Title 390 – National Instruction

Part 301 – Instructions for Reviewing Watershed Plans

301.0 Purpose

This instruction outlines the procedures used to document the completion and acceptance of watershed project plan technical and programmatic reviews under the Watershed and Flood Prevention Operations and Watershed Rehabilitation programs.

301.1 References

A. Code of Federal Regulations (CFR)

(1) 7 CFR 650.13, Review and Comment.
(2) 7 CFR 622.32, Reviews and Approvals.
(3) 40 CFR 1501.6, Findings of No Significant Impact.
(5) 40 CFR 1503.1, Inviting Comments and Requesting Information and Analyses.
(7) 40 CFR 1506.6, Public Involvement.
(8) 40 CFR 1507.2-3, Agency capability to comply.
(9) 40 CFR 1507.3, Agency NEPA procedures.
(10) 40 CFR 1508.1, Definitions,

B. Executive Orders

(1) Executive Order 10584, Rules and Regulations Relating to Administration
(2) Executive Order 11990, Protection of Wetlands
(3) Executive Order 11988, Floodplain Management

C. NRCS Policy and Regulations

(1) Title 190, National Environmental Compliance Handbook, Part 610, Subpart E, Section 610.74, “Distribution and Publication of Environmental Documents:
(2) Title 190, National Environmental Compliance Handbook, Part 610, Subpart E, Section 610.74, “Review Timeframes for EA/FNSIs and EIS/RODs”
(3) Title 390, National Watershed Program Manual (NWPM), Part 502, Subpart B, Section 502.10, “Plan Review”

301.2 Definitions

A. Draft Plan-Environmental Document – The version of the watershed project plan that is submitted for public and interagency comment by the NRCS State Conservationist (STC). This version is the

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product of the reviews of the Preliminary Draft Plan-Environmental Document by the National Water Management Center (NWMC), the National Program Manager, and the Deputy Chief of Programs for NRCS.

B. Final Plan-Environmental Document – The final version of the watershed project plan. It is prepared by the STC along with the finding of no significant impact (FONSI) or record of decision (ROD) following public and interagency comment on the Draft Plan-Environmental Document. A copy of the Final Plan-Environmental Document and comment disposition documentation is submitted to the NWMC director and appropriate National Program Manager via email.

C. Finding of No Significant Impact (FONSI) – A document prepared by the Responsible Federal Official (RFO) briefly presenting the reasons why an action, not otherwise excluded, will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared.

D. National Program Manager – Each of the respective managers of the two Watershed Programs Branch programs: Watershed Protection and Flood Prevention Operations and Watershed Rehabilitation.

E. Preliminary Draft Plan-Environmental Document – The original version of the watershed project plan developed by the STC and reviewed by the NWMC, the National Program Manager, and the Deputy Chief of Programs for NRCS.

F. Programmatic Review – A review conducted by the appropriate National Program Manager on the programmatic feasibility of the watershed project plan. This review occurs after NRCS State staff receive the comments of the technical review conducted by the NWMC and make changes to the watershed project plan based on those comments. It is intended to ensure that the watershed project plan conforms to all Watershed Programs requirements.

G. Record of Decision (ROD) – A concise public document that records a Federal agency's decision(s) concerning a proposed action for which the agency has prepared an environmental impact statement.

H. Responsible Federal official (RFO) – The NRCS Chief is the RFO for compliance with NEPA regarding proposed legislation, programs, legislative reports, regulations, and program Environmental Assessments and Environmental Impact Statements. NRCS STCs or their designee are the RFO for compliance with the provisions of NEPA in other NRCS-assisted actions.

