

Part 500 – Watershed Program Management

Subpart B – Responsible Parties

500.10 NRCS Responsibilities

A. NRCS State Responsibilities

The State Conservationist (STC) is responsible for the overall management of the Watershed Program in his or her State and is to provide for the coordination, organization, and management of program activities to ensure that all phases of the program are carried out effectively and efficiently.

(i) Adherence to State and Federal Requirements

The STC of the State in which the watershed or major portion thereof is located will provide overall guidance and ensure that the watershed project plan adheres to all statutory, regulatory and policy requirements of the State.

- Plans on Federal Lands.—Project measures planned for installation on Federal lands must conform to the standards and specifications of NRCS, as well as those of land-administering agencies involved. Where differences in standards exist, conform to the highest standard.
- Fish and Wildlife Service Notification.—The STC must notify the U.S. Fish and Wildlife Service (USFWS) in order that it may provide recommendations for fish and wildlife resources, in accordance with the provisions of Public Law 83-566 Section 12.

(ii) Watershed Program Information Assistance

NRCS will provide information to interested parties on the potential for and type of assistance available through the Watershed Program. NRCS will also provide guidance in making preliminary investigations to determine if assistance is warranted and help in preparing the necessary applications.

(iii) Preparation of the Watershed Project Plan

NRCS will assist the sponsoring local organization (SLO) in preparing a watershed project Plan environmental assessment (Plan-EA) or environmental impact statement (Plan-EIS) with the cooperation and assistance of State, local, and other Federal agencies. The environmental document (Plan-EA or Plan-EIS) evaluates and assesses all reasonable alternatives and their impacts. The watershed project plan and the environmental document will be combined into a single document, called the “watershed project Plan-EA” or “watershed project Plan-EIS.” When the entirety of the proposed actions is covered by one or more categorical exclusions (CE), the plan will include documentation of the applicability of the CE and the environmental evaluation in the “watershed project Plan-EE.” NRCS is responsible for the content and quality of the Plan-EIS, Plan-EA, or Plan-EE for the purposes of National Environmental Policy Act (NEPA) compliance. NRCS and the SLO will each bear responsibility for funding their own costs incurred for watershed project planning and public participation.

(iv) Implementation Assistance

NRCS will provide technical assistance, financial assistance, or both to install measures for projects that include approved Watershed Program implementation assistance.

(v) Real Property Rights Work Maps

Real property rights work maps will be provided by NRCS to the SLO. Further land rights responsibilities are provided in this manual in Title 390, National Watershed Program Manual (NWPM), Part 504, Subpart A, Section 504.3.

(vi) Operation and Maintenance Assistance

NRCS will provide technical assistance to the SLO in the operation and maintenance (O&M) of projects and replacement of installed measures as defined in the O&M agreement.

(vii) Soil and Water Conservation District or Natural Resource District Involvement

NRCS will encourage the SLO to invite each soil and water conservation district (SWCD) and natural resource district (NRD) in the project area to participate in watershed project activities as an official project sponsor.

B. NRCS National Headquarters Responsibilities

- (1) The Deputy Chief for Science and Technology is responsible for coordinating the development of national policy, standards, and procedures for project planning, installation, operation and maintenance, and allocation of program funds. The Conservation Engineering Division (CED) director provides staff leadership to support this and confers with the other divisions, as well as with appropriate Federal agencies and congressional committees to deliver the program.
- (2) The Watershed Surveys and Planning Program national program manager will review all Watershed Program plans for programmatic compliance. This programmatic review is conducted after the National Water Management Center review and before the final plan is sent to the Chief.
- (3) The Watershed Operations Program national program manager will review all watershed project plan modifications, including revisions and supplements for programmatic compliance.
- (4) The Watershed Rehabilitation Program national program manager will review all watershed rehabilitation plans for programmatic compliance.
- (5) By exchange of correspondence, the Chief approves watershed project plans for funding authorization, subject to appropriations, after all reviews and comments are addressed.

500.11 Sponsor Responsibilities

Watershed projects are sponsored by one or more local organizations. The STC must require that at least one SLO of each project provide for the functions listed below:

- (1) **Power of Eminent Domain.**—At least one SLO must have the power of eminent domain so that it may acquire real property, water, mineral, and other rights needed for the project (Public Law 83-566 Section 4(4)). This is not required for projects where all works of improvement are to be installed by land treatment long-term contracts.

- (2) **Permits and Licenses.**—The SLO must acquire needed permits, and licenses in accordance with local, State, and Federal laws.
- (3) **Authority to Levy Taxes.**—At least one SLO must have and exercise the authority to levy taxes or provide another adequate means of financing the local share of the cost of the project as well as operation and maintenance expenses.
- (4) **Land Treatment above Reservoirs.**—The SLO must obtain agreements from landowners to implement soil conservation plans that meet NRCS Field Office Technical Guide (FOTG) criteria on not less than 50 percent of the lands situated in the drainage area above each retention reservoir to be installed with Watershed Program funds (Public Law 83-566 Section 4(5)). Projects that include land treatment practices must, at a minimum, have an SLO that has soil and water conservation responsibilities organized under State law.
- (5) **Public Participation.**—The SLO must arrange for and carry out activities that encourage the public to participate in the watershed project planning process.
- (6) **Financial.**—The SLO must show evidence of commitment for funding, installing, operating, and maintaining the project. The SLO will perform all contracting for construction of any structure, except that NRCS may perform contracting upon request.
- (7) **Watershed Management.**—The SLO must implement needed watershed management features such as permitting, zoning, land use regulations, easements, or upstream watershed protection.
- (8) **Municipal and Industrial (M&I) Water.**—The SLO must provide evidence that any proposed municipal and industrial water supply use will be acceptable in quantity and quality to meet the anticipated needs. The SLO must provide all technical services to implement M&I water supply. The SLO must provide adequate assurances prior to initiation of construction that USDA will be reimbursed for at least one-half of the cost of M&I storage for current demand and all of the cost of M&I storage for future demand.
- (9) **Operation and Maintenance.**—The SLO must use its powers and authority to ensure the installation, operation, and maintenance of the project as planned (Public Law 83-566 Section 4(3)).
- (10) **Storm and Sanitary Sewers.**—New storm and sanitary sewers, or relocations and changes to existing sewer facilities, in urban or built-up areas are the sole responsibility of the SLO.