

## **Part 503 – Watershed Project Plan Modifications**

### **Subpart A – Preparation of Revised and Supplemental Plans**

#### **503.0 Introduction**

- A. The watershed agreement and watershed project plan are the official documents for carrying out a watershed project. Whenever the terms, conditions, and stipulations of a watershed project plan must be modified, approval of such changes will be made and documented with a revised or supplemental watershed plan, by an exchange of correspondence with the sponsoring local organizations (SLOs), or by executing a project agreement.
- B. Where forestry is involved, regional foresters and the area director of the Forest Service must be notified and given the same opportunity to review the modification as was given for the original plan.
- C. State-developed procedures for coordination of proposed Federal financial assistance will be followed when a revised watershed project plan or a supplemental watershed project plan is prepared that includes the addition of any structural measure or deletion of any multiple-purpose structure. The public must be kept informed of any major changes in the plan and invited to participate in supplemental planning actions and any supplemental Plan-EA or Planplan-EIS that is prepared.
- D. Preparation, review, and approval of revised and supplemental Public Law 78-534 project plans are the same as those for administratively approved Public Law 83-566 project plans.

#### **503.1 Revised Watershed Project Plan**

- A. A revised watershed project plan is required if new problems that require Federal assistance are identified or there are numerous complex changes in the planned measures.
- B. A revised watershed project plan replaces the existing plan when the original plan no longer represents the original resource conditions, planned objectives or measures, or both. The revised plan must include all information needed to install a watershed project without reference to the original plan or previous supplemental plans. The revision includes information from the prior plans and supplements that relate to environmental information, environmental effects, cumulative effects, agreements, responsibilities, and obligations including those related to the operation and maintenance of installed works of improvement.
- C. A revised watershed project plan follows the same format and content as that of a new plan (see Title 390, National Watershed Program Manual (NWPM), Part 501, and Title 390, National Watershed Program Handbook (NWPH), Part 601). A revised plan will require preparation of either a Plan-EA or a Plan-EIS.
- D. All revised watershed Plan-EAs and Plan -EISs must be formulated and evaluated using current procedures and the current discount rate for Federal water resources planning.
- E. Revised watershed agreements must be used with all revised watershed project plans and placed at the front of the document behind the table of contents. Because the agreement is a revision, a special opening section is needed (see exhibits in 390-NWPH, Part 606, Subpart 606 D, Section 606.52). However, after the introductory paragraphs, the remaining items are used as in the exhibit in 390-NWPM, Part 506, Subpart C, Section 506.30.

## 503.2 Supplemental Watershed Project Plan

A. A supplemental watershed project plan is a document that changes the purpose, scope, or a major feature of an existing plan. The conditions requiring modification by a supplemental watershed project plan include changes in project purposes, scope, major features or SLO responsibilities not significant enough to warrant a revised watershed project plan. The amount of detail included in a supplemental plan depends on the nature and extent of the modifications and their effect on the overall project.

B. Conditions requiring modifications by a supplemental watershed project plan include:

- (1) Change in Purpose.—Defined as the addition or deletion of one or more purposes from an approved watershed project plan.
- (2) Change in Scope.—Defined as a planned increase or decrease in the degree or extent of project development.
- (3) Change in Major Features.—Defined as either of the following:
  - (i) Achieving agreed-upon objectives through changed methods without changes in purpose or scope.
  - (ii) Adding provisions for Watershed Program credit assistance.

C. Modifications or changes to the proposed action that have a bearing on environmental effects require that a Plan-EA or supplemental Plan-EIS be prepared. Supplemental plans involving actions not affecting the environment or covered by a categorical exclusion are not required to include an EA or EIS; these may include such actions as deleting a proposed project measure or dropping a purpose. For these actions, an environmental evaluation (EE) is conducted and the EE/CPA-52 is included in the plan to document that an EA or EIS is not required.

