

Reclamation Manual

Directives and Standards

Subject: Administering Water Conservation Plans Pursuant to Statutory and Contractual Requirements

Purpose: Clarifies and updates existing Reclamation policy and procedures for administering water conservation plans.

Authority: Section 210(b) of the Reclamation Reform Act of 1982 (RRA; 96 Stat. 1268; 43 U.S.C. § 390jj); Central Valley Project Improvement Act (Public Law 102-575, Title XXXIV); and Klamath Basin Water Supply Enhancement Act (Public Law 102-486).

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1. **Background.** Section 210(b) of the RRA and most water service contracts and repayment contracts executed after July 17, 1979, contain provisions requiring contractors to prepare and submit water conservation plans.
2. **Who Must Develop a Water Conservation Plan.** The following districts must develop and submit water conservation plans, either individually or collaboratively with one or more other districts:
 - A. All irrigation and municipal and industrial (M&I) districts, including paid-out districts¹, that have executed repayment or water supply contracts with the United States pursuant to:
 - Federal reclamation law²
 - The Water Supply Act of 1958
 - The Warren Act³
 - B. All districts that have specific requirements for development of water conservation plans through contract or other duly executed agreements or regulations pertaining to Federal water projects. Requirements in contracts, other agreements, or regulations may be more rigorous or prescriptive than those in section 210(b) of the RRA.
3. **Exceptions.** The following are excepted from the requirement to prepare a district water conservation plan under the RRA:

¹Under the RRA, a paid-out district is relieved from the ownership and full-cost pricing provisions of Federal reclamation law but is still subject to the water conservation provisions.

²Contracts pursuant to Federal reclamation law include Distribution System Loans Act and Rehabilitation and Betterment Act repayment contracts. The Small Reclamation Projects Act and Water Conservation and Utilization Act are **not** part of Federal reclamation law.

³Those Warren Act contracts which are repayment or water service contracts, as defined in Section 202(1) of the RRA.

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- A. Districts with contracts that are **not** developed pursuant to Federal reclamation law (i.e., Small Reclamation Projects Act and Water Conservation and Utilization Act contracts) unless these contracts contain specific provisions requiring the preparation of water conservation plans.
- B. Districts that receive small amounts of water from Federal projects as defined by the following⁴:
- Districts that receive **only** irrigation water from any Federal reclamation project, and deliver said water to less than 2,000 acres of land.
 - Districts that receive **only** M&I water from any Federal reclamation project, and provide said water to fewer than 3,300 people.
 - Districts that receive less than an annual average of 2,000 acre-feet from any Federal reclamation project.
- C. Districts that have **only** a temporary contract of 1 year or less.
- D. Districts who are already complying with specific water conservation planning requirements under the following Federal statutes and programs:
- Section 207 of the Central Utah Project Completion Act (Titles II through VI of Public Law 102-575, 106 Stat. 4605, 4616).
 - Yakima River Basin Water Enhancement Project (Title XII of Public Law 103-434).
- E. Districts that have prepared water conservation plans, or are meeting alternative standards for other Federal or State agencies, that fulfill the intent of Section 210(b) of the RRA, as determined by the Regional Director. Water conservation plans or other evidence of participation in such alternative programs should be submitted to Reclamation for review and comment.

⁴ Acreage, population, and acre-feet amounts are to be based on the average for the most recent 5 years. Users of small amounts of water and temporary contractors must still comply with contract provisions, which typically require monitoring and reporting of water use.

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4. **Submitting and Updating Water Conservation Plans.**
 - A. **5-Year Cycle.** Water conservation plans required by the RRA were originally due by 2001 (Commissioner's memorandum of December 10, 1996). Plans are to be updated and resubmitted on a 5-year cycle.
 - B. **Area Office Responsibilities.** Area offices will work with districts to encourage, facilitate, and assist in the development and updating of water conservation plans. Area offices will inform districts of the status of their existing water conservation plans, when updated plans should be submitted to Reclamation, and what kind of assistance may be available through the Water Conservation Field Services Program (WCFSP). [See Reclamation Manual (RM) WTR 01-02.]

5. **Review and Comment on Water Conservation Plans.** Reclamation has a responsibility under the RRA, Section 210, to encourage water conservation and will make its expertise and guidance regarding water conservation planning and implementation available to districts through the WCFSP. (See RM WTR 01-02.) The following procedures address Reclamation's responsibilities in this area:
 - A. **Reclamation Review.** Reclamation will review each water conservation plan submitted by a district. The review will be based on the guidelines provided in the guidebook, *Achieving Efficient Water Management - A Guidebook for Preparing Agricultural Water Management Plans, Second Edition*. Reclamation will not approve district plans, but will provide advisory comments and recommendations to districts on their identified goals and measures, including the potential for environmental effects related to measures proposed in the plan. In certain areas, Federal and State statutes include additional review and comment criteria.
 - B. **Reclamation Assistance.** Reclamation's assistance to districts in the development of effective water conservation plans will include recommendations on how to incorporate appropriate environmental considerations into the planning process. Overall, it is Reclamation's responsibility to ensure that appropriate environmental review and compliance are undertaken for any major Federal action related to the provision of assistance through the WCFSP.
 - C. **Applicability of NEPA and ESA.** The development and submission of a water conservation plan by a district, in and of itself, is not a Federal action and is not subject to the National Environmental Policy Act (NEPA) or the Endangered Species Act (ESA). Likewise, informal review of water conservation plans by Reclamation is not considered a major Federal action pursuant to NEPA. Appropriate environmental review and compliance pursuant to NEPA and ESA are Federal responsibilities, and will occur, as necessary, for any site-specific implementation of plan elements where Federal action is involved.