative to loans and for obligations for repayment of advances authorized under Section 4 of the Act. The SCS is responsible for administering the other provisions of the Act. The Memorandum of Understanding entered into by the SCS and the FHA covering policies and methods coordinating these assigned responsibilities is attached as Exhibit A.

D Cost Sharing. The Act provides for sharing certain costs of installing works of improvement by the Federal Government and by sponsoring local organizations. Under certain conditions, cost sharing and engineering services are available for the items listed under paragraphs V A 1, V A 3, and V A 4. No cost sharing is available to pay installation costs allocated to water storage for the purposes listed in paragraph V A 2. An estimate of the sponsoring local organization's share of the watershed project costs will be included in the watershed work plan. If the County Supervisor has need for information on cost sharing, he can obtain it from the Watershed Protection Handbook in the office of the SCS work unit conservationist. A copy of the handbook is also maintained in each FHA State Office.

II APPLICATIONS:

A Loans. Each sponsoring local organization requesting a WS loan will make preliminary application on Standard Form 101, "Application - Federal Assistance for Public Works and Facility-Type Projects." Applications should not be accepted before SCS has approved the watershed for planning.

1 Upon receipt of an application, the County Supervisor will send the application to the State Director. The State Director will consult with the State Conservationist of the SCS to ascertain the status of the watershed plan, the estimated cost of the proposed works to be installed with the loan, any cost sharing which may be available to the organization, and other available pertinent information.

2 If the State Director determines that favorable consideration should be given to the application, he will, with the advice of the OGC, provide further loan forms, instructions, and assistance for the development and submission of a loan docket. If it is determined that no further consideration should be given to the application, the State Director will advise the County Supervisor why favorable action cannot be taken. The County Supervisor should notify the applicant in writing and arrange to discuss the reasons for rejection with the applicant's representatives. A copy of the application and the State Director's memorandum to the County Supervisor will be forwarded to the National Office. In either event, the application will be returned to the County Office.

B Advances. If the applicant needs an advance as defined in paragraph I A 6 above, its request will be made to the State Conservationist of SCS.

1 The State Director should designate a member of his staff to maintain a close liaison with the appropriate members of the State staff of SCS to make sure that FHA is advised promptly when a local organization applies to SCS for an advance.

2 SCS will assemble information to justify the advance as a part of the watershed plan. The designated member of the FHA State staff should arrange to obtain a copy of this information as soon as it is assembled. At the same time the State staff should assist the County Supervisor in assembling all of the information possible concerning:

- a Economic feasibility of the proposed obligation for the advance.
- b Legal authority of the sponsoring local organization to incur the obligation and provide for its repayment in accordance with FHA Instructions.
- c Limitations on the issuance of additional bonds or notes which may be imposed by the provisions of bond ordinances or resolutions which authorized the issuance of any outstanding obligations of the sponsoring local organization.

3 As soon as all the information outlined in paragraph II B 2 above has been assembled, the State Director should forward his written recommendations concerning further consideration of the advance request to the State Conservationist. A copy of the State Director's recommendations and the supporting data outlined in paragraph II B 2 above should be sent at the same time to the National Office for information and review.

4 As soon as FHA concurs in the application to include the advance in the watershed work plan, instructions can be prepared for the development of the advance docket.

C Combination of Loans and Advances. If an applicant requests both an advance and a loan, the application for the loan will be made to the FHA County Supervisor. The application for the loan should indicate the amount of the advance needed and whether a request for it has been made to the SCS.

III ELIGIBILITY FOR LOANS OR ADVANCES: To be eligible for a WS loan or advance, the sponsoring local organization must:

A Be a sponsoring local organization as defined in paragraph I A above.

B Have the legal capacity and organizational arrangements necessary for obtaining, giving security for, and raising revenues for repaying the loan or advance, and for operating and maintaining planned facilities.

IV COUNTY COMMITTEE RECOMMENDATIONS AND COMMENTS: County Committee recommendations and comments will be obtained on each application for a WS loan or advance.

A Comments and recommendations will be obtained from the County Committee in the county in which the applicant's principal place of business is located. When the watershed covers more than one county, recommendations and comments may be obtained from such of the other County Committees as the State Director deems desirable to have on issues such as the local sentiment and the need for the project.

B The comments and recommendations will cover, but need not be limited to, the community need for and interest in the proposed works of improvement, local issues, and other items of a similar character which will be helpful to the approving official.

C When adequate information has been assembled about the application and the development of the watershed plan is well along, the application and pertinent information related to it will be presented to the County Committee. Following the discussions, the County Committee will make its recommendations in narrative form which will be signed by at least two members of the Committee. The recommendations will be included in the loan docket.

V LOAN PURPOSES AND LIMITATIONS:

A Purposes. WS loans may be made for the following purposes:

1 Installing, repairing, or improving works of improvement in the following categories:

a Facilities for the storage and conveyance of water to farms for irrigation.

b Drainage facilities in farm areas.

c Facilities for the storage or development, treatment, and distribution of water where the major portion of the water will be used on farms for farmstead, livestock, and orchard and crop spraying purposes.

d Other agricultural water management measures and practices for such purposes as the stabilization of annual streamflow, increasing the recharge of ground water reservoirs, and the conservation of existing water supplies by the control of undesirable vegetation such as salt cedars and willows.

e Special land treatment measures, structures, or equipment which are primarily, though not exclusively, for flood prevention but which produce community benefits sufficient to justify the use of taxes or other revenues available to the sponsoring local organization to install and maintain such measures, structures, or equipment, and to repay loans for that purpose. These include:

- (1) Observation towers, dwelling for fire guard personnel, tank trucks, and other equipment for fire prevention and control.
- (2) Tree plantings and the establishment of other vegetative cover needed for the stabilization of critical runoff and sediment producing areas.
- (3) Minor structural and vegetative measures to stabilize stream channels and gullies.
- (4) On-farm measures such as level water retention terraces used to control runoff and sediment in lieu of downstream flood prevention structures.

2 Installing, repairing, or improving water storage facilities, including outlet works for such purposes as immediate and future municipal and industrial water supply, and pollution abatement by streamflow regulation and saline water intrusion control. A WS loan for this purpose may include funds for pipelines and any necessary pumping facilities to convey the water from the reservoir to the existing or proposed municipal treatment facilities or the nearest practical point on a water distribution system.

3 Public recreational developments and facilities, but the use of loan funds will be limited to the recreational purposes and amount allocated to the sponsoring local organization in the watershed work plan. When a sponsoring local organization desires to install facilities greater in number or more elaborate than those included in the plan, it may do so but a WS loan will not be made for such purpose. Authorized recreational developments and facilities may include one or more of the following:

a Construction of water resource improvements such as a reservoir, a lake level control structure, stream or channel rectification, or a similar improvement which makes possible the creation of a recreational development.

b Acquiring fee simple title to land or perpetual easements for sites for (1) direct resource improvements; (2) removals, relocations, and modification of existing improvements; and (3) access roads, parking lots, sanitary facilities, picnicking, beach areas, and so forth.

V A 3 (cont.)

c Engineering, legal, and administrative costs for planning approved types of recreational developments and acquiring land, easements, and rights-of-way.

d Minimum basic facilities such as roads and trails providing access from public highways and between different parts of the recreational development; parking lots; water supply, sanitary facilities, and garbage disposal for public use area; power facilities; beach development; boat docks and ramps; plantings and other shoreline or area improvements; picnic shelters, tables, and fireplaces; and other similar or related facilities needed for public health and safety, and access to and use of, the recreational development.

4 Fish and wildlife development; however, the use of loan funds will be limited to the local share of the cost as set out in the watershed work plan of:

a Water resource improvements which include:

(1) Storage capacity in multiple-purpose reservoirs, construction of single-purpose reservoirs, modification of existing reservoirs, or modification of existing reservoirs solely for fish and wildlife development or for regulation of water levels or streamflow conducive to improved fish and wildlife development. Included are related facilities such as fish ladders, site clearing, and fish shelters.

(2) Stream channel improvements including practices for the improvement of fish and wildlife habitat and environment along streams.

(3) Marsh and pit development for breeding and nesting areas.

b Land, easements, and rights-of-way for the water resource improvements, and such additional land as is required to meet the planned need for fish and wildlife management.

c Minimum basic facilities which include:

(1) Roads and trails providing access from public highways which are needed for the management of the fish and wildlife development.

(2) Planting and other shoreline or area improvements.

(3) Fences, cattle guards, and other facilities for protecting the fish and wildlife development.

(4) Shelters, equipment sheds, and other similar facilities needed for proper management of the development.

5 Purchase of land or an interest therein for sites or rights-of-way upon which works of improvement will be located, and associated costs such as the removal, relocation, or replacement of bridges, roads, railroads, pipelines, utility lines, buildings, and fences.

a The use of loan funds and advances for land acquisition must be limited to costs that are reasonably necessary to carry out the works of improvement. When final construction plans for the works of improvement are completed, they will indicate the lands and rights-of-way which must be acquired for project needs. However, sponsoring local organizations may request authority to acquire lands in excess of actual project needs. Reasons for such requests might include, but not be limited to, cases in which (1) severance damages would be excessive if a part of an ownership tract were to be acquired by purchase or condemnation, (2) the local organization lacks legal condemnation authority and is unable to negotiate for a part of the tract, (3) the additional cost to purchase the remainder of a tract would be less than the probable cost in time and money if condemnation proceedings on that portion of the tract needed for construction were resorted to, and (4) other conditions exist which would justify the acquisition of excess land. Such requests should be considered by State Directors on an individual basis after thorough review of the facts in each case. If the State Director determines that a proposal for acquisition of excess land is necessary for the orderly development of the works of improvement, he may approve the proposal with the advice and assistance of the OGC. The approval will provide that the following conditions must be met:

(1) The sponsoring local organization agrees to sell the excess land as soon as practicable and apply the proceeds, together with any other income from the excess land, on its indebtedness to FHA.

(2) The sponsoring local organization will furnish a legal opinion supporting its authority to acquire the additional land and to dispose of it as agreed.

(3) Satisfactory evidence is submitted showing that the particular circumstances justify the acquisition of the additional land.

b Easements for watershed protection structures must be perpetual and cannot include clauses whereby the easement will terminate with the dissolution or abandonment of the sponsoring local organization. No easement on a form which deviates in any way from the standard SCS form will be paid for from loan funds unless the modifications thereto are approved by SCS and FHA.

6 Acquisition of a water supply or a water right. This may be acquired by purchase or by appropriation pursuant to local, State, and Federal laws. The loan may include funds for the purchase of land on which the water supply or water right is presently being used when the water supply or water right cannot be purchased without the land. Any excess land thus acquired should be sold as soon as possible and the proceeds applied on the loan.

V A (cont.)

7 Hiring of, or contracting for, personal services such as the services of engineers, attorneys, auditors, construction foremen, and clerks needed for organizing the group, making engineering surveys, developing construction plans, administering construction contracts, and supervising the construction of works of improvement. Funds to pay costs incidental to loan closing, such as those incurred to obtain title evidence, clear titles, obtain liens, and record such instruments may be included in a loan.

8 The purchase of equipment and machinery needed by the sponsoring local organization for construction or installation of planned works of improvement in the categories under paragraph V A 1, provided the equipment is not available at reasonable rental cost or the cost of works of improvement will be lower as the result of such purchase.

9 Refinancing debts incurred by or on behalf of a sponsoring local organization prior to an application for a WS loan when all of the following conditions exist:

a The indebtedness being refinanced was incurred in the installation or rehabilitation of works of improvement of the types for which loan funds could be advanced and is a valid obligation of the sponsoring local organization.

b The creditors are unwilling to extend, subordinate or modify the terms of the debts to provide a satisfactory basis for the loan.

c The prior approval of the National Office has been obtained when it is proposed that the amount to be advanced for refinancing will exceed 50 percent of the total loan.

d The refinancing will not be used to refund outstanding long-term indebtedness unless it is necessary to retire such indebtedness to provide a sound basis for making the WS loan or advance.

B Obligations Incurred Before Closing. When a sponsoring local organization files an application for assistance, the County Supervisor will advise its representatives that work to be financed with WS loan funds should not be started and obligations that will be paid from WS loan funds should not be incurred before the loan is closed. If the sponsoring local organization, nevertheless, wishes to proceed before closing because of unusual circumstances, it may request permission from the State Director to pay such obligations if a WS loan is made.

1 Upon receipt of such a request, the State Director will determine whether:

a A necessity exists for incurring obligations before loan closing.

b The obligations will be incurred for authorized loan purposes.

c The sponsoring local organization has the legal authority to incur the obligations at the time proposed.

d Payment of the debts will remove any basis for any mechanics, materialmen's or other liens that may be filed against the sponsoring local organization.

2 If the State Director finds that all the conditions under this Instruction are met, he may give the sponsoring local organization written permission for the payment of such obligations from loan funds if a loan is closed. His letter will specifically state that the permission granted is on the condition that the FHA is not committed to make a loan and assumes no responsibility for any obligation incurred by the sponsoring local organization because of the permission granted, and that the sponsoring local organization must subsequently meet all FHA requirements for a WS loan.

C Limitations. The proceeds of loans may not be used for:

1 Bringing new land into agricultural production. Any land which has not been used for agricultural production for at least two of the five years preceding the approval of the watershed for planning will be considered as new land. Agricultural production is defined as cultivated crops and tame hay. No Federal financial or technical assistance will be provided for projects in which the monetary benefits accrue primarily from bringing new land into agricultural production through drainage or irrigation measures. No Federal financial or technical assistance or loans will be provided within projects for separate or independent parts of drainage or irrigation systems the primary purpose of which is to bring new land into agricultural production.

2 Land treatment measures on individual farms except as provided in paragraph V A 1 e. Other FHA loans may be made to eligible individual applicants for these purposes.

3 Recreational facilities such as boat houses, lunch stands, cabins, motels, community buildings, dance pavilions, golf courses, and other facilities of a similar character as determined by the SCS.

4 Facilities for the artificial propagation, harvesting, and enjoyment of fish and wildlife resources such as hatcheries, rearing ponds, and related facilities.

5 Water treatment plants and pipelines or other facilities, for treating and distributing water for residential, municipal, industrial, commercial, and other nonagricultural uses. When such facilities will be needed to make use of the stored water, and loan repayments will depend upon income derived from such use, the applicant must present evidence, before loan closing, that these facilities can be financed and installed as needed.

V C (cont.)

6 Electric generating, transmission, and distribution facilities, except as provided as a part of the minimum basic facilities for recreational and fish and wild-life developments.

7 Paying costs allocated in a watershed work plan to structural measures for flood prevention.

8 Storm and sanitary sewers.

9 Drainage facilities primarily for nonrural areas.

10 Payment for any tract of land, easement, or rights-of-way on which the SCS will cost share if the amount proposed to be paid from loan proceeds exceeds the difference between the SCS share and the value on which the SCS share was based.

D Limitations on Amount of Loans. The total amount of principal outstanding for all WS loans for any one watershed project, whether made to one or more borrowers, will not exceed \$5,000,000. However, a sponsoring local organization sponsoring, co-sponsoring, or participating in more than one watershed project may receive a separate WS loan for each watershed project, provided the amount of each such separate WS loan to the sponsoring local organization together with the amount of WS loans to other borrowers does not exceed \$5,000,000 for any one watershed project.

VI ADVANCE PURPOSES AND LIMITATIONS:

A Purposes. Advances may be made from SCS construction funds for the following purposes included in a watershed work plan agreement:

1 The payment of the construction cost, including cost of engineering and related services, of reservoir capacity including intake and outlet structures for future water supply. If an advance for this purpose is not consistent with State law or is impractical for other reasons, funds for the future water supply may be provided instead through a loan.

2 The preservation of sites for authorized types of works of improvements by immediate purchase of land, easements, and rights-of-way to prevent encroachment by other developments which would interfere with the use of such sites for project purposes.

B Limitations.

1 The maximum amount that can be included in an advance for reservoir capacity for future water supply will be 30 percent of the estimated total installation

cost of each structure in which capacity for future water supply is to be provided. Costs for future water supply in excess of, or not included in, the advance may be paid with the proceeds of a WS loan.

