
United States
Department of
Agriculture

**Soil
Conservation
Service**

**National
Watershed
Manual**

Part 503

**Development
of the Project Plan**

Part 503

Development of the Project Plan

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Subpart 503A Introduction**503.00 Introduction**

Part 503 gives guidance for the development of project plans. Subparts 503A and 503B apply to all planning assistance furnished under the authority of section 3 of Public Law 83-566. Subparts 503C, 503D, and 503E apply to projects that will receive Public Law 83-566 assistance for installation.

503.01 Public Law 83-566 Planning

Public Law 83-566 authorizes SCS to prepare water and land resource plans in response to requests from the Sponsoring Local Organizations (SLO). Each resource plan will fall into one of the following categories.

(a) Locally Implemented (LI) plans

These projects will be installed by local organizations without any further Public Law 83-566 assistance.

(b) Technical Assistance (TA) plans

These are projects where Public Law 83-566 installation funds will be used to provide technical assistance only. TA plans can include either technical assistance for land treatment or engineering services for structural and nonstructural measures (as defined in section 502.90 of this manual).

(c) Technical and Financial Assistance (TA/FA) plans

These are projects where Public Law 83-566 installation funds will be used to provide both technical and financial assistance.

As used in this manual, the term “watershed plan” includes both TA and TA/FA plans, but not LI plans. Development of a watershed plan will be accomplished in two phases: preauthorization planning and plan development.

503.02 Planning standards and criteria**(a) SCS National Planning Manual**

The SCS National Planning Manual provides policy and guidance in the planning aspects of SCS technical assistance for all programs. Public Law 83-566 planning assistance will be consistent with the procedures described in the National Planning Manual.

(b) Principles and guidelines

SCS water resource planning activities are to conform to the “Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies” (P&G). Among the items included in the P&G are planning principles and standards, guidelines for economic and environmental evaluations, and a requirement that any plan recommending Federal action is to be the alternative with the greatest net economic benefit consistent with protecting the Nation’s environment (the NED plan), unless an exception is granted (NED requirement).

TA and TA/FA water resource projects shall conform to all requirements of the P&G. Projects that include only land treatment measures will be planned in accordance with the procedures of the P&G, but identification of the NED plan is not required. Formulation criteria for land treatment plans are discussed further in section 503.46 in this part of the manual. All TA and TA/FA plans must have identified beneficial effects (monetary and nonmonetary) that exceed adverse effects. LI plans may be planned in accordance with the National Planning Manual and the rules and guidelines of the implementing authority.

(c) National Environmental Policy Act

All planning activity must comply fully with the National Environmental Policy Act (NEPA) procedures. For TA or TA/FA plans, the state conservationist will either prepare and file an Environmental Impact Statement (EIS) or prepare an Environmental Assessment (EA) and publish a Finding of No Significant Impact (FONSI). LI plans do not involve SCS assistance for installation. SCS will conduct an environmental evaluation and prepare an environmental assessment for LI plans. The assessment will be furnished to the SLO. Further processing of environmental documents in accordance with applicable laws will be the responsibility of the implementing authority.

(d) Cultural resources

SCS procedures for protecting cultural resources (420 GM 401) distinguish between “nonproject” and “project” undertakings. The procedures also provide for treating project assistance for nonstructural or accelerated land treatment measures as nonproject undertakings, while TA/FA plans for structural measures are project undertakings. TA plans for structural measures and LI plans are not addressed in the procedures; they will be treated as nonproject undertakings.

(e) Threatened and endangered species

Section 7 of the Endangered Species Act requires Federal agencies to consult with the Departments of Interior or Commerce whenever an agency’s action may affect a listed species or critical habitat. Regulations governing this consultation are in 50 CFR 402. These regulations apply to all actions in which there is discretionary Federal involvement or control (50 CFR 402.03).

SCS procedures for complying with the Endangered Species Act are set forth in 7 CFR 650.22 and reproduced in 190 GM 410.22. These procedures distinguish between “project” and “nonproject” activities. For project activities, SCS is to initiate formal consultation if the activity may affect a listed species or critical habitat. If a nonproject activity will have such an effect, SCS will initiate formal consultation if the landowner requests it.

All TA and TA/FA plans are to meet the requirements for project activities. LI plans will not have SCS involvement in their installation, so the section 7 requirements do not apply to them. However, other parts of the Endangered Species Act may be applicable. If the EA indicates that an LI plan may affect threatened or endangered species, the SLO must be advised of their responsibilities.

