# Part 500 – Watershed Program Management

## Subpart D – Program Administrative Requirements

### 500.30 Civil Rights

Program activities will be conducted in accordance with the Secretary's equal opportunity initiatives. This ensures elimination of any program practices that result in inequitable treatment of groups protected by the Civil Rights Act and equal access to the benefits of the Watershed Program.

### 500.31 Administrative Record Requirement

An administrative record containing data used in project development must be established by the State at the onset of project planning and maintained throughout the life of the project. This file is a vital part of watershed project documentation and NEPA compliance; it is used throughout the development, review, installation, and operation and maintenance phases of a project.

### 500.32 Federal Laws, Regulations, Executive Orders, Other Authorities

In addition to Public Law 83-566 (see exhibit in Title 390, National Watershed Program Manual (NWPM), Part 506, Subpart A, Section 506.0), several Federal laws, rules, regulations, Executive orders, and NRCS policies are directly related to the administration of the Watershed Program. This is a partial listing of the laws, regulations, and Executive orders that apply to all Watershed Program projects. All work undertaken and performed under Public Law 83-566 is to be in compliance with all applicable Federal, State, and local laws, orders, and policy:

(1) Public Laws

(i) Public Law 96-95, the Archaeological Resources Protection Act of 1979
(ii) The Clean Air Act (42 U.S.C. Sections 7401 to 7671q)
(iii) Public Law 92-500, the Clean Water Act, as amended
(iv) Public Law 101-508, the Coastal Zone Management Act of 1972
(v) Public Law 104-231, the Electronic Freedom of Information Act Amendments of 1996
(vi) Public Law 93-205, the Endangered Species Act of 1973
(vii) Public Law 97-98, the Farmland Protection Policy Act of 1981, as Amended (FPPA) (7 U.S.C. Section 4201 et seq.)
(viii) Public Law 104-127, the Federal Agriculture Improvement and Reform Act of 1996
(ix) 33 U.S.C. Section 701b-11, "Flood protection projects navigation and navigable waters"
(x) Public Law 101-624, the Food, Agriculture, Conservation, and Trade Act of 1990 (FACTA)
(xi) Public Law 99-198, the Food Security Act of 1985 (FSA)
(xii) Public Law 89-487, the Freedom of Information Act of 1966
(xiii) Public Law 99-570, the Freedom of Information Reform Act of 1986
(xiv) Public Law 95-265, the Magnuson-Stevens Fishery Conservation and Management Act

(xv) The Migratory Bird Treaty Act of 1918 (16 U.S.C. Sections 703 to 712, 40 Stat. Section 755)
(xvi) Public Law 91-190, the National Environmental Policy Act of 1969 (NEPA)
(xvii) Public Law 89-665, the National Historic Preservation Act of 1966 (NHPA), as amended
(xviii) Public Law 93-502, the Freedom of Information Act, as amended in 1974
(xix) The Protection of Bald and Golden Eagles Act of 1990 (16 U.S.C. Sections 668a to d, 54 Stat. Section 250)
(xx) Public Law 86-523, the Reservoir Salvage Act of 1960
(xxi) The Rivers and Harbors Act of 1899 (33 U.S.C. Section 403, 30 Stat. Section 1121)
(xxii) Public Law 95-192, the Soil and Water Resources Conservation Act of 1977
(xxiii) Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. Section 4601 et seq.)
(xxiv) Public Law 90-542, the Wild and Scenic Rivers Act of 1968
(xxv) Public Law 101-601, the Native American Graves Protection and Repatriation Act

(2) Code of Federal Regulations

(i) 7 CFR Part 622, "Watershed Projects"
(ii) 7 CFR Part 650, "Compliance with NEPA"
(iii) 7 CFR Part 3015, "Uniform Federal Assistance Regulations"
(iv) 36 CFR Part 800, "Protection of Historic Properties"

(3) Executive Orders, Secretarial Orders, and Presidential Memoranda

(i) Executive Order 10584, Prescribing rules and regulations relating to the administration of the Watershed Protection and Flood Prevention Act
(ii) Executive Order 11514, Protection and Enhancement of Environmental Quality
(iii) Executive Order 11747, Delegating Certain Authority of the President Under the Water Resources Planning Act, as amended
(iv) Executive Order 11988, Floodplain Management
(v) Executive Order 11990, Protection of Wetlands
(vi) Executive Order 12322, Water Resources Projects
(vii) Executive Order 12372, Intergovernmental Review of Federal Programs
(viii) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
(ix) Executive Order 12962, Recreational Fisheries
(x) Executive Order 13007, Indian Sacred Sites
(xi) Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks
(xii) Executive Order 13089, Coral Reef Protection
(xiii) Executive Order 13112, Invasive Species
(xiv) Executive Order 13175, Consultation and Coordination with Tribal Governments
(xv) Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds
(xvi) Executive Order 13287, Preserve America
(xvii) Secretarial Order 3206, American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act
(xviii) Presidential Memorandum, Government-to-Government Relations with Native American Tribal Governments (April 29, 1994)

(xix) Presidential Memorandum, Tribal Consultation, (November 5, 2009)

(4) NRCS Policy

(i) Title 120, General Manual (GM), Part 404, “Land Treatment Long-Term Contracting”
(ii) 180-GM, “Conservation Planning Policy”
(iii) 190-GM, Part 410, “Compliance with NEPA”
(iv) 400-GM, Part 400, “Public Participation”
(v) 410-GM, Part 405, “American Indians and Alaska Natives”
(vi) 420-GM, Part 401, “Cultural Resources (Historic and Archaeological Properties)”
(vii) 440-GM, Part 402, “Grants and Agreements”

(5) USDA Regulations

(i) Departmental Regulation (DR) 5600-002, “Environmental Justice”
(ii) DR 1350-001, “Tribal Consultation” (2008)
(iii) DR 1340-007, “Policies on American Indians and Alaska Natives”