2 The amount of an advance for preservation of sites may not exceed that determined by the SCS to be necessary. However, subject to the provisions of paragraph V A 5 a, an advance may include funds to purchase land in excess of the amount actually needed if necessary to acquire a particular site or right-of-way.

3 Advances for future water supply may not be used for acquisition of land, easements and rights-of-way, water rights, administration of contracts, storage capacity for immediate municipal use, pipelines from the reservoir to place of use, or for other uses such as for irrigation, fish and wildlife, and recreation. However, a WS loan may be made for such purposes.

VII SPECIAL REQUIREMENTS:

A Water Rights. Applicants under this program will be required to comply with applicable State and local laws and regulations governing appropriating, diverting, storing and using water, changing the place and manner of use of water, and in disposing of water. All of the rights of any landowner, appropriator, or user of water from any source will be fully honored in all respects as they may be affected by facilities installed with WS loans. If, under the provisions of State law, notice of the proposed diversion or storage of water by the applicant may be filed, the applicant will be required to file such a notice. Even though such filing may be optional under State law, the record might be of value at some future time to protect the borrower's rights or priority to the use of water. An applicant must furnish evidence to provide reasonable assurance that its water rights will be or have been properly established, will not interfere with prior vested rights, will likely not be contested or enjoined by other water users or riparian owners, and will be within the provisions of any applicable interstate compact.

B Water Pollution. When repayment of a WS loan or advance will be dependent upon income from the use or sale of water. FHA approval will be contingent upon a determination that the proposed utilization of water will not be impaired by pollution. For example, full utilization of stored water for recreation or municipal supply might not be permitted by a State health department because the water was receiving pollution from some upstream source.

C Title Requirements.

1 Except as provided in paragraph VII C 2, title evidence for lands, easements, and rights-of-way to be acquired with proceeds of loans or advances will be furnished by the sponsoring local organization in accordance with SCS policies and procedures.

VII C (cont.)

2 The FHA will specify and give approval to the form and content of instruments for conveying title to real estate and interests in real estate upon which a lien will be taken to secure a loan or an advance, or which will provide sites for facilities producing revenue for loan payments. The State Director will use FHA Instruction 442.1 as a guide and make his decision after consultation with the OGC and the State Conservationist. He will notify the SCS in writing of his decision and thereafter title clearance will be completed under SCS regulations except that a marketable title must be obtained on any tract of land, a part of which will be sold as excess land in compliance with paragraph V A 5 a. In addition to the title evidence required by the SCS, applicants will furnish an opinion of counsel on all land and interests in land acquired pursuant to this paragraph. (See paragraph XVII A 1 of FHA Instruction 442.1.)

D Insurance. The applicant will obtain insurance coverage in the amounts and types specified by the Administrator of the FHA in his letter of conditions.

E Bonding.

1 Prior to the execution of construction contracts by the sponsoring local organization, contractors will furnish surety bonds to guarantee both performance and payment in amounts acceptable to SCS and FHA.

2 The sponsoring local organization will provide fidelity bond coverage for the officials entrusted with the receipt and disbursement of its funds and the custody of any property. The amount of the bond will be at least equal to the maximum amount of money that the sponsoring local organization will have on hand at any one time exclusive of loan funds deposited in a supervised bank account, unless the receipts of the sponsoring local organization are required by State statute to be deposited with a designated public official whose bond is fixed by the statute. Form FHA 440-24, "Position Fidelity Schedule Bond," may be used if permitted by State law. The amount of coverage required by the FHA for fidelity bonds will be specified in the letter of conditions for a loan or in the memorandum of concurrence for an advance.

F Technical Assistance. When pipelines from reservoirs to treatment plants are included in watershed work plans, the SCS will not furnish engineering services for their design or installation. When such pipelines are to be financed by WS loans, FHA will supervise the activities of the private engineers retained for the purpose. Such FHA supervision will include, among other things, approval of private engineer's contracts, approval of plans and specifications, authorization of contract awards, spot checks of engineering inspection and final inspection and acceptance.

VIII TERMS AND INTEREST RATES OF LOANS AND ADVANCES: The following terms are subject to State constitutional and statutory requirements under which an applicant

is organized and derives its authority to obligate itself to repay and give security for money borrowed or advanced. Also, there must be evidence that income will be sufficient and adequate to meet scheduled payments including required debt service reserves.

A Repayment Period.

1 LOANS.

a The repayment period on loans may not exceed the shortest of the following periods:

(1) The statutory limitation on the sponsoring local organization's borrowing authority.

(2) Fifty years from the date when the principal benefits from works of improvement first become available.

(3) The useful life of the works of improvement to be installed under the watershed work plan.

b Repayments will be scheduled annually beginning with January 1 following the date of loan closing or on the first January 1 following the end of any approved deferment period, unless an annual due date other than January 1 is required by State statute or upon prior written authorization of the National Office. In those cases where loans are being made under statutes requiring a repayment date other than January 1, the State Director will forward to the Finance Office a copy of the OGC opinion that the date of other than January 1 is required.

c When a single obligation instrument is used, amortized installments will be required. Where this cannot be done because of State law, serial bonds will be used. In cases where the payment of interest has been deferred, all collections will be applied to interest until such interest has been paid. Also, when a full installment is not paid when due, the payment made will be applied first to accrued interest.

d In those cases where the indebtedness will be represented by serial bonds, annual payments of principal and interest will be scheduled so as to permit them to be paid in amounts approximately equal to the amounts that would be required for annual amortized installments.

(1) If the borrower will be retiring other debts represented by bonds or notes, the repayment on such bonds may be considered in developing the repayment schedule for the FHA loan. In some cases, it may be desirable to reduce the amount of repayments to FHA in the early years of the loan in order to preclude the necessity for refinancing the outstanding debt. When such repayment schedules are proposed, National Office authorization is to be obtained prior to loan approval.

VIII A (cont.)

2 **ADVANCES FOR FUTURE WATER SUPPLY.** Advances will be repaid within the life of the reservoir structure but in no event to exceed 50 years after the reservoir structure is built. Installments will be scheduled in accordance with paragraph VIII A 1 b above.

3 **ADVANCES FOR PRESERVATION OF SITES.** Advances for site acquisition must be fully repaid prior to beginning construction of the works of improvement for which such sites were acquired.

B Deferred or Partial Payments.

1 **LOANS.** Deferred or partial payments on loans will be permitted only when:

a Repayments need to be delayed until the receipt of income from taxes or other revenues is sufficient to meet a regular installment.

b Repayments will be dependent upon the increased returns expected from planned works of improvement, or from the installation on individual farms of land development or other soil and water improvements essential for obtaining benefits from works of improvement to be installed with loan funds.

c The deferment or partial payment will not be used to permit the accelerated repayment of other debts, to make capital improvements, or to create operating reserves.

2 **ADVANCES FOR FUTURE WATER SUPPLY.**

a The principal amount of an advance may be deferred until one year after water is first used from the storage capacity installed with the advance or until the end of ten years from the scheduled completion date of a structure, whichever date shall occur earlier.

b No interest will be charged on these advances until water is first used or the end of ten years from scheduled completion date of the facility, whichever be the sooner and regardless of the principal repayment schedule. If the State law requires that interest be charged and paid before water is first used or earlier than ten years from the completion date of the structure, interest payments will be scheduled to comply with the State law even though principal payments may be deferred as authorized above. Before a project agreement is entered into, there must be satisfactory evidence that the borrower will use the water from such capacity and that revenue will be sufficient to meet all scheduled installments. The borrower should be encouraged to begin repayments as soon as practicable after the reservoir is built even though this liberal deferment policy exists.

3 **ADVANCES FOR PRESERVATION OF SITES.**

a Unless an advance is to be repaid with a WS loan, installments will be scheduled at the earliest practicable date following the date of closing the advance and the date and amount of each such installment will be fixed to coincide with the receipt of income from taxes or other revenue.

b Payments of both principal and interest may be scheduled for payment in one installment to become due on the date of the closing of a loan for the repayment of the advance.

C Interest. The interest rate on loans and advances will be the average rate, as determined by the Secretary of the Treasury, payable by the United States Treasury upon its marketable public obligations outstanding at the beginning of the fiscal year in which an obligating agreement is executed, which are neither due nor callable for redemption for 15 years from date of issue. The rate will be announced at the beginning of each fiscal year, and this rate will prevail throughout the fiscal year. When a loan is approved, the interest rate for that particular loan will be the interest rate in effect for the fiscal year in which the loan is obligated and will not change during the life of the loan. The rate for the current fiscal year and a table showing the amount required to amortize \$1.00 is attached to FHA Instruction 440.1.

1 Unless otherwise required by State law, interest on loans will begin with the date of loan disbursement, except that if a loan is made in multiple loan disbursements, interest on the first disbursement will begin with the date of the delivery of the note or bond and interest will begin on each subsequent disbursement on the date of the check.

2 Interest on an advance for future water supply will begin as required by State law, when water is first used from the future water storage capacity installed with advance, or ten years from the scheduled date of the completion of the facility, whichever date is the earlier.

3 Interest on an advance for preservation of sites will begin on the date the advance is closed.

D Payments.

1 Each borrower may make prepayments in any amount at any time.

2 Except as provided below, payments will be applied first to interest accrued to the date of the receipt of payment, and second to the principal balance. If the regular payments plus any prepayments exceed the cumulative amount due, the excess payments will be applied on next due installments, except that loan refunds and proceeds from the sale of security property will be applied on the final unpaid installment(s).

3 Payments will be applied on principal for all advances for future water supply with provisions for nonpayment of interest until water is first used or the end of ten years. However, when interest begins to run, payments will thereafter be applied in the same manner as any other WS loan.

VIII (cont.)

E Reserves. Each borrower will be required to establish and maintain reserves for delinquent accounts sufficient to assure that loan installments will be paid on time and that provisions are made for emergency repairs and extensions to facilities. For those cases in which statutes provide for extinguishing assessment liens of public bodies when properties subject to such liens are sold for delinquent State and county taxes, special reserves will be established and maintained for the protection of the borrower's lien of assessment. Provision for the accumulation of necessary reserves over a reasonable period of time will be included in loan resolutions or bond ordinances and in assessments, tax levies, or rates charged for services. Reserves may be invested in time deposits or savings accounts of organizations insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, or obligations of the United States which may be converted readily into cash. Investments and income therefrom will always be a part of the particular reserve fund from which they were made. Reserves also may be used to make additional payments on debts owed to FHA if such action is not in conflict with State law or regulation and is approved by the State Director.

1 The amount of the reserve for delinquencies will be determined by the State Director after careful consideration of the repayment ability of the association's members or patrons. The reserve for this purpose should ultimately be accumulated in an amount at least equal to any anticipated delinquency in any one year.

2 The amount of the reserve for emergency repairs and extensions will be determined by the State Director after consultation between the borrower's officials and the County Supervisor.

3 The reserve for the protection of borrowers' lien of assessments will be maintained at a level equivalent to the estimated average annual amount of State and county taxes for which property subject to such liens might be sold, as determined by the State Director.

IX SECURITY REQUIREMENTS: WS loans and advances will be secured in a manner which will adequately protect the interests of the FHA and comply with the State statutes governing the particular sponsoring local organization receiving a WS loan or advance. Loans and advances will be evidenced by notes, bonds, warrants, or other contractual obligations as may be authorized in corporate documents, resolutions, ordinances, and relevant State statutes. All corporate or statutory requirements pertaining to the authorization, sale, and acceptance of evidences of debt to be offered to FHA, must be met to the satisfaction of the OGC before closing. The FHA does not require that a transcript of proceedings for bond issues be prepared for examination and opinion by bond counsel as is usually required by private investors. The FHA does not object, however, to the employment of bond counsel by the applicant to assist in such proceedings. Neither does the FHA require that bonds or notes be printed when the FHA note form is not appropriate. Whenever possible, the evidence

of debt should be in the form of an installment note or bond. If serial bonds are required by statute, the bond form should omit interest coupons if permissible under State law. State statutes may also specify the security that may be given by the sponsoring local organization. This security may generally be one or more of the following:

A Pledges of the revenues to be derived from operation of the sponsoring local organization's facilities including cash reserves for debt service as may be agreed upon.

B Pledges of taxes or assessments which will be liens upon lands served by the sponsoring local organization.

C Liens on real and personal property including facilities to be acquired by the sponsoring local organization if the giving of such liens is not prohibited by State law.

D For membership or stock companies, a pledge or assignment of promissory notes, stock or membership subscription agreements, individual member's liability agreements, or other evidences of debt to the sponsoring local organization, as well as security instruments mortgaging the private property of members of the sponsoring local organization, if it appears there will not be adequate security under one or more of the above types of security.

X AUTHORITY FOR APPROVAL OF LOANS AND ADVANCES:

A Loans and advances may be approved as provided in FHA Instruction 440.2.

B Except as provided above, State Directors will be authorized to approve WS loans and obligations to repay advances to sponsoring local organizations on an individual case basis after review by the National Office of loan and advance dockets, the watershed work plan, the State Director's recommendations, and the opinion of the OGC. Following the review, the Administrator will issue a memorandum to the State Director (1) authorizing the approval of the loan or the obligation to repay an advance, (2) specifying conditions that must be met by the sponsoring local organization, and (3) containing any special closing instructions.

C The FHA will not approve a WS loan or an obligation to repay an advance unless and until the applicant becomes a sponsor or co-sponsor of a watershed work plan approved by the SCS. If there will be an urgent need for funds immediately after approval of the watershed work plan, the loan docket may be prepared and submitted prior to the final approval of the watershed work plan by the SCS. The FHA will advise the sponsoring local organization of steps that need to be taken prior to loan closing; however, no commitment will be made until the watershed work plan has been approved for operations.

XI MISCELLANEOUS POLICIES AND PROCEDURES APPLICABLE TO ADVANCES:

A Future Water Supply.

1 Capacity may be included in a reservoir for the storage of both immediate and future water supply and for other multiple uses such as flood prevention, irrigation, fish and wildlife, recreation or combination of such uses.

XI A (cont.)

2 Proposals for including storage capacity in reservoirs for future water supply must be approved by the Administrator of SCS.

3 Sponsoring local organizations will be responsible for preparing proposals. Proposals may be in the form of a preliminary report of the kind usually prepared by consulting engineers showing project features, costs, and feasibility. A proposal will include (a) estimates of installation costs, projections of need, use, income, expenditures, debt service, and coverage ratio, (b) need for and cost of other future facilities essential to the use of the future water supply, (c) plan of financing facilities under (a) and (b), and (d) a statement by the counsel for the applicant giving citations to statutes under which the plan of financing will be carried out. It may be necessary to revise, expand, or update such data when the docket for the advance is compiled.

B Preservation of Sites.

1 The sponsoring local organization must present evidence satisfactory to SCS of the necessity to preserve a proposed site for works of improvement from encroachment by other developments.

2 The amount of funds advanced for acquisition of the land rights may not exceed the amount needed as determined by the SCS and the sponsoring local organization subject to the provisions of paragraph V A 5 above.

3 Repayment of advances with interest is required by law to be credited to the SCS watershed construction funds. If a loan is made to repay the advance, the Finance Office will transfer loan funds in the amount of the advance plus interest to the SCS.

XII MULTIPLE LOAN DISBURSEMENTS: A WS loan may be made in multiple disbursements in accordance with the need of the sponsoring local organization for funds as shown by the budget prepared for the docket. When an additional check is needed, the County Supervisor will request the Finance Office to issue the needed check.

XIII PREPARATION OF THE DOCKET FOR A WATERSHED LOAN:

A Time for Preparation of Loan Docket. Loan docket preparation may commence as soon as a preliminary draft of the watershed work plan, together with an estimate of costs and benefits, has been prepared with the assistance of SCS and approved by the sponsoring local organization. Approval of the loan cannot be given until the watershed work plan has been authorized for operation by SCS, but it is generally advisable to have preparation of the loan docket far advanced by that time to avoid delays in closing the loan which in turn might delay construction of the improvements proposed.

FHA Instruction 447.1
XIII (cont.)

