
United States
Department of
Agriculture

**Soil
Conservation
Service**

National Watershed Manual

Part 507

Project Installation

Part 507

Project Installation

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Subpart 507A Project installation**507.00 General**

Installation is the phase of project development beginning after the watershed plan has been approved and Federal assistance for installing the project has been authorized. The installation phase continues until the construction of the project features is complete.

The Soil Conservation Service (SCS) will use the long-range plan, along with the plan of operations and management matrix to ensure the orderly flow of action and effective use of resources in installing watershed projects. Each responsible party, both the Sponsoring Local Organizations (SLO) and SCS personnel, must know what they are expected to do and when the action is to be completed.

Installation will be implemented as provided by the specific agreements entered into between the SCS and the SLO. Each agreement will detail the working arrangements, funding, and responsibilities of each party for carrying out specified elements of work. As stated in the watershed agreement, no work may be initiated by either party until a separate agreement is entered into that spells out the working arrangements. The SLO are responsible for carrying out the approved watershed plan. SCS is responsible for providing authorized assistance as set forth in the approved watershed plan.

Public Law 83-566 funds may not be used for developing final layout and structural details until after Federal installation assistance is authorized.

The civil rights statement as contained in the National Contracts, Grants and Cooperative Agreements Manual (NCGCAM) will be included in the mutually agreed to section in all agreements generated by this program.

507.01 Operations management**(a) Installation schedule**

The state conservationist will develop a planned sequence of installation for each watershed project approved for installation. Because of variations in availability of funds and acquisition of real property rights, the actual schedule of installation may vary considerably from the planned schedule of installation. The system of controls will be developed according to the circumstances in each State. The SLO are to be advised and consulted at all stages of scheduling and performing work.

(b) Time frame limit

The time frame for signing LTC to install land treatment practices is limited to 5 years from the date the plan was approved. Any extension of this time frame must be approved by the director, WPD.

(c) Budget requests and funds management

(1) Operations budget—States will submit budget requests as specified by the annual budget process schedule. The request is to be submitted as specified in subpart 507D. The FS budget estimates are included in the request. Program and financial plans for the FS activities are to continue to be developed as outlined in the interagency agreement (exhibit 501-1). WPD will coordinate the review of the request for funds with appropriate National Office staff. The state conservationist will notify the WPD director in writing, when (date) the first project agreement or LTC is signed on a project.

(2) Fund management—Unobligated funds are to be recalled by WPD at the end of the third quarter of the fiscal year for reallocation to projects that are ready for installation. Instructions for recalling funds are to be provided by the Financial Management Division. States should notify WPD during the year when unfunded work is ready for signing of a project agreement.

(3) Claims management—State conservationists are to monitor all aspects of contract administration and provide input at appropriate times. Contracting officers are to notify program managers of all claims. The Government's goal is to resolve all contractual issues by mutual agreement at the contracting officer level and to avoid litigation. To achieve this goal, program managers must monitor claims. When

contracting officer decisions for claims exceeding \$100,000 are appealed by the contractor, the state conservationist is to notify the Deputy Chief for Programs and provide the information needed for the claims data base. The Deputy Chief for Programs, in consultation with the Deputy Chief for Administration, will appoint an independent review team of representatives from WPD, Administrative Services, and Engineering Division. The team will review the case and recommend alternative actions the Service should consider to minimize its litigation risks.

(4) Reimbursables management—State conservationists are to monitor obligations of reimbursables. Budget adjustments will be made as needed.

(d) Watersheds with conditional approvals

Some projects approved by the Public Works Committees have limited the amount of Public Law 83-566 funds that may be expended and limited the purposes served by the project to those set forth in the watershed plan. These projects are referred to as "conditionally approved projects."

The data base for conditionally approved watersheds will be established and updated annually by the NHQ-Programs staff. Items to be included are current cost estimates as shown in the plan, total Public Law 83-566 fund limitation for the fiscal year in which the project was approved, and an annual update of obligated funds and remaining funds. At the end of each fiscal year, new indices are determined and the increased cost allowance is shown. States should retrieve their data annually, red line any errors, make appropriate changes, and resubmit to the WPD for updating.