(f) Channel modification guidelines

The Channel Modification Guidelines set forth SCS-Fish and Wildlife Service coordination requirements for each step in the planning process (190 GM 410.28). All steps apply to TA and TA/FA plans. For LI plans, the coordination requirements that the guidelines prescribe for the preapplication phase are the only ones that must be met.

(g) Protection of wetlands

SCS policy for protection of wetlands is given in 7 CFR 650.26 and 190 GM 410.26, which prescribe procedures for implementing Executive Order 11990. Section (d)(5) of these procedures calls for SCS to provide assistance only if the selected plan avoids altering wetlands or if adequate mitigation is agreed to by the SLO. For TA and TA/FA plans, SCS participation in the installation will assure that this requirement is met. This will also be true for LI plans if SCS participates in the installation under other programs. For LI plans where SCS does not participate in the installation, the plan shall clearly identify any needed mitigation. Although SCS does not have any mechanism for ensuring that such mitigation is carried out, the permit programs administered by other agencies should provide the necessary followup in all but the most insignificant cases.

(h) Flood plain management

SCS procedures for implementing Executive Order 11988 (Flood Plain Management) are given in 7 CFR 650.25 and 190 GM 410.26. These procedures apply to all SCS planning. Section (c) of the procedures gives step-by-step requirements for nonproject actions and for project actions. LI, TA, and TA/FA plans will all be planned using the procedures for project actions.

LI plans that include alternatives that leave a risk of loss of life during a 100-year or 500-year flood should also include a thorough description of the remaining flood hazard in the benefit area. TA and TA/FA plans must meet the formulation and reporting criteria set forth in 503.46(f).

(i) Executive Order 12372, Intergovernmental Review

Executive Order 12372, which requires consultation with State and local officials, specifically applies only to proposed Federal financial assistance and direct Federal development. Thus, LI and TA plans are not within the scope of the Executive Order, while TA/FA plans must comply, as provided for in 503.21 and 503.24.

(j) Executive Order 10584, Administration of Public Law 83-566

Executive Order 10584 (as supplemented by EO 10913) is reproduced in exhibit 500-1 in part 500 of this manual. Section 3(a) of the order sets forth notification requirements that must be carried out

whenever any survey or field investigation involving water resources development work is initiated. These requirements apply to all three (LI, TA, TA/FA) plan categories. Section 4(a) of the order sets forth additional coordination requirements for applications for irrigation projects in the reclamation States, urban flood damage reduction projects, and projects in the Tennessee River drainage basin. These are post-application requirements and apply only to TA and TA/FA plans.

(k) Applicability of program criteria

Subpart C of Part 500 sets forth various program criteria. Table 503-1 shows the applicability of specific criteria to the three types of plans.

(l) Project purposes

Whenever possible, watershed projects should serve multiple purposes and satisfy a wide range of locally identified needs. Projects may be formulated to solve problems or satisfy opportunities associated with any of the authorized purposes. To be eligible for Public Law 83-566 assistance for implementation, a plan must include as a purpose watershed protection, flood prevention, or agricultural water management. TA and TA/FA plans will not be developed solely for any other purpose. LI plans may be developed for any of the purposes listed in section 500.10.

503.03 Notification for specially designated areas

Formal and informal agreements have been reached with officials in several designated areas to coordinate and keep them informed of progress during planning and operations. These areas are Appalachia, Delaware River Basin (exhibit 501-3), Susquehanna River Basin, and Tennessee Valley Authority (exhibit 501-4).

503.04 Public Law 78-534 projects

Flood prevention projects (described in 500.31) were individually authorized by Federal legislation (Public Law 78-534). Subparts 503B, 503C, and 503D are not applicable to Public Law 78-534 projects.

Table 503-1 Applicability of program criteria

	LI plans	TA plans	TA/FA plans
250,000-acre watershed size limit	Yes	Yes	Yes
25,000 AF total capacity limit	Yes	Yes	Yes
12,500 AF floodwater storage limit	Yes	Yes	Yes
One recreation development per 75,000 acres	No	No	Yes
20 percent agricultural benefits	No	Yes	Yes
Application submitted through Governor	No	Yes	Yes
Land treatment above structures	No	Yes	Yes

Subpart 503B Resource planning assistance

503.10 Introduction

This subpart applies to all planning assistance furnished with Public Law 83-566 funds before receipt of an application for assistance. If the SLO decide not to seek Public Law 83-566 assistance for installation, planning will lead to development of a resource plan for local implementation. If the SLO decide to seek Public Law 83-566 technical or financial assistance for installation, plan development will continue as described in subparts 503C through 503E.

503.11 Initial request

All Public Law 83-566 planning assistance is furnished in response to requests from the SLO. This may be in the form of a letter to the state conservationist. A copy of the request should be furnished to the designated State agency.