B Instructions for Preparation of Loan Docket. When the State Director has determined that watershed planning has advanced to the point that preparation of the loan docket can be started, he will send to the County Supervisor a memorandum giving complete instructions for its preparation, including a detailed list or reference to all documents to be obtained or prepared. The docket should be planned so that it will be reviewed by FHA and the OGC before final actions by the governing board of the sponsoring local organization, or by any court or other agency having legal jurisdiction, are taken on loan resolutions, bond ordinances, and referendum elections, and orders levying assessments or confirming the borrowing of money. This review procedure is designed to avoid the necessity for additional meetings, amended court petitions, or supplemental elections due to failure to comply with applicable statutory procedure or other insufficiencies in the proceedings.

C Objectives of the Loan Docket. The purpose of the docket will be to provide basic information as evidence for the loan approving official that:

1 The sponsoring local organization is or will be so organized that it has the requisite legal powers to construct and operate the works proposed, borrow money, give security therefor, and provide revenue for repayment thereof.

2 The sponsoring local organization is or will become a sponsor or co-sponsor of the watershed work plan and is otherwise eligible for a WS loan.

3 Loan funds will be used for specific authorized purposes.

4 The source of income to be pledged for repayment and the security proposed are adequate.

5 The remaining actions to be taken in closing the loan will be administratively satisfactory and legally sufficient.

D Assembly of the Docket. The list of documents to be included in the docket will be set out in the instructions prepared in accordance with paragraph XIII B above. However, the following general outline should be utilized to the fullest extent possible.

<u>Form Number</u>	<u>Name of Form or Document</u>	<u>Number of Copies</u>
FHA 400-4	Nondiscrimination Agreement	2-O&1C
FHA 440-3	Record of Actions <u>1/</u>	5-O&4C
	County Committee Recommendations (Narrative)	1-O
FHA 440-1	Payment Authorization <u>1/</u>	2-O&1C
FHA 442-14	Association Project Fund Analysis	3-O&2C

XIII D (cont.)

<u>Form Number</u>	<u>Name of Form or Document</u>	<u>Number of Copies</u>
FHA 447-1	Application for Watershed Loan	2-O&1C
FHA 447-2	Resolution of Governing Body of Applicant (or similar form of resolution approved by State Director)	1-O
FHA 447-3	Tax and Assessment Data (where applicable)	1-O
	*Narrative by County Supervisor	2-O&1C
FHA 447-4	Budget for Watershed Loans and Advances	2-O&1C
	Letter of Conditions	As required
FHA 442-46	Letter of Intent to Meet Conditions	2-O&1C
FHA 440-37	Notice of Approval (Financial Assistance)	2-O&1C
	Complete transcript of organizational proceedings including notices and advertisements. If not com- pleted, include proposed documents.	1-O
	Watershed Work Plan Agreement	1-O
	Draft of Operation and Maintenance Agreement	1-O
	Draft of Project Agreement and any supplemental agreements, including those for engineering services.	1-O
	Draft of Benefit Assessment Roll (if such assessments are to be pledged for loan repayment)	2-O&C
	Report by engineer or financial advisor on expected project revenues (if repayment will be from utility or recreation revenues)	1-O
	Draft of Referendum or Election Proposition and Notice (if used)	2-O&1C
	Draft of Bond Ordinance, or Petition and Order, authorizing borrowing of money, including form of bond or note complying with State law.	2-O&1C

<u>Form Number</u>	<u>Name of Form or Document</u>	<u>Number of Copies</u>
	Draft of Loan Resolution (if not included in other documents)	2-O&1C
	Certificate of Secretary showing names and terms of officers of sponsoring local organization.	1-O
	Evidence of Collateral Pledge	2-O&1C

O - Original

C - Copy

* - Similar to a project summary for an SW Association loan, but with emphasis on eligibility and repayment ability of the applicant.

1/ Omit in dockets for WS advances.

E Narrative by County Supervisor. The FHA narrative in the docket must be carefully prepared and factual in every respect. It must supply the information needed to analyze the actual costs of the project to the specific individuals who are represented by the applicant for the loan or advance and the ability of those people to meet such costs. Minimum and average individual water charges, tax levies or assessments should be given. If taxes or assessments on real estate will be levied, the number of acres of the various classes of land should be set out and the average cost per acre for each class of land should be given. The best judgment of FHA personnel concerned should then be utilized in determining what the affected people can reasonably be expected to pay. Analyses of income from recreational facilities should reflect the judgment of FHA personnel based on the best information available from as many local, State, and Federal recreation agencies as possible. Determination of water rates, schedules, and estimated consumption of water should be made by the same methods as are used for Association loans for domestic water and irrigation.

F Estimates of Right-of-Way Costs. The docket should include the latest and most accurate estimates of the probable cost of easements, rights-of-way, and other land rights which must be acquired, regardless of the amount estimated for such purposes in the watershed work plan when it was prepared.

XIV LOAN PROCESSING BY STATE OFFICE:

A Review of the Docket. The County Supervisor with assistance of the District Supervisor will check the docket for accuracy and completeness and will then forward it to the State Office with his recommendations. The State Director will review the docket to determine that:

- 1 All documents are accurate and complete.
- 2 The proposed loan complies with the watershed program policies and procedures of both FHA and SCS.

XIV A (cont.)

- 3 The security is adequate and the repayment plan is sound.
- 4 The funds are requested for authorized purposes.
- 5 All requirements of applicable State laws will be fully complied with.

B Letter of Conditions. If the proposal appears to be sound and proper, the State Director will prepare a proposed letter of conditions listing all requirements which the applicant must agree to meet before the application will receive further consideration and any loan approved. All letters of condition will be addressed to the applicant, signed by the County Supervisor and mailed or handed to the appropriate applicant representatives by the County Supervisor.

- 1 Requirements listed in the letter will include those relative to:
 - a Maximum amount of loan which may be considered.
 - b Repayment schedule.
 - c Security requirements.
 - d Title to property.
 - e Organization.
 - f Business operations for revenue-producing projects.
 - g Closing instructions.
 - h Insurance and bonding.
 - i Accounts, records, and audit reports required.
 - j Other requirements which must be met and forms to be completed.

2 Each letter of conditions will contain the following as the first three paragraphs:

"This letter establishes conditions which must be understood and agreed to by you before further consideration may be given to the application and which must be met before the loan can be closed.

"This letter is not to be considered as loan approval or as a representation as to the availability of funds. The docket may be completed on the basis of a loan not to exceed \$ _____.

"Please complete and return the attached Form FHA 442-46, 'Letter of Intent to Meet Conditions' if you desire that further consideration be given your application."

C Legal Review. The complete docket and proposed letter of conditions will be forwarded to the OGC for review and the preparation of additional legal requirements combined, if practicable, with loan closing instructions. Where it is not possible to issue closing instructions at that time, the OGC will issue a preliminary legal opinion commenting upon the legal existence of the proposed borrower and its authority to borrow and secure the loan along with other actions that must be taken before loan closing instructions may be issued.

D Authorization for Approval. When closing instructions or a preliminary legal opinion have been received from the OGC, the State Director will forward them with the docket, and his proposed letter of conditions with a transmittal memorandum outlining his recommendations to the National Office for review and authorization to approve the loan. Copies of his memorandum will be sent to the County Supervisor and to the District Supervisor. If the State Director has been authorized to approve WS loans under the provisions of paragraph X A, he need not submit the material listed above to the National Office.

XV LOAN APPROVAL:

A Time of Approval. The loan may be approved when all the following conditions exist:

- 1 The watershed work plan has been approved for operations by SCS, and the applicant has become an official sponsor or cosponsor of the plan.
- 2 The State Director has been authorized by the National Office to approve the loan or has been delegated WS loan approval authority under FHA Instruction 440.2.
- 3 Closing instructions or the preliminary opinion have been prepared by the OGC.
- 4 The governing body of the applicant sponsoring local organization has formally passed the loan resolution or it has been approved in final draft form.
- 5 The State Director has determined that all subsequent actions can be carried out as proposed in the docket.
- 6 The SCS State Conservationist and FHA State Director have mutually agreed on the priority to be given the loan. In making this determination, consideration will be given to the relative priority of the works of improvement to all other watershed work in the State and the anticipated availability of Federal and local funds to assure continuity of action or work until the project is completed.

XV (cont.)

B Procedures for Approval. If the State Director has determined that funds are available for the proposed loan and he is authorized to approve the loan, the following actions may be taken subject to paragraph XV A above.

1 The letter of conditions will be forwarded to the County Supervisor along with a memorandum authorizing the County Supervisor to sign the letter of conditions.

2 The County Supervisor will sign the letter of conditions, discuss its requirements with applicant representatives, and afford them an opportunity to execute Form FHA 442-46.

a If the applicant declines to execute Form FHA 442-46, the County Supervisor will immediately notify the State Director and provide him with complete information as to the reasons for such declination. He will provide the District Supervisor with an information copy of his report.

b If the applicant executed Form FHA 442-46, the County Supervisor will forward it to the State Director.

3 On receipt of Form FHA 442-46, the State Director will complete and distribute Form FHA 440-37 in accordance with the Forms Manual Insert.

4 The State Director will forward the proposed press release as required by FHA Instruction 071.2.

5 If closing instructions have not already been issued by the OGC, the County Supervisor will assist the applicant in completing the docket. Completed dockets will be forwarded to the State Director for review and transmittal to the OGC for preparation of closing instructions.

6 The OGC will forward all closing instructions to the State Office where they will be reviewed and forwarded to the County Supervisor.

C Obligating Funds. State Directors may obligate funds when they are available and in accordance with the following:

1 Funds may not be obligated until the applicant has legal authority to contract for the loan and secure repayment of the loan.

2 Funds may not be obligated until Form FHA 440-37 has been forwarded to the applicant. Form FHA 440-37 cannot be executed unless funds are available for the loan. If it should happen that Form FHA 440-37 was issued in a fiscal year prior

to the fiscal year in which funds are being obligated, it will be necessary to issue a second Form FHA 440-37 which is dated within the fiscal year in which funds are being obligated.

3 If approval was authorized by the National Office, a copy of the memorandum authorizing approval will be attached to the original of Form FHA 440-3.

D Scheduling Multiple Advances. There is no limitation on the number of years over which WS loan funds may be scheduled for disbursement, so long as multiple disbursements are planned in accordance with paragraph XII.

E Special Procedure When Bonds Are to be Offered at Public Sale. If the loan is to be evidenced by bonds which must be offered at public sale, the State Director will forward his approval letter and the closing instructions to the County Supervisor. If the County Supervisor determines that the loan approval and closing instructions can be met within the time required by the bid invitation, the State Director will submit a bid for the bonds at the interest rate in effect at that time for WS loans. Generally, any bid deposit will be waived by the appropriate public officials for a bid by the Government. If a deposit must be made, the State Director will write the National Office for further instructions. As soon as it has been determined that the Government is the successful bidder for the bonds, the loan will be approved and funds obligated.

F Loan Rejection or Cancellation. When favorable action is not taken on a WS loan docket, the State Director will notify the applicant in writing and, if possible, send a representative to explain such action to the applicant. WS loans may be canceled before loan closing in accordance with paragraph XXVIII B of FHA Instruction 442.1.

XVI LOAN CLOSING:

A Time of Loan Closing. The loan should not be closed until:

1 All loan closing conditions can be met.

2 The initial project agreement has been executed or the SCS State Conservationist has advised the FHA State Director that the execution of a project agreement or a series of project agreements has been scheduled. A copy of the schedule will be furnished FHA. The State Conservationist will also advise the State Director whether or not the size, extent, and location of the structures and facilities to be covered by the subsequent agreements have been finally determined. Before loan funds are used for land rights acquisition or construction, the State Conservationist will advise the State Director in writing of the firm location, size, extent, and estimated cost of each structure and the schedule for signing each land rights agreement and the award of each construction contract.

3 No increase or decrease in the amount of the loan is contemplated. If it becomes evident on or before closing that the amount of funds should be decreased or increased, the County Supervisor will request that all distributed docket forms be returned to him for revision and proceed with the revised docket.

XVI A (cont.)

4 The State Director has reviewed the project agreement or proposed project agreement and determined that it is consistent in all respects with loan requirements.

5 All statutory periods for appeals, objections, advertisements, or payment of assessments in full have passed and the sponsoring local organization is ready to execute the note or deliver the bonds evidencing the loan.

6 A loan closing date has been determined in consultation with the FHA County Supervisor, the applicant, and the SCS State Conservationist. If loan funds are to be used for acquisition of land rights and easements, the loan may be closed before these rights are acquired. However, the probable costs of such acquisition should be carefully estimated before the final amount of the loan is determined.

B Preparation for Loan Closing. Upon receipt of closing instructions, the County Supervisor will:

1 Discuss with the applicant's governing body and attorney and other appropriate representatives the requirements contained therein and any actions necessary to proceed with closing.

2 Hand the applicant's officers two copies of the closing instructions.

3 Plan carefully with the applicant's officers the timing of all steps to be taken before closing.

C Ordering Loan Checks.

1 Checks will not be ordered until:

a The signed copy of Form FHA 440-3 has been received from the Finance Office.

b The County Supervisor will check the block for issuance of the check on a copy of Form FHA 440-3, sign the form, insert the date of signature, and forward it to the Finance Office. For loans with more than one advance, an extra copy of Form FHA 440-3 will be prepared and submitted to the Finance Office for each advance in sufficient time so that the check will be issued on or about the date listed on the reverse side of the copy of the note as the proposed date of the advance.

2 In those cases where relatively large amounts of funds are to be expended for purchase of real estate or for other reasons at the time of loan closing, separate

checks for such purposes may be ordered and endorsed by the borrower to the seller or other appropriate party. This will preclude the necessity for depositing such loan funds in the supervised bank account and reduce the amount of required collateral.

D Loan Closing Procedures. Loans will be closed in accordance with the closing instructions issued by the OGC. Checks will be ordered in the same manner as direct loan checks for loans to associations. Bonds should be registered wherever possible. When State laws require bonds to be made payable to the bearer they should be handled in accordance with FHA Instruction 103.1. At the time of loan closing, the applicant's attorney must submit a certificate that no suits, appeals, or judgments are pending against it. The note or bond will be dated the date of loan closing.

E Use of, and Accountability for, Loan and Advance Proceeds. Each local organization will be required to use the proceeds of loans in accordance with its agreements with the FHA. Proceeds of loans and any funds furnished by the local organization to supplement the loan will be deposited in a supervised or special bank account and will not be commingled with other funds of the local organization. When an advance will be made from funds transferred by the SCS to FHA for obligation and disbursement, the proceeds of such an advance will be deposited and handled the same as a WS loan.

1 Loan funds will be deposited and handled in accordance with FHA Instruction 402.1 in a bank in which deposits are covered by Federal Deposit Insurance. The funds so deposited in a supervised bank account are public monies under Title 12, Section 265, United States Code, because they are subject to control by an employee of the United States and, therefore, if the amount deposited exceeds \$15,000 the bank will be required to pledge collateral security for such excess pursuant to Treasury Department Circular No. 176 before the funds are deposited. (See FHA Instruction 402.1.)

2 If the financial operations of the borrower are limited by State laws, or by other special circumstances so that use of a supervised bank account is impossible, loan funds may be deposited in a special bank account without provision for counter-signature of checks or warrants by the County Supervisor. In such cases, arrangements must be agreed upon for the prior approval by the County Supervisor of the bills or vouchers upon which warrants will be drawn so that the necessary control of payments from loan funds can be maintained and records in the County Office can be kept current. Periodic audits of such accounts should be made by the County Supervisor at such times and in such manner as the State Director shall prescribe in the conditions of loan approval, and suitable followups should be established in the County Office Management System. If the applicable State laws contain specific and mandatory provisions regulating the depositories to be used, the security given by the depository for funds of the association, or the bond required of the association's treasurer, such requirements should be complied with. If, however, there are no such mandatory provisions in the State laws, the State Director should include in his conditions for loan approval requirements for the protection of the loan funds by the depository placing in escrow or pledging sufficient obligations of the United States or furnishing a good and sufficient bond by a reputable surety company authorized to do business in the State. If other types of protection of the loan funds are proposed, they should be submitted to the Administrator for approval.

XVI E (cont.)