I. Sponsors – Any State or political subdivision thereof, any soil or water conservation district, flood prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out, maintain, and operate the works of improvement, or any irrigation or reservoir company, water users' association, or similar organization having such authority and not being operated for profit that may be approved by the Secretary; or any Indian Tribe or Tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. Section 450b), having authority under Federal, State, or Indian Tribal law to carry out, maintain, and operate works of improvement. Project sponsors must have the legal authority and resources to carry out, operate, and maintain works of improvement. (Public Law 83- 566, Section 2). Sponsors need to have: (1) The power of eminent domain, (2) The authority to levy taxes or use other adequate funding sources, including State, regional, or local appropriations, to finance their share of the project cost and all operation and maintenance costs. To receive Federal assistance for project installation, sponsors must commit themselves to use their powers and authority to carry out and maintain the project as planned. Sponsors are also referred to as local organizations, local sponsors, and sponsoring local organizations (SLOs).
J. **Technical Review** – A review conducted by the NWMC on the technical feasibility of the watershed project plan. This review occurs after the initial review of the watershed project plan by NRCS State staff.

K. **Watershed Program** – The Watershed Program consists of activities carried out under the authority of Watershed Protection and Flood Prevention Act (Public Law 83-566, as amended), and the Flood Control Act of 1944 (Public Law 78-534 as amended).

L. **Watershed Project Plan** – A document that contains project actions, which are formally planned undertakings carried out within a specified area by sponsors for the benefit of the general public. A watershed project plan analyzes all viable alternatives, records SLO decisions, and describes the framework and responsibilities for carrying it out. Watershed project plans may also be referred to as watershed plans, Watershed Program plans, or plans. Through the review process, a Watershed project plan will start as a Preliminary Draft Plan-Environmental Document; become a Draft Plan-Environmental Document following the review from the NWMC, the National Program Manager, and the Deputy Chief of Programs of NRCS; and be published as a Final Draft Plan-Environmental Document following public and interagency review.

**301.3 Responsibilities**

A. **State Conservationist** – Develops the Preliminary Draft Plan-Environmental Document; conducts the initial NRCS State review of the Preliminary Draft Plan-Environmental Document; submits the Preliminary Draft Plan-Environmental Document to the NWMC for technical review; makes changes to the Preliminary Draft Plan-Environmental Document and documents the changes made as described in Exhibit D, Watershed Project Plan Review Spreadsheet; submits the Preliminary Draft Plan-Environmental Document, the watershed project plan Review Spreadsheet, and changes made to the watershed project plan to the appropriate National Program Manager for the programmatic review; completes a Draft Plan-Environmental Document upon completion of the final review by the Deputy Chief for Programs; completes the interagency and public comment period on the Draft Plan-Environmental Document; prepares the FONSI or ROD after the interagency and public comment period; submits a signed copy of the Final Plan-Environmental Document for the Chief of NRCS for authorization; and provides a final copy of the plan and comment disposition documentation to the NWMC director and appropriate National Program Manager.

B. **NWMC** – Completes the technical review of the Preliminary Draft Plan-Environmental Document and reviews the comments with NRCS State staff.

C. **Watershed Programs Branch National Program Managers** – Complete the programmatic review of the Preliminary Draft Plan-Environmental Document; review the changes made to the watershed project plan by the STC in response to NWMC’s technical review; provide a disposition of comments/changes using “Track Changes” as well as the “Comment” features on Microsoft Word; submit the Preliminary Draft Plan-Environmental Document to the Deputy Chief of Programs for the final review; and review the STC’s response to the Deputy Chief of Programs during the final review.

D. **Deputy Chief for Programs** – Completes a final review of the Draft Plan-Environmental Document and Watershed Project Plan Review Spreadsheet upon the completion of the programmatic review by the appropriate National Program Manager and emails the draft watershed project plan back to the State staff to incorporate any changes to the Draft Plan-Environmental Document.
301.4 Instructions and Guidance

A. The STC should work with sponsors early in the planning process to explain the statutory requirements for watershed project plans to comply with laws, regulations, and policies. It is to the sponsor’s benefit to have NRCS and any other agencies with legal jurisdiction involved in development of the watershed project plan from the beginning to ensure that all legal requirements are incorporated into the watershed project plan to avoid surprises that could delay implementation or require expensive changes to the watershed project plan.