503.12 Preliminary investigation

As soon as substantive inquiries are received concerning a potential watershed project, a preliminary investigation should be conducted. As part of this, an environmental evaluation (7 CFR 650.5) should be initiated using an interdisciplinary team approach. The preliminary investigation can be a very brief study, using existing data to the extent possible. The purpose is to provide reasonable assurance that a feasible plan can be developed and that there are no obvious insurmountable obstacles.

If the state conservationist decides to provide further planning assistance, a plan of work is to be prepared and used to guide the planning process. It should show the tasks to be performed, the estimated time required, and a schedule for completing the resource plan.

503.13 Notification of planning assistance

Before providing further planning assistance, the state conservationist will notify the director of the Watershed Planning Division (WPD). This may be in the form of a letter describing the name, location, and size of the watershed, sponsors, anticipated project purposes, estimated installation cost, estimated completion date, and any other pertinent information from the preliminary investigation. A copy of the letter shall also be sent to the director of the NTC, along with a copy of the plan of work.

503.14 Resource plan

The next step is to develop a resource plan. This may be either (1) a plan to be given to the SLO to implement locally, or (2) a preauthorization report to support a request for authorization to develop a Public Law 83-566 plan.

All appropriate USDA agencies, the Departments of the Interior and Army, other concerned Federal agencies, the Governor or designated agency, concerned State agencies, and the public will be notified of the potential project. All locally identified rural development needs of the communities in the watershed should be considered. Coordination with other agencies and groups and other public participation shall be documented as it is carried out.

Information gathered in the resource plan phase should be useful to the local organizations in deciding whether to seek Public Law 83-566 assistance for installation.

(a) Public Law 83-566 implementation

If the SLO decide to apply for Public Law 83-566 assistance, a preauthorization report will be prepared. Content of the report will be as described in section 503.31. Once the SLO decide to seek Public Law 83-566 assistance, they may begin the application process immediately, following the procedures in subpart 503C of this part of the manual. They do not need to wait until a preauthorization report is completed before submitting an application.

(b) Local implementation

If the SLO will not seek Public Law 83-566 assistance for installation, a plan for local implementation should be prepared in accordance with the LI plan requirements in subpart 503A. Format and content should be whatever best meets the needs of the SLO. The state conservationist shall notify the director of WPD of the plan's completion and provide a copy of the plan. A copy of the notification and of the plan shall also be furnished to the NTC.

Subpart 503C Application for assistance**503.20 Introduction**

This subpart sets forth procedures for preparing and submitting an application when Public Law 83-566 assistance for installation is being sought.

503.21 Notification of intent to apply for Federal assistance

The SLO shall follow State developed procedures for coordination of proposed Federal financial assistance and must notify the State's Single Point of Contact for Federal Assistance of their intent to apply for assistance under Public Law 83-566. This requirement does not apply to TA plans where there will be no financial assistance.

503.22 Requirements of a valid application

A valid application must have adequate sponsorship by qualified local organizations, conform with Federal policies on nondiscrimination, comply with the acreage limitation under the Act, include documentation that appropriate clearinghouse procedures have been followed, and be approved by the State.

A watershed area comprises all land and water within the confines of a drainage divide and must follow hydrologic boundaries. In the case of irrigation or salinity projects, the watershed boundary may be based on the irrigation problem area or subsurface hydrologic area, respectively. A watershed area may comprise the land and water of two or more minor drainageways that are separate tributaries to a stream, artificial waterway, lake, or tidal area. Areas from which water is brought in by diversion may be excluded from the watershed if these sources of water have no significant effect on the flood prevention and water management problems of the watershed area. The watershed area must include all direct tributary drainageways and lands from which, after project installation, water and sediment could adversely affect

any proposed structural measure, such as an irrigation or drainage canal, floodway, or floodwater retarding structure, included in the plan. The types of watershed areas eligible for assistance under the Act are illustrated in exhibit 503-5.

If structural measures are considered as a potential solution, local organizations having the authority under State statutes to acquire land, raise money, and operate and maintain works of improvement should become the sponsors at the outset. If no such organizations exist, one must be formed before planning can be authorized. For watershed plans that include only land treatment measures, a soil and water conservation district organized under appropriate State law may qualify as an SLO.

503.23 Applications from two or more States

An application covering a watershed including non-Federal land in two or more States must be submitted to the designated State agencies and the Single Point of Contact for Federal Assistance of each State concerned. The application will be processed in accordance with arrangements mutually satisfactory to the concerned state conservationists and the designated State agencies.

