

Part 501 – Development of Watershed Project Plans

Subpart A – Background

501.0 Preparation of the Watershed Project Plan

A. Part 501 provides policy for the development of watershed project plans under the Watershed Program. Watershed projects are local projects installed with Federal assistance. Preparation of a watershed project plan is the responsibility of the sponsoring local organization (SLO). This includes the responsibility for choosing a proposed plan from a group of viable alternatives. The NRCS responsibility in plan selection is to decide (using Watershed Program criteria) whether to approve NRCS assistance for installing the alternative selected by the SLO.

B. NRCS has leadership responsibility for providing technical assistance to the SLO (see Title 390, National Watershed Program Manual (NWPM), Part 500, Subpart B, Section 500.10). NRCS will use the watershed approach and the conservation planning process, as described in Title 180, National Planning Procedures Handbook (NPPH), Part 600, to assist the SLO in developing a watershed project plan.

C. As part of its responsibility to provide technical assistance, NRCS may coordinate input from other agencies and groups in the formulation of the plan. The Forest Service (FS) has coordination responsibility for the national forest portion of a watershed project plan. However, the SLO may choose to obtain technical assistance and coordination from sources other than NRCS and FS. The Forest Service and NRCS (formerly the Soil Conservation Service) entered into a memorandum of understanding (MOU) in 1992. The “Memorandum of Understanding Between The Soil Conservation Service and the Forest Service” is included in exhibits at Title 390, National Watershed Program Handbook (NWPH), Part 606, Subpart B, Section 606.10.

D. NRCS uses an interdisciplinary environmental planning approach in which specialists having different technical expertise act as a team to jointly evaluate existing and future environmental quality. The interdisciplinary group considers structure and function of natural resource systems, complexity of problems, and the economic, social, and environmental effects of alternative actions. Watershed project planning and implementation process will include consideration of ecological functions by use of appropriate technical experts such as an ecologist, landscape architect, restoration specialist, or other experts.

E. Where required by legislation and not included in an authorized watershed plan, performance outcome measures shall be developed and documented in a project plan. The project plan must document performance outcome measures that are quantifiable, that can be evaluated at the completion of the project, and that will be used to assess the success of each performance measure. The plan will include details of the processes that will be used to collect data and that will be used to evaluate each performance outcome measure during the life of the project. At completion of the project, the State Conservationist must complete a report documenting the results and accomplishments for each performance measure. The report must include trends, observations for change, and provide recommendations for future projects. The official record must be kept in the State and copies of the report forwarded to the CED director and national Watershed Operations Program manager.

501.1 Compliance with the National Environmental Policy Act

A. National Environmental Policy Act (NEPA) procedures will be followed to develop an environmental assessment (EA) or an environmental impact statement (EIS) as a part of all watershed project plans, unless the planned actions have been categorically excluded in accordance with NEPA requirements in Title 190, General Manual (GM), Part 410. If the actions are categorically excluded, the environmental evaluation and applicability of the categorical exclusion will be documented in the plan.

B. NRCS funding or required approval of a project plan is a Federal action that is subject to NEPA. Compliance with NEPA is the responsibility of NRCS when NRCS has responsibility for technical and financial assistance, even if the SLO obtains assistance from other sources. The only exception to this is when another Federal agency involved with the project has NEPA compliance responsibilities and is designated as the lead Federal agency for the project. In this case, NRCS must become a cooperating agency on the lead agency's document so that NRCS can adopt the EA or EIS for NRCS's use in compliance with NEPA. If NRCS does adopt another agency's document, NRCS is still required to prepare and issue a finding of no significant impact (FONSI) for an EA or record of decision (ROD) for an EIS. If NRCS is not a cooperating agency, then it can only adopt the watershed project plan EA or EIS after recirculating the document to the public for the required public review specified in this manual for a watershed project plan-EA or Plan-EIS. The State Conservationist (STC) is the Responsible Federal official (RFO) who ensures that the watershed project plan-EA or Plan-EIS complies with NEPA when NRCS has lead NEPA compliance responsibilities.

501.2 Consultation

NRCS must consult with Federal, State, or Tribal governments, and other agencies and entities, as applicable and required by the following laws and policies in this noninclusive list:

- (1) Public Law 92-500, the Clean Water Act, as amended
- (2) Public Law 101-508, the Coastal Zone Management Act
- (3) Public Law 93-205, the Endangered Species Act of 1973
- (4) Public Law 95-265, the Magnuson-Stevens Fishery Conservation and Management Act
- (5) Public Law 89-665, the National Historic Preservation Act of 1966 (NHPA)
- (6) Public Law 90-542, the Wild and Scenic Rivers Act of 1968
- (7) Executive Order 11990, Protection of Wetlands
- (8) Executive Order 12898, Environmental Justice
- (9) 410-GM, Part 405, "American Indians and Alaska Natives"
- (10) Executive Order 13007, Indian Sacred Sites
- (11) Executive Order 13175, Consultation and Coordination with Tribal Governments
- (12) Secretarial Order 3206, American Indian Tribal Rights, Federal-Tribal Trust Responsibilities and the Endangered Species Act
- (13) Presidential Memorandum, Government-to-Government Relations with Native American Tribal Governments (April 29, 1994)
- (14) Presidential Memorandum, Tribal Consultation, (November 5, 2009)

501.3 Cooperating Agencies

A. NRCS must coordinate with other Federal, State, or Tribal Governments during the development of an NRCS Plan-EA or Plan-EIS. Agencies that have specific expertise or

jurisdiction by law (such as permitting authority) over an action being proposed will be invited in writing to be cooperating agencies in the planning process and preparation of the NEPA document (see an example letter in exhibit 390-NWPH, Part 606, Subpart B, Section 606.12, “Cooperating Agencies Invitation Letter”). An agency may request that NRCS designate it as a cooperating agency if NRCS does not request it to, but such designation is not required for NRCS to coordinate efforts. NRCS should request the participation of cooperating agencies as early in the process as possible, and may request that cooperating agencies prepare sections or provide input into the development of the Plan-EA or Plan-EIS. NRCS may also request that cooperating agencies provide any relevant environmental analyses or information pertinent to the development of the watershed project plan-EA or Plan-EIS.

B. NRCS may also become a cooperating agency on other Federal agency NEPA documents. The advantages for NRCS in becoming a cooperating agency include the ability to have the lead agency incorporate NRCS watershed planning actions into its NEPA document, adopt the analysis prepared by the lead agency for NRCS NEPA compliance purposes, and meet the intent of NEPA by reducing duplication of effort in environmental compliance.