3 Payments for construction work or for other expenses incurred in the planning and construction of works of improvement will be made by checks drawn on a supervised or special bank account. Payments may be made in a lump sum at the completion of a job, or partial payments may be made as work progresses in accordance with partial payment provisions of construction contracts or other prearranged agreements with suppliers of materials or services. Payments for personal services will be based upon periodic payrolls, and payments for other purposes such as title clearance and miscellaneous supplies will be based upon invoices or bills.

4 If the borrower enters into contracts for construction of the project, all payments for construction items will be based upon Form SCS-49a, "Contract Payment Estimate and Construction Progress Report," prepared by the borrower and approved by the SCS.

a If payments are to be made from a supervised bank account, the borrower will present Form SCS-49a, a periodic payroll, and an invoice or a bill, as appropriate, to the County Supervisor before checks are countersigned.

b If payments are to be made from a special bank account, the borrower will make a report to the County Supervisor covering such period as agreed upon by the borrower and the FHA, showing the payee, amount, and purpose of each check drawn during the period. The borrower will attach to the report a copy of the payroll, Form SCS-49a, receipts, or receipted bills or invoices for the checks issued. The receipts and receipted bills or invoices will be returned to the borrower.

5 The borrower may request SCS to enter into contracts for construction. In such cases, payments will be made to SCS from the supervised or special bank account on the basis of Form SCS-49a or other invoices or bills prepared and approved by SCS and submitted to the borrower.

6 Before loan funds are disbursed for the acquisition of a particular right-of-way, easement, or other land rights, the SCS will furnish the County Supervisor the name of the party to whom payment will be made. If the title to a particular right-of-way, easement, or other land rights will be obtained pursuant to paragraph VII C, the sponsoring local organization's attorney will furnish the County Supervisor a written opinion that the sponsoring local organization will acquire a valid title to the land rights to be purchased.

7 Whenever a check for a loan is received, lost, or destroyed, the County Supervisor will take the appropriate actions outlined in FHA Instruction 102.1. Checks which cannot be delivered within 21 days will be handled in accordance with FHA Instruction 102.1.

8 Any excess loan funds remaining after completion of all the items included in the watershed work plan will be returned to FHA and applied on the loan.

9 In those cases where there are funds in the construction account, that is, supervised bank account or special account, which are not immediately needed for the payment of development costs, excess funds may be:

a Deposited in an interest-bearing account in a bank (but not in a savings and loan association) which has qualified as a designated depository. The account of deposits will be in the name of the borrower and the FHA County Supervisor, by title, under a three-party deposit agreement executed by the association, the bank, and the County Supervisor. Use Form FHA 402-4, "Interest Bearing Deposit Agreement." The original of such three-party agreement will be delivered to the borrower, a signed copy will be placed on file with the bank, a signed copy will be placed in the borrower's case file, and a conformed copy will be attached to any certificate(s) of deposit which may be issued to represent such deposits.

b Used by the borrower to purchase insured notes or bonds held by the FHA in the Agricultural Credit Insurance Fund, if any such notes are available under any repurchase policy then in effect. Upon such purchase, the borrower will sign a written agreement that it will not sell or assign the obligations purchased without the approval of the FHA, and that the proceeds of any such resale will be reinvested in similar obligations or will be deposited under the same conditions as original loan funds are deposited. For borrowers contemplating the purchase of insured notes or bonds, State Directors will contact the Director, Finance Office, well in advance of loan closing to determine that such notes will be available for purchase on terms which will permit the borrower to obtain cash when needed for authorized loan purposes.

c Invested in obligations of the United States or in other obligations in which political subdivisions of the State are authorized to invest under applicable statutes (this is equally applicable to corporation borrowers) with the prior approval of the State Director. Before approving such a request from the borrower, the State Director must be satisfied that adequate provisions are made for continued FHA control over such investments. For bearer obligations this may be accomplished by an escrow agreement with the depository bank whereby the bank agrees to retain custody of the bearer paper subject to the joint signature of the borrower and the County Supervisor.

10 All income from investments under paragraph XVI E 9 a, b, or c must be deposited along with loan funds and be used for approved loan purposes or applied on the borrower's obligation to the FHA or in accordance with the bond ordinance or resolution.

XVII PROCESSING WATERSHED ADVANCES:A Preparation of Docket for an Advance.

1 The processing routine described in this Instruction applies only to advances for future municipal and industrial water supply. Applications for advances for the preservation of sites should be sent to the National Office with requests for advice on processing.

2 When the FHA has concurred in the inclusion of an advance in a watershed work plan as outlined in paragraph II B, preparation of the advance docket can be initiated. The State Director will send the County Supervisor a memorandum giving complete instructions for preparation of the advance docket following the same procedures and policies as those outlined for loans in paragraphs XIII B through F of this Instruction.

B Review of the Advance Docket. After the County Supervisor, with the District Supervisor, has checked the advance docket for accuracy and completeness, he will forward it to the State Office with his recommendations. The State Director will review the docket and make the same determinations as required for loans in paragraph XIV A of this Instruction.

C Memorandum of Concurrence. If the advance proposal outlined in the docket appears to be sound and proper, the State Director will prepare a proposed memorandum of concurrence, addressed to the SCS State Conservationist. The memorandum will state that FHA concurs in the execution of a project agreement which will obligate advance funds by SCS and that FHA will accept the proposed obligations of the applicant to repay the advance subject to conditions which will be listed in or attached to the memorandum. The conditions that must still be met by the applicant will be specifically set out including all the appropriate requirements listed in paragraph XIV B 1 of this Instruction and making reference to closing instructions to be issued by the OGC.

D Legal Review. The complete docket and proposed memorandum of concurrence will be forwarded to the OGC for review and the preparation of additional legal requirements combined, if practicable, with closing instructions. Where it is not possible to issue closing instructions at that time, the OGC will issue a preliminary legal opinion commenting upon the legal existence of the proposed borrower and its authority to borrow and secure the loan along with other legal actions that must be taken before loan closing instructions may be issued.

E Authorization for Concurrence. When closing instructions or a preliminary legal opinion have been received from the OGC, the State Director will forward them with the docket and his proposed memorandum of concurrence with a transmittal memorandum outlining his recommendations to the National Office for review and authorization to approve the

advance. Copies of his memorandum will be sent to the County Supervisor and to the District Supervisor. If the State Director has been authorized to approve WS advances under the provisions of paragraph X A, he need not submit the material listed above to the National Office.

F Concurrence by FHA. The State Director may sign and release the memorandum of concurrence to SCS when:

- 1 He has been authorized to approve the obligation for the advance.
- 2 Closing instructions have been issued.
- 3 The SCS State Conservationist and the FHA State Director have determined that all conditions can be met by the applicant.

G Closing of Advances. Advances may not be closed until all the requirements of FHA, SCS, and the OGC have been met and funds are needed to meet project schedules. Advances will ordinarily be evidenced by bonds or notes. Since SCS will make the advances in increments, the notes or bonds must provide for multiple advances with the total payment obligation of the recipient limited to the total amount actually advanced.

1 The note or bond and a certified copy of the resolution for the advance will be sent to the Finance Office as soon as it is delivered to FHA. A copy of the note or bond will be placed in the County Office file.

2 Advances for future water supply will be made periodically by SCS directly to the recipient of the advance and use of these funds is covered by the project agreement, the engineering services agreement or such other supplementary agreements as may be necessary. It is, therefore, not necessary to deposit advance funds in a supervised or special account of the types used for loan funds.

3 Advances for construction costs will be set out each month on Form SCS-49a. The State Director should make arrangements with the State Conservationist to be supplied each month with a copy of Form SCS-49a where advance funds are included together with an official statement from the SCS State Administrative Officer giving the date of the check and the exact amount of each advance of funds made under the advance provisions of the project agreement or of any engineering services agreement or other supplementary agreement which further implements the proposal for the advance in the project agreement. The original will be sent immediately to the Finance Office and a copy provided for the County Office file.

XVIII ACTIONS SUBSEQUENT TO CLOSING OF LOANS OR ADVANCES:

A Mortgages. Any real estate or chattel mortgages or other proper instruments will be delivered to the proper office for recordation or filing, as appropriate. A copy of such instruments will be delivered to the borrower. The original instrument, if returnable, after recording or filing will be retained in the borrower's County Office case folder.

XVIII (cont.)

B Notes. If a loan or advance is evidenced by a note, the original and a conformed copy of the note will be sent to the Finance Office immediately after loan closing.

C Bonds. Bonds evidencing WS loans or advances will be forwarded to the Finance Office.

D Disposition of Title Evidence. All title evidence other than the opinion of title, mortgage title insurance policy, and water stock certificates will be returned to the borrower when the loan has been closed.

E Material for State Office. When the loan or advance has been closed, the County Supervisor will submit to the State Director:

- 1 The completed docket.
- 2 A statement covering information other than the completion of legal documents showing what was done in carrying out loan or advance closing instructions.

F State Office Review of Loan or Advance Closing. The State Director will review the County Supervisor's statement concerning loan or advance closing and the security instruments, and other documents used in closing to determine whether it was closed properly. All material submitted along with the statement that all administrative requirements have been met will be referred to the OGC for post review, with a request for a written opinion as to whether all legal requirements have been met. When the opinion from the OGC is received, the State Director will advise the County Supervisor of any deficiencies that must be corrected and return to the County Supervisor all material that was submitted for review.

G Safeguarding Bond Shipments. The procedures set forth in FHA Instruction 103.1 for safeguarding shipments of negotiable notes or bonds and interest coupons will be complied with whenever FHA personnel make shipment (including mailing) of negotiable bonds and interest coupons.

H Water Stock Certificates. Water stock certificates will be filed in the loan docket in the County Office.

XIX ACCOUNTS AND RECORDS OF SPONSORING LOCAL ORGANIZATION:

Borrowers will establish and maintain such accounts and other records pertaining to transactions related to the installation, operation, and maintenance of works of improvement as may be required by the FHA. These accounts and records will be kept in a form and manner satisfactory to the FHA and will be open to inspection and audits by representatives of the FHA during the borrower's regular business hours. The borrower will prepare and furnish to

FHA Instruction 447.1
XIX (cont.)

the County Supervisor at intervals designated by the State Director such written reports as may be required by the FHA. The records the FHA may require the borrower to keep will be held by such borrower until the records retention period specified by State statute has been met. If no records retention period is specified by State statute, such required records will be held by the borrower for FHA inspection and review for a period of at least three years after the year to which they pertain. After the above applicable records retention requirement has been met by the borrower, the disposition of the records involved will not be a matter of concern to the FHA.

Attachment: Exhibit A

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MEMORANDUM OF UNDERSTANDING
Between the
SOIL CONSERVATION SERVICE
and the
FARMERS HOME ADMINISTRATION
Relating to the Making of Loans and Advances
Under the
Watershed Protection and Flood Prevention Act

I PURPOSE: This memorandum is to coordinate general agency responsibilities and functions of the Farmers Home Administration (FHA) and the Soil Conservation Service (SCS) in connection with loans and advances made to local organizations under the provisions of the Watershed Protection and Flood Prevention Act (68 Stat. 666), as amended.

II GENERAL AGENCY RESPONSIBILITIES: The general assignments to the SCS and the FHA for the administration of the Watershed Protection and Flood Prevention Act are contained in the Secretary's Policy Statement dated October 19, 1962. Each agency will establish policy and procedures and take such other action as required to carry out its responsibility.

A The FHA is responsible for making and servicing loans or advancements under Section 8 and obligations for repayment of advances made by the SCS under Section 4 of the Act.

B The SCS is responsible for administration of all authority under the Act, except making and servicing loans or advancements as provided under Section 8, and obligations for repayment of advances made by the SCS under Section 4 of the Act.

C The SCS and the FHA will cooperate with each other in developing and carrying out their respective policy, procedures, and requirements, as they relate to loans and advances made under the Act.

III RECEIPT AND PROCESSING OF APPLICATIONS FOR LOANS AND ADVANCES:

A The works of improvement must be included in an approved watershed project before a loan or advance is made under the Act. During the development of a Watershed Work Plan, the State Conservationist of the SCS (hereafter referred to as the State Conservationist) will afford the State Director of the FHA (hereafter referred to as the State Director) an opportunity to gain an understanding of watershed problems, needs, and proposed plans for works of improvement. When a local organization indicates a desire for a watershed loan or advance of funds, the State Conservationist will consult with the State Director on matters such as organizational arrangements, possible pollution or contamination of the planned water supply from outside or project sources, specific local or state requirements and other problems related to the plans for financing, installation, and operation and maintenance of planned works of improvement.

FHA Instruction 447.1

Exhibit A

Page 2

III (cont.)

B The State Conservationist will furnish the State Director a copy of each final Watershed Work Plan. The Administrator of the SCS will furnish the Administrator of the FHA a copy of each approved Watershed Work Plan.

C A Watershed Work Plan and the related executed watershed work plan agreement will not bind the FHA to a Watershed (WS) loan or bind the SCS to make an advance to the local organizations.

IV COORDINATION OF ASSISTANCE FOR DESIGN, CONSTRUCTION AND MAINTENANCE: The following principles are to be used as a guide for the design, construction, operation and maintenance of works of improvement when a WS loan or advance of funds is involved:

A The SCS will furnish or assume the cost of engineering services required to plan and install the portion of the works of improvement allocated to flood prevention, agricultural phases of the conservation, development, utilization, and disposal of water, fish and wildlife, and recreational development, and not more than 50 percent of the costs of engineering services for minimum basic facilities. Local organizations are expected to furnish and assume the cost of other engineering services required. The SCS will give such engineering advice and guidance to the local organization as required to insure that plans, specifications and cost estimates furnished by them meet the design and construction standards and criteria established for the project and that the works are properly coordinated with any other works to be installed under the Watershed Work Plan. The State Conservationist will consult with and keep the State Director fully informed during the development of construction plans and the construction of works of improvement. This will include an engineering review and a statement by the SCS of the adequacy and appropriateness of cost estimates, designs, plans, and specifications prepared by private engineers.

B Engineering plans, including specifications, drawings and cost estimates for works of improvement involving WS loans or advances for future water supply will be approved by the SCS and the FHA.

C The SCS will consult with the FHA as to terms and conditions to be included in invitations for bids and contracts for construction or purchase of supplies and materials in connection with works of improvement to be installed with the proceeds of loans or advances of funds. The SCS will provide any technical assistance and advice needed by the local organizations for the preparation of these documents and in analyzing bids and selecting the lowest responsible bidder. The contracts shall be acceptable to the State Director before execution by the loan organization.

D The local organization will not be permitted to accept a bid which would require additional loan funds or make changes in plans or specifications in order to obtain a bid within the estimated cost without the concurrence of the FHA loan approving official. Should the local organization desire to reject bids or to not call for bids and undertake construction of works of improvement by force account, the concurrence of the FHA State Director shall be obtained.

IV (cont.)

E The SCS will provide technical assistance including periodic inspections during the construction as necessary to protect the Government's interest and to assure that the works of improvement are being constructed in accordance with approved drawings and specifications. The SCS may approve minor changes during construction in the contract terms and conditions and the drawings and specifications which do not appreciably affect the design, cost or function of a structure without concurrence of the FHA. Major changes or changes which affect the over-all cost of the works of improvement will require the prior concurrence of the State Director.

F The SCS will make at least annual inspections, for a period of three years after completion thereof, to see that works of improvement are being operated and maintained according to agreements. The local organization will be obligated to make at least annual inspections throughout the life of the structure and report their findings to the SCS and the FHA. When SCS or FHA determines that there are serious deficiencies in operation and maintenance, the State Director will collaborate with the State Conservationist in arranging with the local organization for the correction of such deficiencies. The FHA may make such other inspections as it may consider necessary.

G Responsibility rests with the local organization to acquire any land, easements, or rights-of-ways that will be needed for works of improvement. If a lien is to be taken on works of improvement and the land, easements, or rights-of-way, the FHA will, after consultation with the SCS, approve the easements, deeds, and permits before they are executed. The FHA will provide to the local organization instructions pertaining to acknowledgement, title searches and examinations, obtaining the consents of the holders of any liens outstanding against the land, and the recording of easements and deeds. The SCS will check the land description in all land rights instruments to the extent necessary to satisfy itself that the areas required for construction, operation and maintenance of works of improvement are included, except that the SCS will make no property line surveys.