503.24 Submission of application

The original and one copy of the application should be sent by the SLO to the designated State agency, one copy to the State Single Point of Contact for Federal Assistance, and one copy to the state conservationist. (The designated State agency is the agency having supervisory responsibility over programs provided for in the Act, or the Governor if no State agency has such responsibility.) The State Single Point of Contact may be omitted if only technical assistance is being sought. Application must be made on Form SF-424, "Federal Assistance" (exhibit 503-1).

An application must be approved by the designated State agency, who should then forward the original, signed application to the state conservationist along with a statement of the State's priority rating for the watershed. If the designated State agency disapproves an application, SCS will take no further action.

Upon receipt of an application for assistance, the state conservationist will assign a 9000 series number to the watershed. This number will be used throughout the planning process to monitor planning costs.

503.25 Acknowledging the application

The state conservationist will acknowledge receipt of the application by letter to the designated representative of the SLO after ascertaining that the application is valid. One copy of the letter of acknowledgment is to be sent to the Chief of the Soil Conservation Service. The state conservationist will provide the Forest Service (FS) area or regional office with a copy of the application and any subsequent amendments and will notify other concerned Federal agencies that a valid application has been received.

An information sheet containing a list of the SLO, county(ies), congressional district(s), Water Resources Council's region and subregion, assigned 9000 series code number, and watershed size along with a map are to be enclosed with the National Headquarters copies of the acknowledgment letter.

503.26 Amendment to an application

An amendment to the application should be submitted in the same manner as the original application. The SLO can be officially added or dropped by an amended application. This can also be accomplished when a watershed plan is prepared by a supplement thereto. Unless a change in SLO will affect a watershed's priority rating, there is generally no advantage to using an amended application to reflect only a change in sponsorship. Changes that only modify or supplement the information in the application can be handled by correspondence. Amendments are used primarily to change the size of the area considered by adding or deleting part of the watershed area. The SLO should send a letter to the state conservationist, through the designated State agency, stating what the change consists of and why it is needed.

503.27 Withdrawal of application

If prior to authorizing planning, the SCS and the SLO determine that there is no possibility to develop of a feasible or acceptable project, the SLO should be encouraged to withdraw their application. The SLO should indicate by letter to the state conservationist, through the designated State agency, that they wish to withdraw their application. Upon receipt of such request, the state conservationist will return the application to the designated State agency and notify the SCS Chief of the withdrawal.

In some cases an application may be considered invalid or infeasible, but the SLO may not wish to withdraw it. If this occurs, the application will be returned to the designated State agency with a letter explaining why it is being returned. The state conservationist will notify the Chief of this action.

A new application may be submitted if conditions change.

Subpart 503D Authorization to develop a Public Law 83-566 plan

503.30 Introduction

This subpart describes the process for obtaining an authorization to develop a plan that is to be installed with Public Law 83-566 assistance. At this stage projects will compete with one another based on funding levels and national priorities. Planning authorizations will be granted by the Chief and will specify the purposes that may be included in each plan. The following items are needed to support a request for a planning authorization:

- Valid application,
- Preauthorization report indicating project feasibility
- Plan of work for the plan development phase

503.31 Preauthorization report

The preauthorization report summarizes the results of planning done to date. The format and type of report are not specified. The report need not be lengthy, but it should adequately present the opportunities for solving watershed problems. It should briefly display such things as the problems, alternatives for solving or partly solving identified problems, the estimated cost, and any adverse and beneficial effects of proposed alternatives. Detail will be enough to show the potential for developing a watershed project and to allow the reader to determine the merits of the project. Quantification will be necessary. Any unresolved conflicts should be resolved in the plan development phase, and the report should show that this is possible.

To qualify for Public Law 83-566 assistance, sponsors of water resource plans will be advised that they must select the NED plan or have an adequate rationale to justify an exception. This requirement does not apply to plans that include only land treatment measures.

Enhanced cost sharing may be considered for purposes other than flood prevention. See section 505.35 for more information.

503.32 Plan of work

A plan of work will be prepared to use as a management tool during plan development. It will summarize the studies done to date and describe the remaining work needed. It will show the interdisciplinary technical procedures to be used in the plan development study and the time frame for accomplishing each task. It should include the scope, affected resources, planning detail, public participation, estimated cost, and schedule for completing the plan.

The plan of work will represent an agreement between the NTC Director and the state conservationist on the scope and detail of the study and the study time needed. It will also contain agreement on the minimum amount and kind of supporting data needed.

