# Part 501 – Development of Watershed Project Plans

## Subpart C – Planning Procedures

### 501.20 Preliminary Investigation

A. A preliminary investigation will be conducted when inquiries are received concerning a potential watershed project. The preliminary investigation is a brief study, using existing data and field information. The purpose of the investigation is to provide reasonable assurance that a feasible plan can be developed that addresses a Public Law 83-566 purpose and that there are no apparent insurmountable obstacles. For further guidance see Title 390, National Watershed Program Handbook (NWPH), and Title 180, National Planning Procedures Handbook (NPPH), Part 600.

B. An environmental evaluation (EE) using an interdisciplinary science-based approach will be conducted as a part of the preliminary investigation (7 CFR Section 650.5). The EE will assist the RFO to determine whether a Plan-EA or Plan-EIS should be prepared or whether the proposed actions are covered by categorical exclusions.

C. A preliminary investigation report, based on the findings of the preliminary investigation, will be prepared by the State Conservationist (STC) and submitted to the sponsoring local organization (SLO)(see "Feasibility Report – Outline" in 390-NWPH, Part 606, Subpart B, Section 606.11).

### 501.21 Plan of Work

A plan of work (POW) will be prepared and use as a management tool by the STC and planning team during plan development. It will summarize the studies done to date and describe the remaining work needed. It will also show the interdisciplinary technical procedures to be used in the plan development study and the timeframe for accomplishing each task. (See "Plan of Work – Example" in 390-NWPH, Part 606, Subpart B, Section 606.13.)

(1) It must include the scope, affected resources, planning detail, public participation, estimated cost, and schedule for completing the Plan-EA, or Plan-EIS.
(2) The POW will represent the scope and detail of the study and the study time needed. It will also contain an estimate of the minimum amount and kind of supporting data needed.
(3) All the input of NRCS, other Federal and State agencies, and the SLO will be included in the plan of work.
(4) Technical procedures to be used must be spelled out. These must indicate compliance with National Environmental Policy Act (NEPA), P&G, and other applicable laws, Executive orders, and policies. Selection of technical procedures must be based on existing rules, regulations, and guidelines and on the nature of the watershed problems, project objectives, and the anticipated complexity of potential solutions and their effects as established by the scoping process.

### 501.22 NEPA Documentation

A. NEPA requires that an environmental impact statement be prepared for any major Federal action significantly affecting the quality of the human environment. If an EIS is not required,

NRCS must prepare an EA and publish a finding of no significant impact (FONSI) or determine that the proposed action falls into a class of actions that are categorically excluded.

(1) Watershed project plans involving activities that have not been categorically excluded require either an EA and FONSI or an EIS and ROD. For NRCS programs, actions that are categorically excluded may be found in 7 CFR Section 650.6.
(2) When one or more categorical exclusions apply to the entire project, the plan will include the EE documentation (Form NRCS-CPA-52, "Environmental Evaluation Worksheet"). In such cases, the "Environmental Consequences" section of the watershed plan will be replaced by the EE documenting the applicability of the categorical exclusions.
(3) If any part of the proposed action is not covered by a categorical exclusion, the watershed plan must include an EA or EIS (Plan-EA or Plan-EIS, or supplemental Plan-EA or EIS) that discusses the entire proposal and the impacts.

B. For project activities, a Plan-EIS is required for any of the following (7 CFR Section 650.7):

(1) Projects that include stream channel realignment or work to modify channel capacity by deepening or widening where significant aquatic or wildlife habitat exists. The EE will determine if the channel supports significant aquatic or wildlife habitat.
(2) Projects requiring congressional action (see Title 390, National Watershed Program Manual (NWPM), Table 502.1).
(3) Projects determined through the EE to significantly affect the quality of the human environment. If it is difficult to determine whether there is a significant impact on the human environment, it may be necessary to complete an EA in order to decide whether an EIS is required.