H When the repayment of a loan will depend upon a right to use a specific quantity of water, the local organization will be expected to present to the FHA satisfactory evidence of such rights, and any required additional information concerning the water supply. This evidence will include such documents and materials as affidavits, permits, title certificates, court decrees, stream gage records, rainfall records, well logs, records of pumping tests and water analysis. The SCS will examine any such information that has been furnished together with other available information and report to the FHA its opinion of the adequacy of supply, including quality, to meet the requirements of the plan.

V DISBURSEMENT OF FUNDS: Proceeds of WS loans will be deposited in, and withdrawn from, bank accounts in the manner required by FHA regulations. Checks on these bank accounts for payments to contractors and suppliers of materials will be based upon Form SCS 49a, "Contract Payment Estimate and Construction Progress Report." Form SCS 49a, prepared by the local organization for this purpose, will be approved by the SCS. In giving his approval to Form SCS 49a, the SCS representative shall be certain that the items covered are for the purposes and in the amounts authorized in the project agreement.

FHA Instruction 447.1

Exhibit A

Page 4

V (cont.)

A Advances for future water supply shall be made as provided in the project agreement. The maximum amount of such advance shall be shown in the project agreement.

B Advances for site preservation will be handled in accordance with procedures mutually agreeable to the SCS and the FHA, which will be developed on a case by case basis.

VI STARTING CONSTRUCTION: The local organization will not be authorized to start construction on works of improvement to be financed in whole or in part, with a WS loan or an advance for future water supply, until:

A The SCS has entered into a Project Agreement for Construction of Works of Improvement.

B The State Conservationist has notified the State Director that the local organization has complied with all SCS requirements for receiving PL 566 construction assistance and the State Conservationist has furnished the State Director with a schedule indicating the approximate time construction work will begin on works of improvement to be installed with such funds.

C The State Director has notified the State Conservationist and the borrower that the loan or advance has been properly closed.

D Any contract entered into by the local organization for materials, labor, or the construction of works of improvement to be financed with loan funds has been found acceptable by the FHA.

E The State Director has notified the State Conservationist that any advance for the preservation of sites has been repaid.

F All engineering drawings and specifications for works of improvement to be financed in part by WS loans or advances have been approved by the FHA and the SCS.

VII FHA CONTRACTS WITH LOCAL ORGANIZATIONS: Ordinarily, a WS loan or advance will be made to the local organization having primary interest in, and direct responsibility for, the operation and maintenance of works of improvement to be installed with loan funds rather than to an organization that would have to contract with another organization for the operation and maintenance of works of improvement and the collection of revenues for repaying the loan or advance. When it is proposed to make a WS loan to an organization that would have to contract with another organization, the organization and the contractual arrangements will be mutually acceptable to the FHA and the SCS. This determination will be made before the approval of the Project Agreement for Construction of the Works of Improvement.

VIII INFORMATIONAL ACTIVITIES: The SCS will be responsible for the preparation, release, or other handling of the overall informational and educational material regarding the watershed protection program, including bulletins, press releases, and other public announcements. The SCS will, however, obtain the recommendations of the FHA prior to releasing pamphlets and similar informational

VIII (cont.)

material which makes reference to loans. The FHA may prepare and release informational material on the handling of loan applications, reviewing such material with the SCS if it alludes to overall costs or benefits or to technical aspects for which SCS has responsibility. It will often be desirable or necessary for the SCS to arrange, in particular watershed areas, for community meetings to explain the program and answer questions asked by local people in attendance. The FHA will be invited to participate in any such meeting if a loan or advance may be needed by a local organization to carry out works if improvement.

/S/ D. A. Williams
Administrator
Soil Conservation Service

/S/ Floyd F. Higbee
Acting Administrator
Farmers Home Administration

5/23/66
Date

6/6/66
Date

UNITED STATES GOVERNMENT

Memorandum

TO : State Conservationists, SCS
State Directors, FHA

FROM : D. A. Williams, Administrator, SCS
Howard Bertsch, Administrator, FHA

SUBJECT: Comprehensive Planning

DATE: July 6, 1967

This memorandum re-emphasizes the importance of close coordination between our two agencies in comprehensive planning activities, especially where the responsibilities of the Farmers Home Administration under the provisions of PL 89-240 are complementary to the comprehensive planning efforts of the Soil Conservation Service for land and water resource development. It also outlines specific steps that will be taken by field personnel to insure the most complete utilization of pertinent planning information when rural people are assisted by either agency. It is more important than ever before that rural community leaders be provided with the most complete and reliable information possible to implement essential decision-making.

Comprehensive River Basin Studies

At the Washington level intradepartmental coordination of agency activities in comprehensive river basin studies will continue to be effected through the Washington Advisory Committee. This Committee is chaired by Soil Conservation Service (SCS) and includes representatives of Economic Research Service (ERS) and Forest Service (FS). The chairman maintains close liaison with other agencies of the Department, especially Farmers Home Administration (FHA) and Rural Electrification Administration (REA) with respect to planning activities. Copies of all Plans of Work, minutes of Field Advisory Committee meetings and drafts of reports are routed to FHA for information, or for review and comment. Close contact on specific problems is maintained by phone or personal discussions between appropriate Washington staff personnel.

Coordination at the field level will be effected by the State Conservationist, SCS, and the State Director, FHA. This coordination will be maintained and strengthened to the extent necessary to insure the prompt exchange of certain specific data as it becomes available during river basin investigations and during the development of comprehensive plans for water and sewer systems with FHA assistance. Such data will include:

1. Areas subject to flood damage.
2. Water pollution problems.
3. Proposals in FHA-financed comprehensive plans for water utilization or the discharge of waste treatment effluents.



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Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

4. Factors affecting land use and expected land use changes.
5. Quantity and quality of available water supplies.
6. Appraisal of current rural water needs.
7. Projections of future requirements for water and land resources and analyses of alternate approaches to meet these requirements.

The State Conservationist who chairs the Field Advisory Committee will look to the other respective State Conservationists concerned to keep him fully informed regarding appropriate information from their respective States.

Watershed Projects

SCS will continue to invite all State and Federal agencies, including FHA, to participate in the various watershed planning activities. These activities may include, as appropriate, the field examination of watersheds on which applications for planning assistance have been received, the preliminary investigation, meetings held during the planning process, and the review of the plans developed by local people with the assistance of SCS and FS. During the first of these activities scheduled, FHA will advise SCS of any comprehensive plans for water and sewer systems in the area. When a need for these services exists, SCS will extend a special invitation to FHA to participate in the preliminary investigation of the watershed. Both agencies will work closely to coordinate the data used in watershed work plans and comprehensive water and sewer plans concerned with the same areas. Whenever one such plan has been developed and accepted in an area later proposed to be included in another plan, the appropriate agency will provide the other with a copy of the existing plan, together with all pertinent computations and work data and will supplement this information with consultation on any specific questions or problems.

Resource Conservation and Development Projects

Project plans for resource conservation and development projects are prepared by local sponsoring organizations with agency assistance. All concerned USDA agencies participate in the program. SCS has leadership responsibility within the Department. A shortage of municipal and rural water supplies and a need for sewage waste disposal are problems in many project areas. Often credit and housing needs must be met to bring about orderly development. SCS will insure that FHA is informed of these problems. FHA will provide the necessary information to the local sponsors and will keep SCS informed so that full coordination of planned project measures can be effected. Copies of project work plans will be provided for FHA's use at local and State offices.

Conservation Needs Inventory

The Conservation Needs Inventory is made by the USDA Conservation Needs Committees and all interested Departmental agencies are represented on

these Committees at both the Washington and field levels. FHA contributed to the development of the instructions, and will continue to contribute to the inventory effort. The inventory form with respect to watershed needs includes information pertaining to rural water supply, municipal and industrial water supply, recreational development, fish and wildlife development, and water quality control. The local Conservation Needs Committee identifies these needs which are found to exist and includes them in the inventory. This information is available to Departmental agencies as a guide for determination of areas in which problems exist that are within each agency's area of responsibility. The State Director, FHA, will insure that such information is available to the personnel responsible for FHA-financed comprehensive water and sewer plans. The State Director, FHA, will coordinate any questions on conservation needs which may be raised in the comprehensive water and sewer planning process.

Comprehensive Planning For Use In Development of Water and Sewer Projects

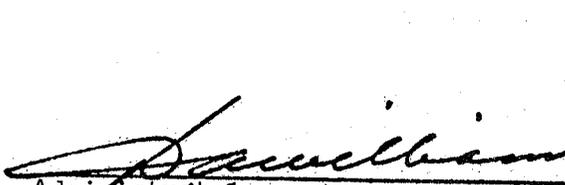
Local and State offices of SCS will be advised by FHA whenever comprehensive planning for water and sewer systems has been authorized. SCS also will be advised when plans are completed and available for use. Every effort will be made to insure that SCS studies and recommendations are used in the development of comprehensive plans for water and sewer systems in order to achieve the highest degree of consistency possible between the various studies. This will be particularly important where water supply, water quality, flood damage and land use problems are considered in analyzing present conditions in watershed and river basin investigations. FHA field staffs will make sure that consultants responsible for the preparation of comprehensive water and sewer plans are informed as to the availability of information which has been developed through watershed work plans, river basin studies, resource conservation and development work plans, soil surveys and the conservation needs inventory.

SUMMARY

In river basin studies and watershed and resource conservation and development planning activities, coordination is effected at the State level. However, the information used is developed at the county level. Comprehensive planning for water and sewer systems is accomplished on a county basis. Both agencies have field staffs in, or available to, most counties.

The means of effective coordination of agency efforts exists and a pattern of cooperative effort already has been established. State Conservationists, SCS, and State Directors, FHA, will make every effort to secure the best possible coordination and utilization of the planning and fact-finding activities of the two agencies. The Technical Action Panels may be helpful in this coordination. Where necessary, coordinating committees will be established or specific joint responsibilities will be assigned to designated representatives of the two agencies at the appropriate field

level. Coordination of comprehensive planning activities at the State and local levels can achieve a high degree of effectiveness. State staffs should continue to assist their field offices in improving these vital relationships.



Administrator
Soil Conservation Service



Administrator
Farmers Home Administration

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

Washington, D. C. 20250

August 16, 1966

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Honorable W. R. Poage
Chairman, Subcommittee on Conservation
and Credit
House Committee on Agriculture
House of Representatives

Dear Mr. Chairman:

To supplement Mr. Edward P. Cliff's statement before your Committee on March 21 of this year, we wish to make it absolutely clear at this time that the Forest Service will include in its budgetary request the funds needed to carry out necessary treatment practices on National Forest System lands in any future authorized upstream watershed projects.

The Forest Service further understands that the PL-566 practices pertain to initial land treatment measures, any additional measures required as a result of natural catastrophes such as droughts or fires, and proper maintenance of these measures as prescribed in watershed work plans developed by the sponsors and with assistance from the Soil Conservation Service and the Forest Service.

This letter is written with the understanding that it may be inserted in the Record of Hearings on this matter and will make it unnecessary to secure a separate commitment in connection with each individual PL-566 project which includes National Forest System lands.

Sincerely yours,

/s/ A. W. Greeley

Associate Chief

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARYC
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Washington, D. C. 20250

February 16, 1967

Dear Mr. Secretary:

Your letter of January 10, 1967, points out that the Committee on Agriculture of the House of Representatives in its consideration of watershed projects under the Watershed and Flood Prevention Act (P.L. 83-566) has been giving increased attention to arrangements for financing, installing and maintaining land treatment measures on public land included in such projects. It further points out that the Committee had advised the Department of Agriculture that it will not approve any work plans involving public lands unless the appropriate land administering agency provides satisfactory assurance that it will finance, install and maintain these measures on lands it administers. It was suggested that the Department of the Interior provide your Department or the Committee with such assurance on lands under its jurisdiction.

The Department of the Interior and its several land administering agencies have as a result of Congressional action certain overall responsibilities and authorities relating to lands under the jurisdiction of the Department. Under the authorities granted and in accordance with budgetary and other limitations programs pertaining to such lands are directed toward the fulfillment of these total responsibilities. Within this framework appropriate agencies of the Department will: install and maintain needed land treatment measures on lands under their jurisdiction as prescribed in watershed work plans developed by the sponsors with assistance from and joint concurrence of the Soil Conservation Service and the appropriate land managing agency; install necessary measures that may be required in the future to restore watershed conditions that become impaired or destroyed by fire or other natural causes; request necessary funds to carry out the foregoing.

This letter is written with the understanding that a copy may be made available to the Committee of Agriculture of the House of Representatives which may be inserted in the Records of Hearings on this matter and that such action makes it unnecessary to secure a separate commitment in connection with each individual P.L. 566 project proposal on public lands administered by agencies of this Department.

Sincerely yours,

/s/ Stewart L. Udall

Secretary of the Interior

Honorable Orville L. Freeman
Secretary of Agriculture

WPH - August 1967

U. S. DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADSPOLICY AND PROCEDURE MEMORANDUM 50-4.2
Date of Issuance: January 11, 1956

PLANNING

SUBJECT: Highway-Water Resources Developments (Road Relocations
Resulting From Water Projects)Supersedes: Memorandum dated August 11, 1950 and January 9, 1952,
(Temporary Topic 50-D)

1. Purpose

The purpose of this memorandum is to prescribe policies and procedures of the Bureau of Public Roads on matters relating to the relocation, which term includes reconstruction, adjustments and alterations, of highways on any Federal-aid or Forest highway system made necessary by the construction of reservoirs or other water resources projects.

2. Policy

a. It is the policy of Public Roads to cooperate with Federal and State agencies in the early determination of those segments of Federal-aid or Forest highway routes that may need to be relocated for accommodation of water resources projects, in estimating the costs of such relocations, and in equitably allocating such costs between the water and highway interests. Upon the request of another Federal agency or a State highway department, Public Roads will render similar assistance with respect to roads not on these two systems. The furnishing of such assistance, if involving substantial services, may be on a reimbursable basis.

b. The continuing objective of this policy is to coordinate highway improvements with proposed water projects to avoid unnecessary expenditure of public funds.

c. The cost of road relocations to be charged to the water project should be the difference between the cost of constructing the highway to modern highway design standards on the new location or elevation resulting from the water project and the cost of reconstructing the existing highway to the same modern standards without regard to the water project. Modern highway design standards should be based on a projection of traffic conditions for not more than twenty years in the future. Differences in highway maintenance costs resulting from the relocation should also be considered in the foregoing computations. Public Roads is not concerned

with the allocation of costs between water project purposes, such as flood control, power, irrigation and navigation.

d. Federal-aid or Forest highway funds may participate in the cost of relocating Federal-aid or Forest highways provided the participation does not exceed what would have been expended had the highway been reconstructed without regard to the water project.

e. Federal-aid or Forest highway funds will not be available to defray any part of the cost of relocating highways that local interests are required or agree to assume as a condition to the undertaking of the water project.

3. Procedures

a. As a means of strengthening interagency cooperation, each Public Roads district engineer should, as occasions arise, discuss the problems of highway relocation required by water projects with the field representatives of the interested Federal agencies. He should make certain that he is on the mailing list of the appropriate Federal agency to receive all notices of hearings and studies concerning such projects. After receipt of each notice and discussion of the matter with the State highway department, the district engineer should apprise the Federal water project agency as to the interest of Public Roads therein.

b. When it appears that a proposed water project might affect existing or proposed highway facilities, the water project agency should be requested to furnish a statement of the probable location of its project, the elevation of the pool, any navigational clearances to be required in bridges, any agreements by local interests to assume costs of highway relocations, and related details. On the basis of such information, details concerning the needed highway relocations, the estimated cost thereof and the increment of cost chargeable to the water project should be submitted to the water project agency. The submission should include a request that the data be used in benefit-cost and cost allocation computations of the water project and that the information be clearly shown in the agency's report to the Congress.

4. Public Roads Presentations of Information

a. The presentation of factual information by Public Roads, at public hearings and otherwise, concerning road relocations, cost allocations, and related details, should be prefaced by a statement of Public Roads' views covering the following points:

(1) Although the Bureau of Public Roads under existing law has no responsibility for making recommendations to the Congress concerning proposed water projects, it has within its sphere of activity, in connection with the improvement of Federal-aid and Forest highways, a coordinate duty to assist in obtaining needed factual information on highway relocation costs due to such projects, in order that such data may be taken into account in arriving at sound decisions.