Once it is determined that the project cost (adjusted for inflation and criteria changes) will exceed 10 percent of the amount approved by the Congressional Committee, steps must be taken to notify OMB. This will be done by the state conservationist providing written notification to the director, WPD. The notification shall:

- State the situation that caused the need for the request,
- Explain why the situation exists,
- Explain that there has been no reformulation and that benefits still exceed costs, and
- Review the SLO's commitments to date.

(e) Reaffirming feasibility

The continued feasibility of a project will be monitored and documented in the project files. Factors to be considered in determining the continued feasibility are costs, environmental impacts, social effects, changed watershed conditions, and SLO commitments. If it is determined that the project is no longer feasible to install, the plan should be modified to delete the infeasible elements or the project terminated.

When reaffirming feasibility, the interest rate at the time the plan was approved will be used except for plans approved before January 3, 1969. An interest rate of 3.25 percent will be used for the plans approved before that date.

At least once every 5 years during the installation of the project, the state conservationist will certify to the WPD director the continued feasibility for proceeding with project installation.

(f) Cost indexes

Cost indexes are used when updating cost to current values for maintaining the data base, preparing supplements and modifications, and reaffirming project feasibility. Because these factors are regional in nature, each State is responsible for maintaining appropriate indexes for each fiscal year. Suggested sources of indexes for the various cost categories include the following:

Consumer Price Index-Services—The index for project installation is based on the Consumer Price Index-Services. Project installation consists of the sum of land treatment (less critical area treatment), engineering, and project administration, as shown in Table 1 (fig. 504-8) of the plan.

Engineering News Record Construction Cost Index or DOC Composite Index—The index for construction and critical area treatment is to be based on the Engineering News Record Construction Cost Index or the U.S. Department of Commerce Composite Index.

Local information—The index for real property rights and relocation is to be determined by the state conservationist based on an analysis of the cost of land and its acquisition appropriate to the local area.

Wholesale Price Index—If a large part of the damages occur to contents of urban buildings, the Wholesale Price Index-All Commodities or Consumers Price Index (CPI)-Durables may be used.

Economic Research Service data—Indices of prices received by farmers for all crops and prices paid by farmers on all commodities are obtained from the Economic Research Service and may be used to update crop and pasture flood damages and other agricultural flood damages.

507.02 Agreements required

(a) Project agreement

Project agreements include any agreement entered into by SCS and the SLO in which detailed working arrangements are established for the installation of cost-shared structural, nonstructural, vegetative, or land treatment measures. It does not include agreements for the acquisition of real property rights, engineering services, and relocation assistance. Further information is available in the NCGCAM 120-514.

(b) Real property acquisition assurance

This assurance applies if real property interests were acquired for the installation of project measures and persons, businesses, or farm operations were displaced. Form SCS-ADS-78 will be completed and signed by the SLO and will be provided before Federal financial assistance is granted (NCGCAM 120-511.20).

(c) Operation and Maintenance (O&M) agreement

Arrangements for operating and maintaining planned practices are to be included in an O&M agreement between the SLO/land user and SCS. The agreement is to be entered into before SCS furnishes financial assistance for real property acquisition, relocation assistance, or installation of any of the planned measures (National Operations and Maintenance Manual 180-500.31). An O&M plan must be prepared and attached to the O&M agreement.

(d) Drug-free workplace certification

Before a construction contract is awarded to install any of the planned watershed measures, the grantees will indicate that they will abide by the regulations implementing sections 5151-5160 of the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V,

Subtitle D; 41 U.S.C. 701 et seq.), 7 CFR Part 3017 Subpart F, Section 3017.600, Purpose, by signing OMB Form AD-1050 (for grantees who are individuals) or OMB Form AD 1049 (for grantees other than individuals).