## 501.23 Notice of Intent

Once it is determined that a Plan-EIS is required, the STC will publish a notice of intent (NOI) to prepare a Plan-EIS in the Federal Register; circulate it interested agencies, groups, and individuals; and publish it in one or more newspapers serving the area of the proposed action. The notice of intent must include all of the following:

(1) A description of the proposed action and any initial alternatives and resource issues considered
(2) A description of the proposed scoping process with a description of the date and time for any scoping meetings to be held before preparation of the Plan-EIS
(3) The name and address of the agency's project contact

## 501.24 Public Participation

### A. Public Participation

The STC will work with the SLO to ensure that any interested or affected individuals, groups, and local governmental agencies have opportunities to participate in development of the watershed project plan. The STC will also announce or have the SLO announce these opportunities to the general public through local newspapers and other media (Executive Orders 12372 and 10584). A public participation plan will be developed for each Watershed Project plan in accordance with Title 400, General Manual (GM), Part 400.

### B. Scoping

Scoping procedures during the early stages of plan development, described in P&G Chapter I, Section IV 1.4.8, will be followed in order to involve affected Federal, State, and local agencies and other interested groups or persons. Scoping must consider, but is not limited to, the following concerns:

(1) National Economic Development (NED) P&G
(2) Air quality
(3) Coral reefs
(4) Cultural resources
(5) Ecologically critical areas
(6) Endangered and threatened species
(7) Environmental justice and civil rights
(8) Essential fish habitat
(9) Fish and wildlife (including coordination requirements)
(10) Floodplain management
(11) Forest resources
(12) Invasive species
(13) Land use
(14) Migratory birds
(15) Natural areas
(16) Parklands
(17) Prime and unique farmland, and farmland of statewide significance
(18) Public health and safety
(19) Regional water resource plans (including coastal zone plans)
(20) Riparian areas
(21) Scenic beauty
(22) Scientific resources
(23) Sole source aquifers
(24) Social issues
(25) Soil resources
(26) Water quality
(27) Water resources
(28) Waters of the United States, including special aquatic sites
(29) Wetlands
(30) Wild and scenic rivers
(31) Other concerns identified by SLO, agencies, and the public

## 501.25 Pre-NEPA Plans

A. Some plans approved before the passage of NEPA may include work that has not yet been installed and for which an EA and FONSI, or an EIS and ROD, has not been filed. Environmental evaluations will be conducted for all the remaining works of improvement to be installed on such projects. Either an EA and FONSI or an EIS and ROD, as appropriate, will be prepared for these projects. If the remaining works include only actions that have been categorically excluded, documentation of the environmental evaluation and applicability of the categorical exclusion and will be prepared.

B. If a pre-NEPA plan is revised, the EA or EIS and revised plan will be one document. The revised Plan-EA or Plan-EIS replaces the original pre-NEPA plan. If work is proposed to be conducted on any component of a pre-NEPA plan that is not revised, a new EA or EIS must be prepared.

## 501.26 Status

### A. Designations of Watershed Project Plan-EA and Plan-EE

The status of a watershed project plan Plan-EA will be identified as a draft Plan-EA and final Plan-EA at different stages. If an EA is the appropriate NEPA document for a supplemental plan, the plan will be identified as draft and final supplemental Plan-EA. For projects that would not have any bearing on environmental effects, or where the actions are covered by categorical exclusions, plans will be identified as a draft Plan-EE, final Plan-EE, draft supplemental Plan-EE, or final supplemental Plan-EE. Working copies developed during the planning process for internal use and informal review by others must be clearly labeled as "Preliminary – Subject to Revision" and dated.

### B. Designations of Watershed Project Plan-EIS

The only recognized official status designations that are recognized are as follows:

(i) Draft Plan-EIS (DEIS).—A draft Plan-EIS becomes official when it is distributed for interagency review and made available to the general public for comment. Working copies developed during the planning process for internal use and informal review by others must be clearly labeled as "Preliminary – Subject to Revision" and dated.

(ii) Final Plan-EIS (FEIS).—A final Plan-EIS is the result of the consideration and response to all comments received on the draft Plan following the interagency review and public comment period.

(iii) Draft Supplemental Plan-EIS (DSEIS).—A draft supplemental plan is one for which a Plan-EIS was prepared for the original plan and a Plan-EIS is identified as the appropriate NEPA document for the supplemental plan. (For supplemental plans for which the original plan included an EA and the supplemental requires a Plan-EIS, the official designation will be "Draft Supplemental Plan-DEIS"). See paragraph (i), "Draft Plan-EIS (DEIS)," above, for further information.

(iv) Final Supplemental Plan-EIS (FSEIS).—This document is the result of the consideration and response to all comments received on the draft supplemental plan following the interagency review and public comment period.