(2) The relocation cost estimates and other data are based upon a probable dam site, pool elevation, and related information furnished by the water project agency. Any change in the site or in the elevation of the pool may materially affect the estimates. The information concerning highway design features and costs is based upon the best information available as to projected future traffic conditions. If construction of the water project should be deferred for five years or more after the estimates are furnished, the highway interests should have an opportunity to review the estimates, with a view toward making any appropriate revisions in the information being furnished before construction of the water project is started. Any highway improvement that may be made after a water project is studied but before its construction is started may materially increase the share of the relocation cost to be financed by the water project.

(3) The Bureau of Public Roads will cooperate in every way possible toward deferring improvement of any segment of a Federal-aid or Forest highway route expected to be inundated by any water project being advanced to construction. Needed highway improvements cannot be unduly deferred, however, in cases where construction of a water project is not imminent.

(4) In appropriate cases, it should be pointed out that Federal-aid or Forest highway funds may not be used to relieve local interests of obligations they assume as a condition to the undertaking of a water project. The decision to deny Federal-aid or Forest highway funds in such cases does not involve the discretion of the Bureau of Public Roads. It is based upon a fundamental relationship between coordinate governmental programs. Under that relationship, in the absence of a clear expression by the Congress authorizing otherwise, funds appropriated by the Congress for highway purposes may not be used to relieve local interests of obligations they assume as a condition to the undertaking of a water project for which the Congress appropriates funds.

5. Required Reports

Except for information concerning cost allocation and related details such as accompany program documents, and special information as may be requested in individual cases, no reporting to the Washington office is required under this memorandum.

/s/ C. D. Curtiss
Commissioner of Public
Roads

WPH - August 1967

DELAWARE RIVER BASIN COMMISSION

ADMINISTRATIVE AGREEMENT

Pursuant to Section 1.5 and Article 11 of the Delaware River Basin Compact and to Rule 2-3.3 of the Rules of Practice and Procedure of the Delaware River Basin Commission (Administrative Manual - Part 11), this Administrative Agreement is hereby entered into by and between the Delaware River Basin Commission and the Soil Conservation Service, U. S. Department of Agriculture, hereinafter referred to as SCS.

1. Definitions. For the purposes of this Agreement, unless otherwise required by the context:

- (a) "SCS" shall mean the Soil Conservation Service.
- (b) "DRBC" shall mean the Delaware River Basin Commission.
- (c) "Compact" shall mean the Delaware River Basin Compact.
- (d) "Facility" shall mean a facility as defined by the Compact, and within the planning jurisdiction of the SCS.
- (e) "Project" shall mean a project as defined by the Compact, and within the planning jurisdiction of the SCS.

2. Planning Consultation. No less frequently than once a year the SCS and DRBC shall hold one or more joint staff conferences for review of future plans and consideration of new projects in which either agency may have an interest.

3. Initiation of Project. As to any watershed project, the SCS receives an application for assistance from the project sponsors and after due authorization for planning proceeds with helping the sponsors develop a plan. The DRBC will be consulted by the SCS during the preliminary investigation of the planning stage to determine any features of the project in which the DRBC may have an interest.

4. Planning in Consultation. Prior to the issuing of a Work Plan Draft, the SCS will consult with the DRBC in regard to those features of the plan in which the DRBC has expressed interest and the DRBC may assist the SCS in planning those features of the project.

5. Informal Field Review. Upon the completion of the Work Plan Draft by the SCS, the DRBC will be furnished with copies of the draft for review. The DRBC will participate in the informal Field Review.

6. Work Plan Submission. The SCS will prepare a Work Plan based on the Work Plan Draft and incorporating any changes resulting from the Informal Field Review. On behalf of the project sponsors, the Work Plan will be submitted by the SCS to the DRBC for inclusion by the DRBC in its Comprehensive Plan in accordance with the Rules of Practice and Procedure. Either concurrently or subsequently the Work Plan will be reviewed in whole or in part for inclusion in the Water Resources Program or for approval under Section 3.8 as the sponsors may elect. No further approval of individual structures constructed substantially in accordance with the Work Plan will be required.

7. Work Plan Amendments. Amendments to the Work Plan resulting from significant changes in final design or for other reasons will be handled in accordance with paragraphs 4-6 above.

8. Effective Date. This Agreement shall take effect upon its execution by both parties.

IN WITNESS WHEREOF, the DRBC through its duly authorized Executive Director, and the SCS, through its Administrator, as authorized by the Compact and the laws of the signatory party, have executed this Agreement by affixing their respective signatures thereto this twenty-third day of December, 1966.

ATTEST:

/s/ Frances C. Harris

SOIL CONSERVATION SERVICE
U. S. Department of Agriculture

By /s/ Gladwin Young
Acting Administrator

ATTEST:

/s/ W. Bienton Whitall

DELAWARE RIVER BASIN COMMISSION

By /s/ James F. Wright
James F. Wright, Executive Director

11-21-66

MEMORANDUM OF UNDERSTANDING
Between the
TENNESSEE VALLEY AUTHORITY
and the
SOIL CONSERVATION SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

RELATIVE TO: Coordinating activities of the Tennessee Valley Authority under the Tennessee Valley Authority Act of 1933, as amended (48 Stat. 58, 49 Stat. 1079), with those of the Soil Conservation Service under the Watershed Protection and Flood Prevention Act, as amended (68 Stat. 666, 70 Stat. 1088).

THIS AGREEMENT, made and entered into this 6 day of November, 1958, by and between the Tennessee Valley Authority, hereinafter referred to as the "TVA" and the Soil Conservation Service of the United States Department of Agriculture, hereinafter referred to as the "SCS."

WITNESSETH

WHEREAS, the SCS is assigned responsibility for the administration of the Watershed Protection and Flood Prevention Act, as amended (68 Stat. 666, 70 Stat. 1088); and

WHEREAS, under the Tennessee Valley Authority Act of 1933, as amended (48 Stat. 58, 49 Stat. 1079), the TVA is concerned with and has statutory responsibilities relating to navigation and the control of flood waters in the Tennessee River and its tributaries; and

WHEREAS, it is the desire of the SCS and TVA to coordinate their mutual interests and activities in carrying out their assigned responsibilities in the Tennessee River Basin,

NOW, THEREFORE, the SCS and the TVA agree on procedures to accomplish their desires as follows:

A. Pre-Application Phase:

1. SCS and TVA will inform each other of local interest in watershed programs within the Tennessee River Basin as such interest comes to their attention.
2. At the time local interest in a specific watershed is first recognized, TVA also will advise SCS regarding any of TVA's active projects or plans which might significantly influence the feasibility of a small watershed project under the Watershed Protection and Flood Prevention Act.

B. Application Phase:

1. Upon receiving an application for planning assistance, SCS will forward a copy to TVA for review and comment.
2. In response, TVA will indicate the nature of its interest in the watershed, including reference to any identifiable TVA requirements for approval of structures under Section 26a of the Tennessee Valley Authority Act of 1933, as amended, in the affected area. This statement of interest will become a part of the application file for the watershed in question.
3. SCS will inform TVA of plans for a field examination or similar preliminary survey, will invite TVA to participate, and will furnish TVA a copy of the preliminary field report.
4. SCS will inform TVA of the action taken on the application by the Service.
5. SCS will inform TVA when planning assistance is authorized.
6. SCS will inform TVS of interest and needs expressed by local sponsoring organizations and will arrange to inform local sponsoring organizations of the nature of the interest of TVA in the watershed.

C. Work Plan Development Phase:

1. On apprising TVA of an approval and authorization for assistance in Watershed Work Plan development, SCS will send TVA a list of the types of data needed from TVA for planning.
2. TVA will furnish SCS such data and planning materials as are available and applicable under the generalized list supplied by SCS.
3. SCS will furnish TVA a copy of the Plan of Operations (work outline) for developing the Watershed Work Plan.
4. a. SCS will consult with TVA on the development of Watershed Work Plans, specifically with respect to proposed structural works of improvement, that TVA decides or has previously indicated would significantly affect TVA's interests. As appropriate, SCS will also discuss with TVA the interpretation and application of data submitted by TVA.

- b. SCS will furnish TVA (a) a map showing the tentative location of contemplated structural works and (b) preliminary structure estimates of items usually listed in the standard "Structure Data Table" of Watershed Work Plans after preliminary agreement has been reached with the responsible local sponsoring organizations.
 - c. TVA will examine this preliminary information, request of SCS additional information, if needed, and advise SCS of any significant conflict between the proposed works and TVA's responsibilities for navigation, flood control, public lands, or other properties.
 - d. After any necessary consultation with SCS, TVA will advise the SCS as to any structures requiring approval under Section 26a of the Tennessee Valley Authority Act of 1933, as amended. SCS will formulate and develop with the local sponsoring organization further plans and recommendations with respect to such structures on a basis which will enable them to meet the requirements of the TVA Act.
5. SCS will inform TVA of the time and place of the informal review of the Work Plan draft with other agencies. In advance of this meeting, SCS will transmit to TVA copies of the Work Plan draft for information and office review. Following the informal review of the Work Plan draft, TVA will advise SCS of its views.
 6. SCS will furnish TVA copies of the final Watershed Work Plan for review and comment. TVA will reply, identifying the structures, if any, requiring further review or approval under Section 26a of the Tennessee Valley Authority Act of 1933, as amended.

D. Installation Phase:

1. SCS will direct attention of the Sponsors of each watershed project to the requirements of Section 26a of the Tennessee Valley Authority Act of 1933, as amended. When the watershed goes into installation phase and when SCS has been advised that review and approval of the design of structures is required, the Sponsors will be informed by SCS of the requirement for Section 26a approval prior to construction.

E. General:

1. This agreement will be effective as of the date appearing in the first paragraph hereof. The agreement may be amended by mutual agreement. Either party may terminate the agreement upon 90 days notice given in writing to the other party.
2. This agreement does not constitute a financial obligation to serve as a basis for expenditures.

IN WITNESS WHEREOF, the parties have executed this agreement on the day, month and year first above written.

TENNESSEE VALLEY AUTHORITY

By /s/ A. J. Wagner

Title General Manager

APPROVED BY TVA
BOARD OF DIRECTORS

Nov. 6, 1958

/s/ Leona L. Malkemus
Assistant Secretary

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

By /s/ Gladwin Young

Title Acting Administrator

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
ECONOMIC DEVELOPMENT ADMINISTRATION-DEPARTMENT OF COMMERCE
AND THE
SOIL CONSERVATION SERVICE-DEPARTMENT OF AGRICULTURE

RE: Supplementary Grant Assistance Under the Public Works and Economic Development Act (PL 89-136) for Projects Financed under the Watershed Protection and Flood Prevention Act, (PL 83-566 as Amended) and Sec. 13 of the Flood Control Act of 1944 (PL 78-534).

I. GENERAL

1. Section 101 of P.L. 89-136 authorizes the Secretary of Commerce to make direct grants, grants supplementary thereto, and grants supplementary to basic grants from other Federal programs. Notwithstanding any requirement that may otherwise be applicable to the Federal program involved, supplementary grants shall be used for the sole purpose of increasing the Federal contribution to specific projects in eligible areas under such programs above the fixed maximum portion of the cost of such project otherwise authorized under the applicable laws, but in no event shall the non-Federal share of the aggregate cost of the project be less than 20 percent of such cost. The fixed maximum portion authorized shall be construed to mean the maximum percentage established by the Secretary of Agriculture under P.L. 83-566 and under Section 13 of P.L. 78-534.

2. In determining the amount of any supplementary grant available to any project, EDA will give consideration to the (a) relative needs of the area, (b) the nature of the project to be assisted and (c) the amount of such fair user charges or other revenues as the project may reasonably be expected to generate in excess of those which would amortize the local share of initial costs and provide for its successful operation and maintenance (including depreciation).

II. PROJECTS RECEIVING FEDERAL FINANCIAL ASSISTANCE UNDER PL 83-566 or PL 78-534

1. For supplementary grant consideration, a "project" is defined as any structural measure, which is eligible for EDA assistance, in an approved watershed protection or flood prevention project within an area eligible for EDA assistance. The segment of

"project cost," which is eligible for an EDA supplementary grant, is considered to be the total installation cost of the structural measure excluding costs of any land or land rights required under PL 83-566 or PL 78-534 to be acquired by the local organization without cost to the Federal Government.

2. If the area in which the structural measure is to be located qualifies under PL 89-136 for a maximum grant rate in excess of the portion provided under PL 83-566 or PL 78-534, the applicant may request supplementary grant funds from EDA to supplement the applicable Federal share of total installation costs of such structural measure. Such request may not increase the total Federal participation in excess of the maximum grant rate established by EDA for the area in which the structural measure is located.
3. If the project sponsor indicates the need for additional grant funds for financing the project, the SCS State Conservationist will refer the applicant to the appropriate EDA Area Office for a pre-application conference and preliminary determination of the eligibility of the project under PL 89-136.
4. If the project appears eligible for supplementary grant consideration, EDA will furnish the applicant with appropriate application forms and provide assistance in their preparation. The method of financing shown on the EDA application must be identical with that shown in the approved watershed or sub-watershed work plan.
5. If EDA decides to decline or deny the application for a supplementary grant, it will advise SCS and the applicant accordingly.
6. Prior to EDA approval of the supplementary grant, SCS will provide EDA with the following:
 - a. A determination that the estimated cost of the project is reasonable and that the requested basic grant and the supplementary grant, together with the funds to be supplied by the applicant, will be sufficient to complete the project.
 - b. A statement that the funds to be supplied by the applicant are available or that SCS is reasonably satisfied that the applicant has the capability of supplying such funds.

- c. Assurance that disbursements of the supplementary grant will be in proportion to disbursements from all applicable Federal funds available for the project and that adequate safeguards have been established to eliminate the possibility of the supplementary grant exceeding the authorized percentage relationship to the cost of the project.
 - d. Agreement that the amount of the supplementary grant will be reduced to the extent actual project costs fall below estimated costs; provided, however, that savings in such cases may be applied to a proportionate reduction of the supplementary grant and other Federal grants when necessary to conform to limitations imposed by statute.
 - e. A statement that the sponsoring local organization has entered into an Operation and Maintenance Agreement with the Soil Conservation Service which is satisfactory to SCS.
 - f. A statement that the amount of the basic SCS grant for the particular project is as great as would have been approved in the absence of the supplementary grant.
 - g. A statement that the construction contract(s) for project work will contain binding provisions for payment of prevailing wage rates as determined by the Secretary of Labor in accordance with the Davis-Bacon Act; as amended (40 USC 276a-276a-5).
 - h. An undertaking to conform to the financial reporting requirements for transferred funds as outlined in Economic Development Memorandum 2.03-7 "Reporting of Fund Transfers by Participating Agencies," a copy of which is attached hereto.
 - i. An undertaking to advise EDA Washington of the completion of the project and to supply a final report on the costs of the project in sufficient detail to permit a reasonable review of expenditures.
7. Prior to approval of the supplementary grant, EDA will obtain from the applicant and substantial beneficiaries, as appropriate, executed assurances of compliance with the regulations of Title 15, Subtitle A, Part 8 of the Code of Federal Regulations issued by the Department of Commerce in effectuation of Title VI of the Civil

Rights Act of 1964. EDA will also obtain executed Certificates of Non-Relocation from the applicant and substantial beneficiaries where applicable.

8. When EDA approves a supplementary grant, it will inform SCS of such approval and will take immediate steps to transfer the funds to the U. S. Treasury account of SCS on Standard Form 1151. At the same time, EDA will inform the applicant that an EDA supplementary has been authorized, and that the terms and conditions of the EDA grant offer will be transmitted by SCS.

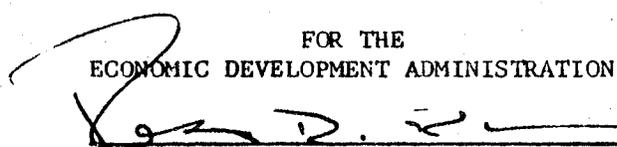
9. SCS will tender the EDA Grant Offer within a sufficient period of time to allow the grantee to accept the Offer before the end of the fiscal year within which the EDA project has been approved.