507.03 Methods of installation and payment

(a) General

Contracting for the construction of both structural measures and cost-shared land treatment measures is normally performed by the contracting local organization, but may be performed by SCS when requested in writing by the SLO. Under special conditions, measures may be installed by force account, division of work, performance of work, average cost, or small purchase procedures. These, along with the different types of contracts, are discussed in this subpart. The watershed plan is to state the method to be used. Detailed information is in NCGCAM 120-510.

(b) Formal contract

Formal contracts include construction contracts and vegetative contracts. Under formal contract, the SLO provide their share of the contract cost in cash. Contracting for the construction of structural measures and cost-shared land treatment measures is normally performed by the contracting local organization, but may be performed by SCS when requested in writing by the SLO (NCGCAM 120-510.11 and 120-510.12).

(c) Equipment rental contracts

Where a formal construction contract would be impractical because of the nature of the work and it would not be feasible to prepare detailed drawings and specifications, the work may be performed under a competitively awarded equipment rental contract. Only work that can be done by equipment may be included (NCGCAM 120-510.13).

(d) Small purchases

Supplies, materials, and services may be purchased by informal written or oral solicitation of prices if the maximum amount of purchase is \$10,000 or less for similar items (NCGCAM 120-510.14).

(e) Force account

Under this method the SLO provide their own forces including labor, equipment, and materials in lieu of cash. The SLO must keep accurate records of the cost of all the work performed (NCGCAM 120-510.15).

(f) Division of work

This method may be used only for cost-sharing land treatment measures. Measures to be installed by this method shall be described in the plan narrative and cost estimates included in the plan. The watershed agreement shall specify the increments of installation work for which SCS and the SLO are responsible without citing a percentage rate of cost sharing. The SLO are not required to keep records of expenditures. Detailed SCS cost estimates shall be maintained in support of the plan to show that Public Law 83-566 costs for land treatment do not exceed the rate authorized (NCGCAM 120-510.16).

(g) Performance of work

Under this method, the value of work to be provided by the SLO is determined by negotiation between the SLO and SCS and is included in a project agreement for the work. SCS-approved cost estimates made immediately before signing the agreement establish the maximum value of the work. (NCGCAM 120-510.17)

(h) Average cost

This method is limited to the installation of critical area treatment measures and cost-shared land treatment measures under the Flood Prevention (FP) and Public Law 83-566 programs. The average cost method is a procedure where cost-share payments are based either on a percentage of the average cost when the conservation district cooperator installs the work using his own forces, or on a percentage of the actual cost not exceeding the average cost for any component of the work that the cooperator contracts. Average costs are to be developed by SCS for each component of a measure to be installed by this method (NCGCAM 120-510.18).

(i) Long-term contracts

The two methods of carrying out long-term contracting for installing Public Law 83-566 financially assisted land treatment measures are:

- A project agreement between SCS and the SLO with a Long-Term Contract (LTC) between the SLO and land user, and
- A LTC between SCS and the land user. The contract period depends on the magnitude of the work. It will be at least 3 years, but may not exceed 10 years. All cost-shared land treatment is to be installed at least 2 years before expiration of the contract (NCGCAM 120-515.0).

Subpart 507B Provisions for financing

507.10 General

Federal assistance for project installation is authorized after the plan is approved. Federal assistance may include technical and financial assistance, advances, and loans. The watershed agreement shall specify the Federal assistance to be provided and show evidence of the SLO's commitments for funding, installing, and operating and maintaining the project. The Chief of the Soil Conservation Service shall allocate Federal funds for watershed projects from annual appropriations made for this program by Congress. The RDA is appropriated their own funds for participation in this program.

Public Law 83-566 funds obligated for a particular project agreement or LTC must be expended for that purpose or returned to Watershed Projects Division (WPD).

The SLO shall provide their share of installation costs from other than Public Law 83-566 funds. Local financing may include State, county, and other local funds, such as watershed or special purpose district taxes. Loans or grants of funds from other Federal programs may be used unless specifically prohibited.

507.11 Cash payments or expenditures

The SLO are expected to pay their share of the installation costs in cash unless otherwise provided for in the watershed plan and project agreement. Cash contributions represent the SLO's cash outlay from general tax revenues, sale of bonds, assessments, or other legally recognized means of raising money, and money contributed to the SLO by other public agencies and institutions, private organizations, and individuals. When authorized by Federal legislation, Federal funds received under other Federal programs may be considered as SLO's cash contribution.