All the input of SCS (including NTC), the FS, other Federal and State agencies, and the local SLO should be included in the plan of work. FS field offices will provide forestry inputs to the state conservationist for inclusion. Technical procedures to be used must be spelled out. These should indicate compliance with NEPA, P&G, and other applicable laws and policies. Selection of technical procedures should be based on existing rules, regulations, and guidelines and on the nature of the watershed problems, project objectives, and the anticipated complexity of potential solutions and their effects as established by the scoping process. Procedures should be compatible from one discipline to another and should generally be similar in scope and detail.

503.33 Public participation

As the request for planning authorization is developed, the SLO is to hold at least one widely advertised public meeting to discuss alternative proposals.

503.34 NTC concurrence

The NTC is to review and concur in the technical adequacy of the preauthorization report (including supporting documentation) and the plan of work. A copy of the concurrence letter will be forwarded to the director, WPD. Requests for planning authorization will not be considered at the National Headquarters

without the NTC director's concurrence. Each NTC director will issue guidance to the States on the number of copies and the type of supporting data needed for review.

503.35 Request for planning authorization

Planning authorization should be requested only when the state conservationist is ready to fully commit technical resources in an intense planning effort. Before requesting planning authorization, enough detailed planning should have been conducted to ensure that a viable plan can be developed.

If the application fits one of the situations described in section 4(a) of Executive Order 10584 (see exhibit 500-2), the state conservationist shall coordinate as needed with the Bureau of Reclamation, Corps of Engineers, or Tennessee Valley Authority before requesting a planning authorization.

Requests for a planning authorization should include the following items:

- The designated State agency's current priority rating for the watershed application.
- An estimate of the additional funds that will be needed by the state conservationist for transfer to Federal agencies (other than the FS) for planning on lands under their jurisdiction.
- An estimate of the Public Law 83-566 cost of plan development that will be used in contracting for expertise outside of SCS.
- A copy of the preauthorization report and updated plan of work.
- A list of the SLO, the name and address of the current chairman, and the name of the person designated as the contact for all the SLO.
- Statements as to the SLO's understanding of the possible commitments, that they have made a self-evaluation of the depth and likely commitment of support for the project being planned, their authority and willingness to obtain real property rights, and their willingness to use their power of eminent domain.

- Evidence of public participation and coordination with other agencies and groups. If channel modification is proposed, the views of the Fish and Wildlife Service are specifically required (120 GM 410.28).
- Summary fact sheet as shown in exhibit 503-2.

Requests for planning authorization should be submitted to the director of the Watershed Projects Division.

One planning start will be authorized for each application, and only one plan may be prepared under each planning authorization.

503.36 Planning authorization

(a) National Headquarters responsibilities

The Chief of the Soil Conservation Service is responsible for authorizing assistance to develop a watershed plan. The authorization will specify the purposes that can be included in the plan. It will be limited to 5 years. If the plan is not in interagency review within this time, planning authorization is automatically cancelled.

The Chief will advise the state conservationist, the Forest Service, and heads of concerned Federal agencies of the planning authorization and of SCS plans to initiate the necessary surveys and investigations. When planning authorization involves more than one state, the Chief will designate one of the state conservationists as the responsible Federal official to take the leadership in plan development.

(b) State responsibilities

After planning has been authorized, the state conservationist will notify the SLO, the concerned U.S. Senators and Representatives, the State's Single Point of Contact for Federal Assistance (except for TA plans), Governor or designated agency, the concerned State agencies, field offices of the Forest Service, Interior Department, Corps of Engineers, and other Federal agencies, and others who have indicated a desire to participate. The state conservationist should also publish appropriate notices in newspapers and other news media.

503.37 Amending planning authorizations

State conservationists must have prior approval of the Director of WPD to amend a planning authorization in order to add or change a purpose. Requests for approval, along with the NTC director's concurrence, should include a revised preauthorization planning report which clearly identifies watershed problems, proposed alternatives, and the revised plan of work. There should also be an explanation of why the original proposal should be changed.

503.38 Termination of planning

When it becomes apparent at any stage of plan development that a feasible plan cannot be developed, the state conservationist will terminate planning assistance. This termination will be accomplished by notifying the SLO in writing that planning assistance is terminated and will specify the reasons for this action. Concurrently, the Chief, State's Single Point of Contact for Federal Assistance, FS, and other participating agencies will be notified that planning assistance has been terminated and will be provided with a copy of the letter to the SLO.

Once planning is terminated either by the state conservationist or the automatic provisions of 503.36(a), no further funds may be expended on the project and the project may not be reactivated. If conditions change and it becomes possible to develop a feasible plan, the SLO must start over and submit an amendment to the application, and a new planning authorization must be given by the Chief before work can be resumed.

After planning is authorized in a watershed, the application cannot be withdrawn. It will be retained to support the planning costs that were incurred even though planning may be subsequently terminated.