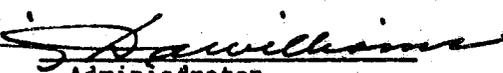
10. After acceptance of the offer, SCS will assume full responsibility for the supervision of the project and the disbursement of the supplementary grant along with the basic grant.

11. SCS will supply the EDA Area Office at reasonable intervals with progress reports on the project and advise the Area Office whenever unusual problems are encountered.

12. Should an EDA loan also be involved, SCS will, upon request of EDA, furnish a current construction status report to EDA at the time loan advances are requested and at the time of the loan closing. SCS will notify the EDA Area Office when final inspection is to take place and permit an EDA representative to be present at the final inspection. Also, SCS will, upon request of the EDA Area Office, permit an EDA representative to inspect the project during construction where such inspection is necessary in connection with the loan.

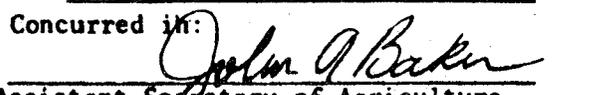
13. Since maximum use of local labor in the construction of the project will facilitate the objectives of the Public Works and Economic Development Act of 1965, this matter should be given consideration in arrangements with all contractors retained in connection with project construction.

FOR THE
ECONOMIC DEVELOPMENT ADMINISTRATION

Assistant Secretary of Commerce
for Economic Development

FOR THE
SOIL CONSERVATION SERVICE

Administrator

Date NOV 15 1967

Date 12/1/67

Concurred in:

Assistant Secretary of Agriculture
for Rural Development and Conservation

Date DEC 1 1967

FORM ED-24
(8-11-66)

TRANSMITTAL 175

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE

ASSISTANT SECRETARY AND DIRECTOR OF ECONOMIC DEVELOPMENT

MANUAL OF ECONOMIC DEVELOPMENT ORDERS

ECONOMIC DEVELOPMENT ORDER 2.03-7

SUBJECT

REPORTING OF FUND TRANSFERS, BY PARTICIPATING AGENCIES

REFERENCES

EFFECTIVE DATE: 3-3-67

SUPPLEMENT: _____

SUPERSEDES: MEDO Memorandum 2.03-7,
"Reporting by Participating
Agencies," dated August 1, 1966

APPROVED

James H. Smith
Chief, Accounting Division

[Signature]
Director, Office of Administration

<u>Section</u>	<u>Section Title</u>	<u>Page</u>
1	Purpose-----	1
2	General-----	2
3	Transfers of Supplementary Grant Funds-----	2
4	Transfers of Funds for Administrative Support, and for Specific Projects or Studies Pertaining to Technical Assistance, Management, or Research-----	3
5	Mailing Address for Reports-----	4
6	Effect on Other Orders-----	4

SECTION 1. PURPOSE

The purpose of this Order is to prescribe reporting requirements which must be included in all agreements to advance funds to other Federal agencies for:

- a. Supplementary grants.

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2.03-7

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1b

- b. Technical assistance and management and research projects and/or studies.
- c. Support activity (administrative and operating expenses).

SECTION 2. GENERAL

This Order, which provides a schedule showing financial reporting requirements, shall be made a part of each agreement to transfer funds to another agency for the purposes listed in Section 1. Performing agencies need not submit reports for work performed on a reimbursable basis if EDA is billed monthly and bills are received by the tenth of the following month. Such billings will suffice as a source of accrued expenditure data.

SECTION 3. TRANSFERS OF SUPPLEMENTARY GRANT FUNDS

.01 SF-1151, "Nonexpenditure Transfer Authorization":

SF-1151, "Nonexpenditure Transfer Authorization," will be used for transfers of supplementary grant funds.

.02 Required Reports:

The following reports shall be required in all agreements involving transfers of supplementary grant funds:

- a. Monthly Report, due by the tenth day after the end of the month, showing cumulative totals, first by appropriation, and then by projects thereunder, of:
 - (1) Obligations.
 - (2) Accrued expenditures.
 - (3) Cash disbursements.

Estimated amounts may be reported for obligations and accrued expenditures, but actual amounts which agree with the SF-224, "Statement of Transactions," must be reported for cash disbursements. Attached as Exhibit 1 is the suggested form for the monthly report.

3.02

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- b. Quarterly Report on SF-133, "Report on Budget Status," due by the 15th day after the end of the quarter, supported by a schedule showing by project:
- (1) Obligations.
 - (2) Accrued expenditures.
 - (3) Cash disbursements in agreement with those reported on the SF-224, "Statement of Transactions."

NOTE: A supporting schedule for SF-133 will not be required if the monthly report shows actual obligations and accrued expenditures.

c. Annual Reports, as follows:

- (1) SF-220, "Statement of Financial Condition," as required by Treasury Circular No. 966, due by September 20 for the year ending June 30.
- (2) Treasury Form BA-R 2108, as required by Treasury Circular No. 965, due by September 20 for the year ending June 30.
- (3) Report on Federal grants-in-aid to States and payments to individuals, as required by Treasury Circular No-1014, due by September 20 for the year ending June 30.
- (4) Report to be submitted by May 31, showing estimated unobligated funds as of June 30. Upon receipt of the report, the Accounting Division will make a determination as to disposal of the unobligated funds.

SECTION 4. TRANSFERS OF FUNDS FOR ADMINISTRATIVE SUPPORT, AND FOR SPECIFIC PROJECTS OR STUDIES PERTAINING TO TECHNICAL ASSISTANCE, MANAGEMENT, OR RESEARCH

.01 Use of SF-1081, "Voucher and Schedule of Withdrawals and Credits":

SF-1081, will be used for transfers of funds for administrative support and for specific projects or studies pertaining to technical assistance, management, or research.

.02 Required Reports

The following reports shall be required in agreements involving transfers of funds for the purposes cited in paragraph 4.01:

- a. Monthly Report, due by the 10th day after the end of the month, listing estimated accrued expenditures by appropriation and projects thereunder.

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3-3-67

4.02b

- b. Quarterly Report, due by the 15th day after the end of the quarter, listing actual accrued expenditures by appropriation and projects thereunder.
- c. Annual Report, due by May 31, showing estimated unobligated funds as of June 30. Upon receipt of the report, the Accounting Division will make a determination as to disposal of the unobligated funds.

SECTION 5. MAILING ADDRESS FOR REPORTS

Agencies should mail the reports required in this Order to the following address:

Chief, Accounting Division,
Office of Administration,
Economic Development Administration,
U. S. Department of Commerce,
Washington, D. C. 20230

SECTION 6. EFFECT ON OTHER ORDERS

This Order supersedes MEDO Memorandum 2.03-7, "Reporting by Participating Agencies," dated August 1, 1966, and any other instructions which may be in conflict with its provisions.

INDEX CHANGE

Change M/2.03-7 to 2.03-7 (page 20)

Exhibit 1

2.03-7
3-3-67

The following is a sample monthly report on the status of EOA funds transferred to other agencies.

It will be noted that, for continuing (no-year) funds, and for prior year annual funds, totals are broken down to show separately cumulative amounts:

(a) As of June 30 each year.

(b) From the beginning of the current fiscal year to the reporting date.

Month October 1966

Appropriation Symbol (1)	Project Number and Location (2)	Project Allocation (3)	Cumulative Obligations to Date (4)	Unobligated Balance (5)	Unliquidated Obligations (6)	Accrued Expenditures (7)	Cumulative Net Cash Disbursements (8)
60-1320930	OAA 21-000-0123 Oneonta, New York	32,160.00	32,160.00	-0-	32,160.00	-0-	-0-
	OAA 53-004-0131 Sutton, Swanton County West Virginia	57,060.00	-0-	57,060.00	-0-	-0-	-0-
	56-086-0074 Mt. Airy-Surry Co., N.C.	54,721.86	54,721.86	-0-	41,916.94	12,804.92	12,804.92
	58-061-0011 Elliotay, Georgia	47,091.00	-0-	47,091.00	-0-	-0-	-0-
	58-069-0104 Gainesville, Georgia	29,000.00	29,000.00	-0-	29,000.00	-0-	-0-
Appropriation Total	Total from inception of program	802,398.86	501,681.86	300,717.00	488,874.94	12,804.92	12,804.92
	Status of funds as of 6-30-66	578,437.88	440,521.88	133,916.00	440,521.88	-	-
	Current Year Thru 10-31-66	228,141.00	61,160.00	164,981.00	48,353.08	12,804.92	12,804.92

SUPPLEMENT TO
MEMORANDUM OF UNDERSTANDING
BETWEEN THE
ECONOMIC DEVELOPMENT ADMINISTRATION--DEPARTMENT OF COMMERCE
AND THE
SOIL CONSERVATION SERVICE--DEPARTMENT OF AGRICULTURE

This Memorandum of Understanding effective December 6, 1967 is hereby supplemented as follows:

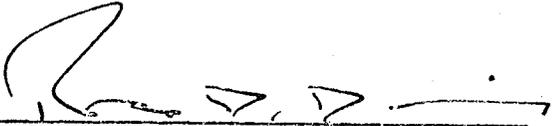
1. The subject of the original Memorandum of Understanding is supplemented to include as additional projects: "Resource Conservation and Development (RC&D) Projects established pursuant to the Food and Agriculture Act of 1962 (PL 87-703)."
2. Paragraph I.1 is amended and supplemented to read:
"Section 101 of P.L. 89-136 authorizes the Secretary of Commerce to make direct grants, grants supplementary thereto, and grants supplementary to basic grants from other Federal programs. Notwithstanding any requirement that may otherwise be applicable to the Federal program involved, supplementary grants shall be used for the sole purpose of increasing the Federal contribution to specific projects in eligible areas under such programs above the fixed maximum portion of the cost of such project otherwise authorized under the applicable laws, but in no event shall the non-Federal share of the aggregate cost of the project be less than 20 percent of such cost. The fixed maximum portion authorized shall be construed to mean the maximum percentage established by the Secretary of Agriculture under P.L. 83-566 under Section 13 of P.L. 78-534 and under P.L. 87-703."
3. The heading of paragraph II is supplemented to read: "PROJECTS RECEIVING FEDERAL FINANCIAL ASSISTANCE UNDER PL 83-566, PL 78-534 or PL 87-703."
4. Paragraph II.1 is amended and supplemented to read:
"For supplementary grant consideration, a "project" is defined as any structural measure, which is eligible for EDA assistance, in an approved watershed protection, flood prevention or resource conservation and development project within an area eligible for EDA assistance. The segment of "project cost," which is eligible for an EDA supplementary grant, is considered to be the total installation cost of the structural measure excluding costs of any land or land rights required under PL 83-566, PL 78-534, or PL 87-703 to be acquired by the local organization without cost to the Federal Government."

5. Paragraph II.2. is amended and supplemented to read:

"If the area in which the structural measure is to be located qualifies under PL 89-136 for a maximum grant rate in excess of the portion provided under PL 83-566, PL 78-534, or PL 87-703, the applicant may request supplementary grant funds from EDA to supplement the applicable Federal share of total installation costs of such structural measure. Such request may not increase the total Federal participation in excess of the maximum grant rate established by EDA for the area in which the structural measure is located."

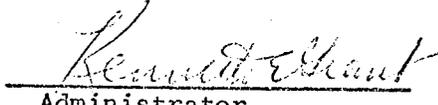
All other terms and conditions of the original Memorandum of Understanding shall remain in full force and effect.

For the
ECONOMIC DEVELOPMENT ADMINISTRATION



Assistant Secretary of Commerce
for Economic Development

For the
SOIL CONSERVATION SERVICE



Administrator

Date FEB 14 1969

Date FEB 28 1969

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

November 7, 1966

SECRETARY'S MEMORANDUM NO. 1606

Evaluation of Flood Hazard in Locating Federally Owned or
Financed Buildings, Roads, and Other Facilities, and in
Disposing of Federal Lands and Properties

Executive Order No. 11296 dated August 10, 1966, copy attached, asks the heads of executive agencies to provide leadership in encouraging a broad and unified effort to prevent uneconomic uses and development of the Nation's floodplains and, in particular, to lessen the risk of flood losses in connection with Federal lands and installations and Federally financed or supported improvements.

This Department is especially conscious of the importance of working with nature in the protection, development, use and management of natural resources, including floodplains. Its National Soil Survey provides information to guide the use of land in accordance with its capabilities. Many of its programs assist landowners, operators, and local organizations to plan and carry out measures for conservation and use of soil, water, and vegetative resources and protection of these resources from flood and sediment damage. The National Forests are managed to protect watersheds and minimize erosion and flooding.

I accept with alacrity the President's request to provide leadership and ask each agency of the Department of Agriculture to cooperate fully in achieving the above indicated objectives of the order. The Soil Conservation Service, in view of its overall responsibility for Department Watershed Protection and Flood Prevention activities will represent the Department under the Executive Order, except for activities under Section 1(2) that have to do with disaster relief. It also will serve as liaison with the Secretary of the Army and the Tennessee Valley Authority who are assigned responsibility for developing flood hazard information, including guidance on flood proofing, in providing technical assistance upon request to Department agencies.

WPH - January 1969

Subject to overall coordination by the Soil Conservation Service to be effected through the River Basin Planning and Watershed Operations Advisory Committee chaired by that Service, individual Department agencies are responsible for complying with the provisions of the Executive Order as they apply to the programs of those agencies.

A handwritten signature in cursive script, appearing to read "Quillston".

Attachment

Executive Order 11296

EVALUATION OF FLOOD HAZARD IN LOCATING FEDERALLY OWNED OR FINANCED BUILDINGS, ROADS, AND OTHER FACILITIES, AND IN DISPOSING OF FEDERAL LANDS AND PROPERTIES

WHEREAS uneconomic uses of the Nation's flood plains are occurring and potential flood losses are increasing despite substantial efforts to control floods; and

WHEREAS national and regional studies of areas and property subject to flooding indicate a further increase in flood damage potential and flood losses, even with continuing investment in flood protection structures; and

WHEREAS the Federal Government has extensive and continuing programs for the construction of buildings, roads, and other facilities and annually disposes of thousands of acres of Federal lands in flood hazard areas, all of which activities significantly influence patterns of commercial, residential, and industrial development; and

WHEREAS the availability of Federal loans and mortgage insurance and land use planning programs are determining factors in the utilization of lands:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. The heads of the executive agencies shall provide leadership in encouraging a broad and unified effort to prevent uneconomic uses and development of the Nation's flood plains and, in particular, to lessen the risk of flood losses in connection with Federal lands and installations and federally financed or supported improvements. Specifically:

(1) All executive agencies directly responsible for the construction of Federal buildings, structures, roads, or other facilities shall evaluate flood hazards when planning the location of new facilities and, as far as practicable, shall preclude the uneconomic, hazardous, or unnecessary use of flood plains in connection with such facilities. With respect to existing Federally owned properties which have suffered flood damage or which may be subject thereto, the responsible agency head shall require conspicuous delineation of past and probable flood heights so as to assist in creating public awareness of and knowledge about flood hazards. Whenever practical and economically feasible, flood proofing measures shall be applied to existing facilities in order to reduce flood damage potential.

(2) All executive agencies responsible for the administration of Federal grant, loan, or mortgage insurance programs involving the construction of buildings, structures, roads, or other facilities shall evaluate flood hazards in connection with such facilities and, in order to minimize the exposure of facilities to potential flood damage and the need for future Federal expenditures for flood protection and flood disaster relief, shall, as far as practicable, preclude the uneconomic, hazardous, or unnecessary use of flood plains in such connection.

(3) All executive agencies responsible for the disposal of Federal lands or properties shall evaluate flood hazards in connection with lands or properties proposed for disposal to non-Federal public instrumentalities or private interests and, as may be desirable in order to minimize future Federal expenditures for flood protection and flood disaster relief and as far as practicable, shall attach appropriate restrictions with respect to uses of the lands or properties by the purchaser and his successors and may withhold such lands or properties from disposal. In carrying out this paragraph, each executive agency may make appropriate allowance for any estimated loss in sales price resulting from the incorporation of use restrictions in the disposal documents.

(4) All executive agencies responsible for programs which entail land use planning shall take flood hazards into account when evaluating plans and shall encourage land use appropriate to the degree of hazard involved.