507.12 In-kind contributions

In-kind contributions represent the value of noncash contributions made toward the SLO's share of the costs by the SLO and non-Federal parties. In-kind contributions may consist of real property and equipment and the value of goods and services. It includes work performed by the SLO by force account.

In-kind contributions may be made toward the SLO's share of public water-based fish and wildlife and recreation projects when provided for by the watershed plan and project agreement.

In-kind contributions are applicable only to projects that will be approved administratively or were transmitted to OMB after May 1, 1979. No exceptions will be allowed for any other projects regardless of the date or nature of project supplements. Property purchased with Federal funds may be considered the grantee's in-kind contribution only when authorized by Federal legislation.

In no case will the amount of an in-kind contribution exceed the SLO's share of the cost for the works of improvement. The maximum cost eligible for in-kind credit is to be the same as that for cost sharing. The SLO will receive no cash reimbursement for in-kind contributions of real property. Real property already devoted to and improved for public recreation or fish and wildlife use will not be eligible as an in-kind contribution.

507.13 Value of in-kind contributions

The value of in-kind contributions must be determined as set forth in the NCGCAM 510.64 through 510.67.

507.14 Loans

The RDA may make watershed loans to the SLO to help finance the local share of project costs set forth in approved watershed plans. The RDA has developed notices and procedures for granting these loans for all or part of the local cost for a watershed works of improvement (exhibit 501-2).

507.15 Advance of funds by SCS

In special situations SCS may advance funds to the SLO to use for engineering and construction costs, purchase of real property rights, or engineering services. The special conditions that follow must be met in all cases.

(a) Engineering and construction costs

Engineering and construction costs, not to exceed 30 percent of the total cost of the structure, to provide storage capacity for future municipal or industrial water supply are eligible for an advance of funds. The advance must be paid with interest within 50 years after the retention reservoir is constructed, or a shorter period if required by State law. Interest will not be charged until the water supply is first used from the structure or until 10 years after the date of completion of the structure, whichever is earlier.

(b) Real property rights

Funds may be advanced to purchase real property rights if the immediate purchase is essential to preserve the site for project works of improvement, a watershed plan has been approved, SCS and the SLO have signed an agreement covering the acquisition of real property rights, and RDA has approved the repayment on the date the advance is made to the SLO. The advance and accrued interest are to be repaid by the SLO before the works of improvement are constructed.

(c) Engineering services

An advance of funds can be made for engineering services for works of improvement if the work of improvement is included in the watershed plan, the engineers retained or employed by the SLO are satisfactory to SCS, and the total advance does not exceed 5 percent of the estimated installation cost of the works of improvement.

Subpart 507C Completion of projects

507.20 Completing project installation

Project installation is considered complete when watershed plan commitments for Public Law 83-566 assistance in installing works of improvement are satisfied as follows:

(a) Water resource projects

All structural and nonstructural measures, including mitigation measures, involving Public Law 83-566 assistance are installed in keeping with the watershed plan, as amended or supplemented and land treatment provided for in the plan has been accomplished or has progressed to the extent that it can be carried out with assistance from ongoing programs. Also, all LTC's must have expired.

(b) Watershed protection projects

Watershed protection projects are considered complete when land treatment provided for in the plan has been accomplished or has progressed to the extent that it can be carried out with assistance from ongoing programs and all LTC's have expired.

507.21 Completion report

The state conservationist is to report the completion of construction in writing to the director, WPD, after all planned measures have been installed. Copies of this notification should be sent to the NTC and other concerned Federal agencies. A completion report is to be forwarded to the director, WPD, as soon as the State obtains information as to total project obligations.

The state conservationist is to send each of the SLO a letter informing them of the official completion date of the project and reminding them of their responsibility for operation and maintenance, as shown in the O&M agreement(s). As a courtesy and to document final agreement, each SLO should be requested to concur in the final completion letter. The SLO's concurrence is not required to report a project complete.

