

Part 601 – Development of Watershed Project Plans

Subpart A – Background

601.0 Preparation of the Watershed Project Plan

NRCS has leadership responsibility for providing technical assistance to the SLO. As part of this responsibility, NRCS may coordinate input from other agencies and groups in the formulation of the plan. The U.S. Forest Service (FS) has coordination responsibility for the “National Forest” portion of a watershed project plan. Forest Service and NRCS (formerly Soil Conservation Service) entered into a memorandum of understanding (MOU) in 1992; the MOU is included in Title 390, National Watershed Programs Handbook (NWPH), Part 606, Subpart B, Section 606.10 (this handbook).

601.1 Compliance With the National Environmental Policy Act

A. The National Environmental Policy Act (NEPA) requires NRCS, where NRCS has control or responsibility over the action, to analyze the environmental impacts of such actions and make the analysis available to the public before decisions are made and actions are taken unless the action is categorically excluded. The analysis and finding begins by conducting an environmental evaluation to determine whether an EA and finding of no significant impact (FONSI), an EIS and record of decision (ROD), or a categorical exclusion is the appropriate form of documentation. Specific conditions that require certain documentation are prescribed in 7 CFR Sections 650.6 to 650.8. Categorically excluded actions for NRCS may be found at 7 CFR Section 650.6. Note that before a categorical exclusion is valid, any action carried out under it must be reviewed for extraordinary circumstances, in accordance with the criteria in 40 CFR Section 1508.27, and found not to be significant.

B. NRCS regulations for complying with NEPA may be found in 7 CFR Section 650. Further guidance for complying with NEPA requirements is found in the Title 160, National Environmental Compliance Handbook (NECH), Part 610.

601.2 Consultation

A. The following table lists the resource concerns or regulation and the appropriate consulting entity that may require consultation:

Figure 601-A1

| Resource Concern / Regulation | Consulting Entity |
|--|---|
| Air Quality | EPA Office of Air and Radiation |
| Water Quality | State water quality regulatory agency/EPA Office of Water |
| Cultural Resources (Historic Properties) | SHPO/THPO/Federally recognized Tribe |
| Costal Zones | State Coastal Zone Program Office |

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|---|----------------------------|
| Endangered and Threatened Species | USFWS/NMFS |
| Essential Fish Habitat | NMFS |
| Tribal Interests | Affected Tribal Government |
| Waters of the United States, Including Wetlands | USACE |
| Wild and Scenic Rivers | NPS |

B. Consultations are tied to the Federal action and are the responsibility of the lead Federal agency (NRCS in most cases) regardless of partners, cooperating entities, or the sponsors involved. NRCS may delegate consultations to third-party contractors or other entities (except for historic property consultation), but NRCS remains the responsible party for conducting the consultation.

C. Any foreseen consultations should be initiated as early as possible as they often have a bearing on the formulation of alternatives, costs, and any needed mitigation. For these reasons, final decisions, such as the choice of alternatives, should not be made until all necessary consultations are complete.

601.3 Cooperating Agencies

A. If a Federal, State, or Tribal agency or government has special expertise or jurisdiction by law (such as permitting authority) over an action being proposed, these agencies and Tribes will be invited in writing to be cooperating agencies in the development of an NRCS Plan-EA or Plan-EIS.

B. Cooperating agency status is a major component of agency stakeholder involvement that neither enlarges nor diminishes the decisionmaking authority of any agency involved in the NEPA process.

C. The benefits of enhanced cooperating agency participation in the planning of watershed projects include: disclosing relevant information early in the analytical process; applying available technical expertise and staff support; avoiding duplication with other Federal, State, Tribal and local procedures; and establishing a mechanism for addressing intergovernmental issues. Other benefits of enhanced cooperating agency participation include fostering intra- and intergovernmental trust (for example, partnerships at the community level) and a common understanding and appreciation for various governmental roles in the regulatory processes, as well as enhancing agencies' ability to adopt environmental documents.

D. In order to ensure that project planning and formulation proceeds efficiently, cooperating agencies should be included in the development of plans of work to set time limits, identify milestones, assign responsibilities for analysis and documentation, specify the scope and detail of the cooperating agency's contribution, and establish other appropriate ground rules to address issues, such as availability of predecisional information.