SEC. 2. As may be permitted by law, the head of each executive agency shall issue appropriate rules and regulations to govern the carrying out of the provisions of Section 1 of this order by his agency.

SEC. 3. Requests for flood hazard information may be addressed to the Secretary of the Army or, in the case of lands lying in the basin of the Tennessee River, to the Tennessee Valley Authority. The Secretary or the Tennessee Valley Authority shall provide such information as may be available, including requested guidance on flood proofing. The Department of Agriculture, Department of the Interior, Department of Commerce, Department of Housing and Urban Development, and Office of Emergency Planning, and any other executive agency which may have information and data relating to floods shall cooperate with the Secretary of the Army in providing such information and in developing procedures to process information requests.

SEC. 4. Any requests for appropriations for Federal construction of new buildings, structures, roads, or other facilities transmitted to the Bureau of the Budget by an executive agency shall be accompanied by a statement by the head of the agency on the findings of his agency's evaluation and consideration of flood hazards in the development of such requests.

SEC. 5. As used in this order, the term "executive agency" includes any department, establishment, corporation, or other organizational entity of the executive branch of the Government.

SEC. 6. The executive agencies shall proceed immediately to develop such procedures, regulations, and information as are provided for in, or may be necessary to carry out, the provisions of Sections 1, 2, and 3 of this order. In other respects this order shall take effect on January 1, 1967.

LYNDON B. JOHNSON

THE WHITE HOUSE,
August 10, 1966.

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

November 7, 1966

SECRETARY'S MEMORANDUM NO. 1607

A Unified National Program for Managing Flood Losses

The President on August 10, 1966, transmitted to the Congress a report on A Unified National Program for Managing Flood Losses prepared by a special task force at the administration's request. It was printed as House Document No. 465, 89th Congress, Session 2nd.

The report contains 16 specific recommendations to achieve the following five general objectives:

1. Improved basic knowledge about flood hazards.
2. Improved planning and coordinating of new developments in floodplains.
3. Improved technical services to managers of floodplains.
4. A national program for flood insurance.
5. Adjustment of Federal flood control policy to sound criteria and changing needs.

As a first and immediate step to carry out the report recommendations, the President on August 10, 1966, issued Executive Order 11296 directing Federal agencies to consider flood hazard in locating new Federal installations and in disposing of Federal land. It is the Subject of Secretary's Memorandum No. 1606.

Direct action by the Department of Agriculture to comply with most of the report's recommendations must await further studies by other agencies or inter-departmental groups. The Bureau of the Budget has assigned leadership roles to several agencies for such studies or for direct implementation of specific recommendations, as follows:

Water Resources Council

1. Development of a uniform technique of determining flood frequency (Recommendation No. 2).

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2. Development of further instructions to require consideration of floodplain zoning, etc., in river basin planning (Recommendation No. 5-a).
3. Development of legislation requiring floodplain zoning, etc., as a part of local cooperation in flood control projects (Recommendation No. 5-a).
4. Development of legislation regarding cost sharing for flood protection in Federal and Federally assisted projects (Recommendation No. 13). This is to be completed in six months.
5. Development of revised procedures for estimation of flood prevention benefits, distinguishing between benefits from protection to existing improvements and to potential improvements (Recommendation No. 14).
6. Study of land acquisition authority relating to land acquisition as a part of flood control plans (Recommendation No. 15).

Department of the Army

1. Preparation of a list of towns and streams with flood problems (Recommendation No. 1-a).
2. Acceleration of the present program of flood hazard information reports (Recommendation No. 1-c).
3. Provision of improved technical services to managers of flood property, including the needed legislation (Recommendation No. 9).

Environmental Science Services Administration, Department of Commerce

Establishment of a flood forecasting service (Recommendation No. 10).

Bureau of the Budget

1. Consideration of relocating and flood proofing as alternatives to repetitive reconstruction (Recommendation No. 7).
2. Additional study of the need for obtaining Congressional authority for a continuing planning process (Recommendation No. 12-b).

3. Further study of loan authorities for local contributions to flood control projects (Recommendation No. 16).

All relevant programs of the Department should be brought to bear on the problem of managing flood losses with more emphasis placed on management and use of floodplain lands, flood insurance, and provision of technical services for reducing flood losses.

Department agencies should reexamine their ongoing operations with respect to utilization of present and the need for additional financial and professional resources and scheduling of new work to attain the stated objectives.

In keeping with related assigned responsibilities, the Soil Conservation Service is assigned leadership within the Department for implementing the applicable recommendations of the report on Managing Flood Losses in cooperation with other concerned agencies in the Department. Cooperative consideration and action will be effectuated through the River Basin Planning and Watershed Operations Advisory Committee. As products result from the consideration of report recommendations by agencies assigned leadership responsibilities by the Bureau of the Budget, appropriate additional Secretary's Memorandums, if needed, will be issued.



MEMORANDUM OF UNDERSTANDING
between
The Soil Conservation Service
and
The Economic Research Service
relative to
Services to be Furnished by the Economic
Research Service Under the Watershed Planning
and Operations Appropriation Items

This Memorandum of Understanding describes the work to be undertaken by the Economic Research Service to assist the Soil Conservation Service administer the Watershed Protection and Flood Prevention Act and establishes interagency arrangements for conduct of the work. This Memorandum of Understanding will supersede the Memorandum of Agreement dated January 1955.

I. Kinds of work to be undertaken by the ERS

A. The ERS will provide technical assistance to the SCS, as requested, in development or review of policies and procedures for planning and evaluating Watershed Protection and Flood Prevention projects. This includes application and interpretation of economic principles and criteria in the evaluation of projects.

B. The ERS will undertake special socio-economic studies to assist the SCS in appraising and improving the watershed program. Selected completed projects, proposed projects, and related data will be analyzed for the purposes of:

1. determining program effectiveness in achieving stated goals,
2. identifying alternate social goals, development needs, and project purposes to improve watershed program and design of individual projects.
3. identifying need for changes in planning procedures to more accurately assess economic and other impacts of projects.

C. The ERS will provide an annual analysis of program progress. This will include a summary of benefit, cost and other data from authorized project plans.

II. Procedure for selection of specific work assignments:

A plan of work will be developed annually for work to be accomplished or initiated each year under this agreement. The annual plan of work will be prepared jointly by the ERS and SCS. Since budgets are prepared

approximately one to one and one-half years in advance of authorization to obligate funds, the annual plan of work would be completed at least a full year in advance of the fiscal year covered. It will be signed by the Administrators of the two agencies.

The annual plan of work will (1) set forth a schedule for completing the work to be continued; (2) describe the new work to be undertaken and the schedule for its completion; (3) list ERS personnel that will be available to undertake the studies; and (4) specify estimated funds required for each item undertaken.

In support of this annual planning the following activities will involve both agencies:

(1) A statement of research need; will be developed to provide overall guidance in the selection of priority work to be undertaken; (2) these research needs will be revised as necessary as a result of planned workshops and seminars involving appropriate personnel of both agencies. By these means specific plans for each year's work can be shaped to move toward the accomplishment of longer range objectives, and fund authorizations can be anticipated well in advance of budgeting.

Mutually acceptable adjustments in this annual working schedule will be made as necessary, subject to availability of funds.

III. Financing

Based on appropriations actually received for planning and installing works of improvement in PL-566 projects and a mutually satisfactory plan of work, the SCS will transfer to the ERS the necessary funds to carry out the agreed-to items called for in the annual plan of work.

IV. Publications and Administrative Reports

Reports and special studies will be issued as mutually agreed upon. Such reports will have the approval of cooperating agencies and will be published through the established channels of the SCS, the ERS, or cooperating agencies.

V. This Memorandum of Understanding shall become effective as of the date of approval and shall continue in effect until modified by mutual agreement or until terminated by either party by giving not less than 60 days' notice in writing to the other party.

K. Smith Grant
Administrator, Soil
Conservation Service

4/27/72
Date

W. L. DeLoach
Administrator, Economic
Research Service

4/6/72
Date

INTERAGENCY AGREEMENT
BETWEEN THE
SOIL CONSERVATION SERVICE
AND THE
FOREST SERVICE

I. Purpose. The purpose of this agreement is to describe procedures adopted by the Soil Conservation Service (SCS) and the Forest Service (FS) to assure effective program planning and execution and define responsibilities for program management and accountability in connection with the Watershed Protection and Flood Prevention (16 U.S.C. 1001-1009), and the 1944 Omnibus Flood Control (Sec. 13, 58 Stat. 905) Acts. This agreement is not applicable to emergency assistance authorized by Section 216 of the Flood Control Act of May 17, 1950, (33 U.S.C. 701b-1).

II. National Level Activities.

A. Program Development. The FS and SCS will jointly prepare a National Program Activity Plan. The Plan will be prepared by October 1 each year and will cover the current year, budget year, and projected year. The Plan will identify activities to be carried out by the FS National office to support activities at the State, region, and area levels, and the man-years and funding necessary to carry out those activities.

B. Program Funding. Funds for each year's work under the National Program Activity Plan will be transferred by SCS to the FS at the National office level. In the event final appropriations to SCS are not known when the National Program Activity Plan is prepared, the Plan and estimated funding levels may be adjusted based on final appropriations.

C. Accomplishment and Financial Reporting. Directors of the SCS Watersheds Division and FS Area Planning and Development Unit will meet in February and August of each year to review and evaluate current year National level activities. Review and evaluation will include: (1) progress on accomplishments during the year, (2) charges made to program funds, and (3) other available program and financial data as may be required.

III. State, Regional, and Area Level Activities. The SCS state conservationists have responsibility for SCS program planning and management and are accountable for accomplishments in Watershed Protection and Flood Prevention, and the eleven (11) authorized flood prevention projects. Area directors and regional foresters have the responsibility to administer the forestry aspects under such general program criteria and procedures as may be established by the Soil Conservation Service.

A. Program Development.

1. Small Watershed and Flood Prevention Planning (Public Law 78-534 and Public Law 83-566). The SCS state conservationist is responsible for developing, coordinating, and maintaining a 3-year plan for small watershed and flood prevention planning activities. Copies of these plans and revisions will be provided the appropriate FS regional forester or area director by June 1 each year and currently as revised.

FS regional foresters and area directors are responsible for developing, submitting to state conservationists prior to the annual meetings, and maintaining a 3-year program and financial plan fully coordinated with the state conservationists' 3-year plans to cover FS participation in small watershed and flood prevention planning activities. Program and financial plans will identify planned accomplishments and the method used in carrying them out, i.e., state forester, consultant, or FS in-house. Plans will also provide the following financial data for each small watershed and flood prevention project: (1) funding requirements by object class of expense as prescribed by OMB Circular A-12 for the current year, budget year, and projected year, (2) amount of regional or area level program management and general administration costs which have been included in the funding requirements, and (3) actual obligations incurred during the prior year. The program and financial plan will be prepared in the format shown in Exhibit 1.

The SCS state conservationist is responsible for reviewing and approving the FS 3-year program and financial plan for small watershed and flood prevention planning activities in his State.

2. Small Watershed and Flood Prevention Operations (Public Law 78-534 and Public Law 83-566). The field cost estimate for each operational project is listed on Form SCS-WS-207 (Rev. 1-77) and shows: (1) total project cost, (2) cumulative obligations, and (3) estimated direct project obligations for the current year, budget year, and projected year.

FS regional foresters and area directors are responsible for developing, submitting to state conservationists prior to the annual meetings, and maintaining a 3-year program and financial plan fully coordinated with the Form SCS-WS-207 and the small watershed work plan covering FS participation in each small watershed and flood prevention project. Program and financial plans will identify planned accomplishments and the method to be used in carrying them out, i.e., state forester, consultant, contract, or FS in-house. Plans will also provide the following financial data for each planned project: (1) funding requirements by object class or expense as prescribed by OMB Circular A-12 for the current year, budget year, and projected year, (2) amount of regional or area level program management and general administration costs included in the funding requirements, and (3) actual obligations incurred during the prior year. The program and financial plan will be prepared in the format shown in Exhibit 1.

The SCS state conservationist is responsible for reviewing and approving the FS 3-year program and financial plan for projects in his State.

B. Program Funding. Program funding for the FS small watershed and flood prevention planning and operations will be included in the state conservationists' budgets for the current year, budget year, and projected year. Current year funds for FS participation in planning activities and operations in the several States, as identified in FS program and financial plans will be transferred by SCS to the FS at the National office level based on the state conservationist's written recommendation. In the event final appropriations to SCS are not known when the program and financial plans are approved, the plans and estimated funding levels may be adjusted based on final appropriations.

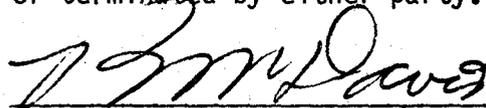
C. Accomplishment and Financial Reporting. The SCS state conservationist and the FS regional forester or area director or their representatives, will meet one or more times each year to review and evaluate both planning and operations activities. Review and evaluation will include: (1) progress on items agreed upon to be accomplished during the year, (2) expenditures by project for small watershed planning, small watershed operations, and flood prevention showing the amount spent in-house by FS, state foresters, and contracted, and (3) changes that need to be made in program funding.

IV. Overall Financial Reporting. The FS will prepare and submit any financial information required by Office of Management and Budget, the Treasury Department, and Congress. In addition, at the end of each fiscal year, the FS will prepare and submit to SCS a report of obligations charged against SCS appropriations. This report will show obligations by small watershed project within each State for small watershed planning and operations, and obligations by State for each flood prevention project.

This agreement shall become effective as of the date of approval and continue in effect until modified or terminated by either party.

SEP 2 1977

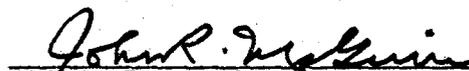
Date



Administrator, Soil Conservation Service

Sept 14, 1977

Date

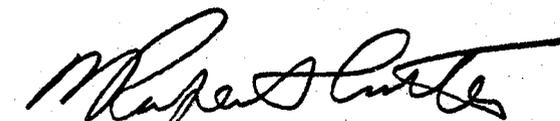


Chief, Forest Service

Approved:

SEP 21 1977

Date



Assistant Secretary for Conservation,
Research, and Education

EXHIBIT I

Program and Financial Plan
Small Watershed and Flood Prevention (Planning-Operations)*
*delete inapplicable term

Current Fiscal Year 19_____

Region or Area _____

I. Small Watershed

Name of Project	State	Planned Accomplishments 1/	Costs								
			Major Object Class		Current Year		Budget Year		Projected Year		Prior Year
			Total Costs	Overhead Costs	Total Costs	Overhead Costs	Total Costs	Overhead Costs	Total Costs	Overhead Costs	Total Costs
XXXXX	XX	XXXXX XXXXX	11	XX	2/	XX	2/	XX	2/	3/	
			12	XX		XX		XX			
			21	XX		XX		XX			
			State Total	XX	XX	XX	XX	XX	XX		
	XX	XXXXX XXXXX	11	XX		XX		XX			
			12	XX		XX		XX			
			21	XX		XX		XX			
			State Total	XX	XX	XX	XX	XX	XX		
XXXXX	XX	XXXXX XXXXX	11	XX		XX		XX			
			12	XX		XX		XX			
			21	XX		XX		XX			
			State Total	XX	XX	XX	XX	XX	XX		
Total Small Watershed			5	XX	XX	XX	XX	XX	XX	XX	

II. Flood Prevention

XXXXX	XX	XXXXX XXXXX	11	XX		XX		XX		
			12	XX		XX		XX		
			25	XX	XX	XX	XX	XX	XX	
			State Total	XX	XX	XX	XX	XX	XX	
	XX	XXXXX	11	XX						
			12	XX						
			21	XX						
			State Total	XX	XX					
XXXXX	XX	XXXXX	11	XX		XX		XX		
			12	XX		XX		XX		
			21	XX		XX		XX		
			State Total	XX	XX	XX	XX	XX	XX	
Total Flood Prevention				XX						

- 1/ Include a brief description of planned accomplishments and method to be used, i.e., Forest Service in-house, State Forester, Consultant, or Contract.
- 2/ Show amount of overhead costs which have been included in the "total costs" column.
- 3/ Do not break down prior year actual costs by object class.

MPH Notice 40 - 11/3/77