Subpart 503E Development of Public Law 83-566 plans

503.40 Introduction

This subpart provides general guidance for developing a watershed plan and associated environmental documents, beginning with receipt of planning authorization and continuing through to the preparation of the plan.

Plan development follows the 6-step planning process set forth in the P&G. The process is normally an iterative one in which alternatives are compared and the most promising ones chosen for further study in greater detail. This process may be repeated in successive stages of planning until conflicts are resolved and plan selection occurs.

In addition to providing a record of the planning process, the plan provides the basis for project authorization and guides its installation. The plan development phase includes refining the recommended plan in enough detail to accomplish this. Further details on one or more of the alternatives may also be needed at this stage to facilitate the identification of tradeoffs and the selection of a plan.

503.41 State procedures

The procedures in this part do not have all the necessary details for plan development and review through approvals of drafts. Requirements for input and review vary from State to State. Each state conservationist should develop supplemental instate procedures to ensure involvement of the entire state staff by providing early inputs and review of pre-draft documents. These procedures should also outline opportunities for participation by the general public, organized groups, individuals, NTC staff, and other agencies in the planning and review process. Procedures should be kept current and updated as the need arises. The state conservationist may request assistance from the NTC director for developing these procedures.

503.42 Plan development procedures

After planning authorization is granted, the state conservationist will take steps to provide planning assistance in accordance with the plan of work. For multistate staffs, the state conservationist of the state in which the watershed is located will provide the overall guidance. The approved plan of work is to be used throughout the plan development to schedule and coordinate planning activities and to monitor progress. If project objectives change, unforeseen problems or delays arise, or opportunities to accelerate completion of the process occur, the plan of work should be revised. NTC concurrence should be obtained for major changes in the scope and intensity of work items. Copies of the revised plan of work should be furnished to all participants, including the NTC.

Scoping is to be used early and throughout planning to ensure that all significant decisionmaking factors are addressed and that unnecessary and extraneous studies are not undertaken. It may be used to combine or narrow the number of problems, opportunities, measures, plans, or effects considered so that efficient analysis and choice among alternative plans can be made. The public and Federal, State, and local agencies having expertise in areas that may be affected should be involved in the scoping process.

The scope and intensity of plan development studies should be in sufficient detail to provide reliable estimates for the plan. Investigations should be detailed enough for firm determination of location, feasibility, and the general features of project measures. Structural measures in the recommended plan should be analyzed in enough detail to develop real property work maps. When a plan includes a number of grade stabilization structures or land treatment measures of similar size and nominal cost, separate site locations and feasibility studies need not be made. Before any data are collected and analyzed, the need for and probable use of such data should be critically considered.

All project measures will be planned using SCS standards and criteria. Project measures planned for installation on Federal lands shall also conform to the standards of the land-administering agency involved.

All data and write-ups should be reviewed and agreed on by the appropriate state staff members. Data developed by the FS will have state forester and internal clearance before submission to SCS.

503.43 Compliance with NEPA

Procedures for compliance with NEPA are set forth in regulations of the Council on Environmental Quality (CEQ) (40 CFR 1500-1508) and the SCS (7 CFR 650). All Public Law 83-566 plans are to include either an EIS or an EA.

If a plan-EIS is to be prepared, the state conservationist will publish in the Federal Register and local newspapers a Notice of Intent (NOI) to prepare an EIS. Exhibit 503-3 is a sample NOI. The NOI is to request the assistance of all interested agencies, groups, and persons in determining the scope of evaluations to be conducted. It must be published early enough to allow for meaningful participation in the process.

If a plan-EA is prepared, the state conservationist will prepare a FONSI and publish a notice of its availability in the Federal Register and local newspapers. Procedures for publicizing and distributing a FONSI are set forth in part 505.

503.44 Loan opportunities

As soon as it is evident that the sponsors may desire a loan under section 8 of the Act, the state conservationist is to invite the regional director of the Rural Development Administration (RDA) to provide assistance to the SLO. The SLO are to file a preliminary application for a loan as soon as possible; however, it must be filed before the plan is submitted for approval if credit assistance is to be sought from the RDA. Application for an advance under section 4 of the Act will be made by the SLO to the state conservationist. The state conservationist will advise the regional director of the RDA of this action and will furnish information on how the advance will be used and other pertinent justification.

503.45 Public and interagency participation

(a) Local participation

The state conservationist, in cooperation with the SLO, will ensure that interested or affected individuals, groups, or local governmental agencies have opportunities to participate in development of the plan. The SLO will be requested to announce these opportunities to the general public through local newspapers and other media. Sufficient information is to be provided so people may participate meaningfully.