Public Law 83-566 funds may not be charged to completed projects, except for post installation assistance as defined in part 508, without prior approval of the Chief.

The completion report will enumerate the number and purposes of project features installed and will include a statement of total local costs. Total local costs include real property rights, cost-shared items, technical assistance, and local administration costs.

507.22 Partly completed projects

Where projects are partly completed and there is little likelihood that remaining work will be installed, the state conservationist should arrange a meeting with the SLO. The purpose of the meeting will be to review the project installation schedule set forth in the plan, reaffirm the SLO's responsibilities, and develop a plan for completing project installation.

If the SLO agree that no further progress can be made, the project will be designated as installation complete. A supplemental watershed agreement that deletes the measures that have not been installed is to be prepared. Reasons for deleting the measures should be given in the supplement along with a discussion of the benefits that will be foregone by not installing the remainder of the project. For projects providing urban flood protection, the SLO with SCS assistance should prepare a flood plain map (based on the partly completed project) showing areas with significant remaining flood problems and publicize the remaining hazard. This should be done before the supplement is signed. A revised Table 1 (fig. 504-8) and completion report are to be submitted to the director, WPD.

If the state conservationist and the SLO agree that additional progress can be made, they should use the meeting to prepare a schedule for installing the remaining works of improvement. The schedule should include an agreement that at the end of a fixed time period (up to 2 years) from the date the schedule is prepared, the plan will be designated as installation complete if no progress has been made in completing the structural measures.

The state conservationist will inform the Governor or designated State agency of the decision and transmit a copy of the schedule. A copy of the schedule will be transmitted to the director, WPD. The Deputy Chief for Programs will inform the appropriate Congressional delegation of the plan for completing installation of the project.

If the agreed-to lapse period (up to 2 years) has passed and no progress has been made, the SLO will be notified of the state conservationist's intent to declare the installation of the project completed.

If progress has been made, the state conservationist may agree to extend the installation period for 1 year. Successive extensions may be granted if there was progress in the past year. Progress is defined as the signing of a project agreement to begin construction.

If progress is not made and the SLO do not agree to delete the measures that have not been installed, the state conservationist is to submit the matter to the director, WPD, setting forth the facts and the reasons why the SLO do not agree. Each project will be handled on a case-by-case basis.

507.23 Deauthorized projects

Deauthorization is applicable only to projects where no LTC's have been signed, where no planned measures have been installed, or where no O&M agreements are in effect.

When it becomes evident that the proposed works of improvement will not be installed, the state conservationist should consult with the SLO to seek their concurrence to deauthorize funding for the project. Agreements with the SLO for deauthorization of funding may be documented by an exchange of correspondence.

Deauthorization of the project removes authority to expend Public Law 83-566 funds.

The state conservationist shall initiate deauthorization of funding. If the SLO do not concur in deauthorization, the state conservationist should submit the matter to the director, WPD, setting forth the facts and the reasons why the SLO do not agree.

The director may make a unilateral decision to deauthorize a project based on a case-by-case review of the information provided.

The state conservationist is to notify the Chief in writing of the proposed deauthorization of funding. At the same time, the notice of intent (exhibit 507-1) should be sent to the Federal Register, assistant chief, NTC director, and concerned Federal, State, and local agencies. If authorization of funding by the Chief was subject to approval by resolution by committees of Congress, the Chief is to give the appropriate committees written notice of the proposed deauthorization at least 60 days before final deauthorization action is taken. The Chief will notify the state conservationist if there are congressional concerns about the proposed deauthorization.

Following the 60-day waiting period, the state conservationist will notify the WPD of any concerns received. If there are none, the Chief will notify the state conservationist that funding is deauthorized. The state conservationist is to notify the SLO and concerned Federal, State, and local agencies of the final action. Other actions by the state conservationist include removing project identification from project status maps and disposing of records as specified by the SCS Records and Management Guide.

The deauthorization process may be stopped by the state conservationist at any time before final notice of deauthorization is published.