B. STCs’ are encouraged to contact the NWMC early in the watershed project plan development to discuss the watershed project plan purpose and need. This will help ensure the watershed project plan addresses the resource concerns in the watershed and meets the requirements of all laws, regulations, and policy.

C. The initial review of a watershed project plan will be conducted by the NRCS State staff (390-NWPM-502-B-502.10). After the State staff completes their review and incorporates their changes in the Preliminary Draft Plan-Environmental Document, it can be submitted to the NWMC for technical review.

D. After the State is ready for the NWMC review, the NRCS State staff will upload the files containing the plan documents to the NWMC SharePoint site into the appropriate State Folder and subfolder entitled PLAN UPLOADS, see SharePoint Instructions for Watershed Plan Uploads. The State will notify the NWMC Director that the Preliminary Draft Plan-Environmental Document is uploaded and ready for review. The Watershed Plan Checklist should be completed by the NRCS State Office and signed by the NRCS State Lead Reviewer to certify that all required information is submitted to the NWMC for review.

E. The NWMC will acknowledge receipt of the Preliminary Draft Plan-Environmental Document and Watershed Plan Checklist, when submitted to the NWMC SharePoint site, perform a cursory completeness review, and provide to the State a projected date to complete the technical review. The NWMC will also notify the appropriate National Program Manager of the Preliminary Draft Plan-Environmental Document submitted for review.

F. The NWMC will review the Preliminary Draft Plan-Environmental Document and provide comments using the comment features of MS-Word.

G. Upon completion of the NWMC review, a draft version of NWMC’s review will be uploaded to the State’s folder on the NWMC SharePoint site. NWMC will send a notification via email to the STC that the NWMC draft review is complete. NWMC will schedule a teleconference with the State to discuss their technical review comments. During the teleconference, the NWMC’s draft comments will be reviewed with the State staff, providing an opportunity for all participants to ask questions or clarify any issues identified during the technical review of the Preliminary Draft Plan-Environmental Document.

H. After the teleconference and upon notification from the State Office that there are no more questions or clarifications needed, the final version of the NWMC’s review will be uploaded to the State’s folder on the NWMC SharePoint site. NWMC will notify the STC via email that the final comments have been uploaded.

I. The State will review and address each comment using the “Track Changes” and “Comment” features in Microsoft Word. Each comment must be adequately addressed and where necessary provide rationale for any deviation in the comments. Comments are to be extracted from the Word document.
and incorporated into the Watershed Project Plan Review Spreadsheet per the spreadsheet’s instructions tab.

J. The STC will submit the Watershed Project Plan Review Spreadsheet, the Preliminary Draft Plan-Environmental Document with the disposition of comments, and a clean draft watershed project plan without comments to the appropriate National Program Manager for programmatic review. The STC will upload these documents to the appropriate State’s watershed folder on the Watershed Program Branch SharePoint site, created using the Programmatic Review Form.

K. The National Program Manager will review the Preliminary Draft Plan-Environmental Document, note in the spreadsheet the changes made to the track comments, and submit the spreadsheet to the Deputy Chief of Programs for review. After completing the review, the Deputy Chief of Programs will send the Preliminary Draft Plan-Environmental Document back to the STC to incorporate required changes to the Draft Plan-Environmental Document.

L. Upon completion of the Deputy Chief of Programs comments, the STC will submit the Draft Plan-Environmental Document back to the appropriate National Program Manager for assurance the required changes were incorporated in the Draft Plan-Environmental Document.

M. Upon completion of the Draft Plan-Environmental Document, the STC will initiate the public and interagency review in accordance with 390-NWPM Part 502, Subpart C.

N. After the public and interagency comment period, the STC will prepare the Final Plan-Environmental Document, along with the FONSI or ROD. A folder will be created on the Program Branch SharePoint using the Authorization Request Form. The letter from the STC requesting authorization and the required documents outlined in 390-NWPM Part 502, Subpart C, Section 502.31 are to be uploaded to the appropriate watershed SharePoint folder.

O. The STC will provide a copy of the Final Plan-Environmental Document and comment disposition documentation to the NWMC director and appropriate National Program Manager via email.