(b) Forest Service

The Forest Service has planning responsibilities in the watershed program beginning with notification at the preliminary investigation stage and continuing through the preparation of the watershed plan. Responsibilities include providing information on forest and brush-covered wild lands and hydrologic surveys of forest lands, preparing forestry plans, participating in plan formulation, and contributing narrative material on forest resources for inclusion in the plan of work and the watershed plan.

(c) U.S. Fish and Wildlife Service

The regional director of the U.S. Fish and Wildlife Service (FWS) and the head of the State game and fish agency will be invited to participate with SCS in making inventories of fish and wildlife resources, formulating alternative plans, and identifying probable impacts on fish and wildlife. FWS will also be provided the opportunity to carry out provisions of section 12 of the Act.

503.46 Plan formulation requirements

(a) Water resource plans

Water resource plans are those that include structural or nonstructural measures. They may also include land treatment measures. They will be formulated in accordance with all requirements of the P&G. Formulation will be based on the problems or purposes for which planning was authorized. At least two alternatives are to be displayed in each plan: the no-action alternative and the alternative that reasonably maximizes net economic benefits (the NED plan).

(b) Land treatment measures

Formulation of land treatment measures will be based on the problems for which planning was authorized. Watershed protection plans (plans that include only land treatment measures) and land treatment components of water resource plans are to be formulated to address public (e.g., offsite) water and related land resource problems involving erosion and resulting sedimentation, agriculture-related pollution, or inefficient agricultural water use. Projects may be formulated to address ground water as well as surface water contamination.

At least two alternatives are to be displayed in each watershed protection plan: the no-action alternative and an alternative that achieves an acceptable reduction in the public problem that the plan is addressing.

Project land treatment measures will not be formulated to address onsite problems or opportunities, such as maintaining long-term productivity, reducing production costs, or increasing yields. However, onsite benefits should be included in the evaluation of the alternative plans.

Alternatives are to be formulated using a practical systematic procedure. The procedure used will be described in the plan.

The four P&G criteria (completeness, effectiveness, efficiency, and acceptability) should be considered as conservation options are developed.

Care must be taken to ensure that all practices, management and enduring, are included in each option so that it will function as planned and produce the effects intended. Interdependent practices should be treated as one practice.

Conservation options should be evaluated using average management levels in the area. The range of options studied should be limited to those considered to be acceptable for installation in the watershed. This does not mean that only those practices desired by land users will be considered. The determination is an equal responsibility of the SLO, the public, and SCS.

Each option does not necessarily need to eliminate all problems or reach a predetermined level of resource protection. Alternatives should be formulated to provide different levels of resource protection.

An estimate of the most likely rate of land user participation should be made for each alternative plan. These participation rates will be used to determine the total costs and benefits of the alternatives. The participation rates should be developed through the public participation process and documented in the plan.

The analysis should not consider significant changes in cropping sequence or land use conversion (except on Class VI through VIII cropland) unless it has been determined that the changes will take place. An evaluation of the onsite economic effects of land use conversion is not required, but may be included. The offsite economic effects should be evaluated and displayed in the plan.

The recommended plan should be the least costly, environmentally acceptable method of achieving the agreed-on level of resource protection. All costs, including operation, maintenance, and replacement, expected to be incurred over the evaluation period are to be included.

(c) Future-without-project conditions

The formulation and evaluation of alternatives is to be based on projected future-without-project conditions. The effects of other programs and compliance with existing laws are to be considered in projecting future-without-project conditions.

(d) Evaluation period

The evaluated life of the planned measures shall not exceed 100 years. Measures in a plan may have different life spans, depending on the design features and materials used in construction. Replacement costs must be included if the evaluation period (project life) exceeds the life of a measure. Where accrual of a beneficial effect depends on interrelated measures (e.g., onfarm drainage and channel work), the evaluation period should be the same for all interrelated works of improvement. The same evaluation period is to be used for all alternatives (P&G 2.1.2).

(e) Enhancement and mitigation of environmental values

(1) Enhancement—SCS will encourage the SLO to include features in watershed plans that will preserve, create, or enhance wetlands, fish and wildlife habitats, landscape resources, cultural resources, important farmland and forest land, and prime rangeland where feasible. These enhancement measures must have

appropriate justification and sponsorship. SCS will not pay for enhancement features that do not contribute to solving identified problems.

Fish and wildlife enhancement measures proposed by Federal or State fish and wildlife agencies will be included if they are technically feasible and are acceptable to the SLO and SCS. If additional SLO are needed to fund and carry out the recommended fish and wildlife measures, SCS will assist in obtaining their participation. Costs for fish and wildlife enhancement measures will be allocated to the fish and wildlife purpose.