The state conservationist will send a notice to the Federal Register announcing final deauthorization action (exhibit 507-2).

Areas in a project that have had funding deauthorized may be reactivated by including them in a new watershed application.

Subpart 507D Reports

507.30 General

Program managers in each state are to use the National Progress Reporting System to report progress (330 GM 409 and 300 GM 406). Maximum use is to be made of the options provided in the SCS-MGS-253 Reporting System to keep track of progress for installation of all projects.

Other information sources that are used to manage the operations phase of the water resources program are a series of data files stored on WPD's computer system. An introduction to this system is available on WPD's computer.

A status data base is kept current by WPD staff from letters and other paper reports. States should retrieve their data from this data base about once a year and review it for accuracy.

Program managers must contribute to the following data bases:

- Annual budget estimates for the upcoming fiscal year combined with all future obligation estimates.
- Watershed protection project description.
- Detailed description of planned and installed structures.
- Appropriated funds by state and local governments.
- Cultural resource activities.
- Dams inventory.
- Cumulative total of obligated watershed construction funds (a running account). These funds will be monitored by the SCS Program Accounting and Reporting System (SPARS).

507.31 Annual operation budget estimates and future obligation report

The format and content of these reports are specified in a data dictionary on WPD's computer system.

The data base is designed to be dynamic. Once established, changes are to be submitted electronically by the states to keep the information up-to-date. The information is to cover all projects needing future funds. The data will be accessed by WPD each year during May for budget allocation purposes and throughout the year in response to Congress, OMB, or other requests. States are expected to keep the information current and correct. New projects that are approved or changes that occur during the year should be added to the data base as the changes occur.

Factors to be considered in developing the annual budget estimates and future obligations are:


- The estimated approval date for operation,
- The schedule for installation of planned measures,
- The State's program analysis and long-range plan,
- The SLO's progress in fulfilling their obligations, and
- The sponsor's capability to proceed with installation.

Current estimates are to be developed by the program manager in consultation with the area conservationist, district conservationist, SLO, and appropriate SCS technical and administrative staff. If the project is located in more than one State, each State will prepare a report for the part of the project in their State.

507.32 Progress summaries

Progress summaries are developed from the data bases residing in the WPD. This data base should be reviewed annually by the state program manager to assure the data are accurate and factual.

Every 5 years State watershed maps are to be updated to show current status of watershed activity. The director, WPD, will get five copies, and two copies will be sent to the NTC and to each of the area or regional offices of the Forest Service.



Subpart 507E Exhibits

Exhibit 507-1 Example of Notice of Intent to Deauthorize Federal Funding**BILLING CODE: 3410-16
DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE**

(Name) Watershed, (State)

Agency: Soil Conservation Service

Action: Notice of Intent to Deauthorize Federal Funding

Summary: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83-566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the intent to deauthorize Federal funding for the (Name) Watershed project (County or Counties), (State).

For further information contact (Name), State Conservationist, Soil Conservation Service, (Street Address), (City), (State) (Zip Code), telephone: (Area Code and Number).

(Name) Watershed, (State)

Notice of Intent to Deauthorize Federal Funding

Supplementary information: A determination has been made by (State Conservationist's name) that the proposed works of improvement for the (Watershed) project will not be installed. The sponsoring local organizations have concurred in this determination and agree that Federal funding should be deauthorized for the project. Information regarding this determination may be obtained from (Name), State Conservationist, at the above address and telephone number.

No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the Federal Register.

(Signature)
(Type name and title of signee)
(Date)

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Exhibit 507-2 Example of Notice of Deauthorization of Funding

**BILLING CODE: 3410-16
DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE**

(Name) Watershed, (State)

Agency: Soil Conservation Service

Action: Notice of Deauthorization of Federal Funding

Summary: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83-566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the (Name) Watershed project, (County or Counties), (State), effective on (Date as indicated in letter from Chief).

For further information contact (Name), State Conservationist, Soil Conservation Service, (Street Address), (City), (State) (Zip Code), telephone: (Area Code and Number).

(Signature)
(Type name and title of signee)
(Date)

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)