D. Supplemental watershed project plans must be prepared according to 390-NWPM, Part 501, and 390-NWPH, Part 601. The complexity of the proposed action for which the plan is being supplemented and its effects (not the type of environmental document used for the original plan) determine whether or not the supplement contains or is accompanied by a new or supplemental EIS or new EA.

E. Modifications by a supplemental watershed plan to an authorized watershed project plan that increases the Public Law 83-566 cost by 20 percent or adds a cost sharing purpose will be evaluated using current procedures. Procedures used to evaluate the approved watershed project plan must be used for all other supplemental watershed plans.

- (1) All works of improvement in evaluation units significantly affected by the proposed modification must be evaluated using the current discount rate for Federal water resources planning.
- (2) For works of improvement not significantly impacted by proposed changes, the discount rate used during plan formulation must be used for both installed works and works yet to be installed.

F. For supplemental watershed plans that require preparation of a new or supplemental EIS, the works of improvement yet to be installed must be evaluated along with the portions already installed using both original and current discount rates, and must be displayed in the supplemental watershed Plan-EIS.

G. Supplemental plans will begin with a section entitled “Changes Requiring Preparation of a Supplement,” that describes why the plan is being supplemented and what changes are being made.

H. A supplemental watershed project plan, or the EA or EIS if it is a separate document (pre-NEPA), must contain the same content as required by 390-NWPM, Part 501, Subpart D. However, the supplemental plan must summarize or incorporate by reference the general discussions (such as descriptions of the affected environment that have not changed since the original plan) and focus solely on the issues specific to the action at hand. The EA or EIS must contain adequate information to stand on its own and allow the public to be able to understand the full nature of the proposed action and its effects.

I. Supplemental watershed project plans dealing with rehabilitation must contain or be accompanied by a new or supplemental EIS or a new EA, unless the proposed action falls into a class of actions that has been categorically excluded. When categorical exclusions apply to the proposed action, an EA or EIS is not required. In this case, the plan will include the environmental evaluation (EE/CPA-52) in lieu of the “Environmental Consequences” section of the plan. The environmental document (whether an EA or EIS) is based on the proposed action and its effects and not on the type of environmental document used for the original plan.

J. Supplemental watershed agreements must be used with all supplemental watershed project plans and placed at the front of the document behind the table of contents. The agreement must specify the nature of the modification, give the provisions of the original agreement (as supplemented, if appropriate) that are being modified by the new agreement, make changes resulting from new laws or policy, and specify those provisions in the original agreement that are not changed by the new agreement. The exhibit in 390-NWPH, Part 606, Subpart D, Section 606.51, is an example of a supplemental watershed agreement.

### **503.3 Exchange of Correspondence**

A. An exchange of correspondence consists of a request from the SLO for a modification of the watershed agreement and plan and NRCS approval of the request.

B. Agreement to changes in the terms, conditions, and stipulations of the approved plan that do not require a revised or supplemental watershed project plan may be documented by an exchange of correspondence. If there are no changes in environmental effects or significant changes in information on the project, then a supplemental Plan-EA or Plan-EIS is not required. An EE will be conducted and included in the administrative record to document an EA or Plan-EIS is not required for the modifications. Examples of changes that do not require a new EA or EIS include the following:

- (1) Changes in the works of improvement that do not involve a change in purpose, scope, environmental effects already analyzed in the original Plan-EA or Plan-EIS, or major features.
- (2) Changes in sponsors that do not involve changes in the responsibilities of any SLO.
- (3) Change in SLO responsibilities—the transfer of an SLO or changes in its responsibilities.
- (4) Changes in the cost sharing arrangements set forth in the watershed agreement.
- (5) A change from local to Federal contracting or Federal to local contracting

C. Any time an exchange of correspondence is executed one copy must be sent to the director of the Conservation Engineering Division.

#### **503.4 Project Agreement**

- A. A project agreement is an agreement executed to obligate funds for the construction of works of improvement.
- B. A project agreement can provide adequate documentation for changes in cost that do not modify the cost sharing rate. These may include changes in cost that occur as a result of site adaptation in the final design or changing price levels.