

Part 606 – Exhibits

Subpart C – Reviews and Approvals

606.42 Memorandum of Understanding Between TVA and SCS

MEMORANDUM OF UNDERSTANDING
Between the
TENNESSEE VALLEY AUTHORITY
and the
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).
Termination of a

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. Preapplication 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 TVA 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 organization.
c. TVA will examine this preliminary information, request of SCS any 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 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