(2) Mitigation—Mitigation measures to offset or reduce adverse environmental and social effects of alternatives should be determined in consultation with the appropriate Federal and State agencies. Appropriate mitigation should be included in the plan. Mitigation measures may be established outside the watershed if no other alternative exists. Costs for mitigation measures will be allocated to the purposes of the work that produces the need for mitigation.

Arrangements for carrying out, operating, and maintaining mitigation measures must be as explicit and as firm as for other measures. The state conservationist will take affirmative action to ensure that the planned mitigation measures are properly installed, operated, and maintained on schedule.

(f) Management of flood plains

All projects will be formulated in keeping with the intent of Executive Order 11988, Floodplain Management (7 CFR 650.25 and section 500.53 of this manual).

Urban and built-up areas, as used here, are considered as present or likely future (within the next 20 years) areas to be used for residences, industrial sites, commercial sites, construction sites, institutional sites, public administration sites, railroad yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment plants, and water control structures and spillways. This land should be in contiguous units of at least 40 acres. Generally, the density should average one or more residences or other structures per 1.5 acres. In strip developments, the density should be 20 or more residences or other structures per mile. The likelihood of future development can be determined

from existing land use plans, trends, and local, State, and Federal policy concerning land use and development needs.

Formulation to solve problems in urban and built-up areas should lead to the development of the NED plan without regard to apparent risk of loss of life. If a risk of loss of life remains after the development of the NED plan, consideration may be given to adding to the NED plan to reduce the risk. This would require an exception to the NED requirement, so there must be adequate rationale for adding increments to the NED plan. In determining the apparent risk of loss of life, consideration should be given to the structural and use characteristics of the improvement, the depth of flooding, and the velocity of flood flow in and immediately adjacent to the improvement.

If the recommended plan leaves a risk of loss of life from the 100-year flood, the plan shall include the following information:

- A thorough description of the remaining flood hazard in the benefit area for the 100-year and 500-year floods, including the approximate number, kinds, and location of properties subject to continued flooding and the depths and velocities of flooding.
- A map showing the urban areas expected to be flooded by the 100-year and 500-year floods with and without the project.

To keep land use compatible with the level of protection or remaining hazard, the SLO must agree to adopt (or see that the appropriate unit of government adopts), if not already done, land use regulations that meet the standards for the regular National Flood Insurance Program. This is a statutory prerequisite to financial assistance for flood prevention measures and is one of the provisions in the watershed agreement. These flood plain management features should be included as nonproject features of the plan.

503.47 Technical documentation of studies

The support file is a vital part of watershed projects and is used throughout the development, review, installation, and operation and maintenance phases. This file provides a comprehensive, reviewable record of pertinent facts, observations, computations, procedures, assumptions, expert opinion, and rationale used in reaching planning decisions. Inasmuch as the study of alternatives is an important determinant of project actions, these too should be documented in sufficient detail to reflect the adequacy of the evaluations undertaken and conclusions reached. Documentation is to discuss the interdisciplinary process used and show that public participation was adequate.

Support information should be organized in such a manner that it is readily usable by those whose disciplines are involved in plan development and that it is reviewable by others. It should be organized into distinctive sections for each principal discipline (agronomy, biology, cultural resources, economics, engineering, geology, hydrology, or recreation) and should be indexed for ease of reference. Within each section, the data, charts, maps, computations, and narrative material should be arranged in a sequence consistent with the steps of planning so that the documentation leads to a clear understanding of the study, the methodology used, and the conclusions reached.

Activities that are carried out but do not fit into a discipline file, such as public participation, should be documented in their own file so that the requirement for a reviewable record is met.

Subpart F Exhibits

Exhibit 503-1 Application form

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE		2. DATE SUBMITTED	Applicant Identifier										
		3. DATE RECEIVED BY STATE	State Application Identifier										
1. TYPE OF SUBMISSION: <i>Application</i> <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		4. DATE RECEIVED BY FEDERAL AGENCY Federal Identifier											
<i>Preapplication</i> <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction													
5. APPLICANT INFORMATION													
Legal Name:		Organizational Unit:											
Address (give city, county, state, and zip code):		Name and telephone number of the person to be contacted on matters involving this application (give area code)											
6. EMPLOYER IDENTIFICATION NUMBER (EIN): <table style="width:100%; border: none;"> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> </tr> </table>												7. TYPE OF APPLICANT: (enter appropriate letter in box) <input type="checkbox"/> A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify): _____	
8. TYPE OF APPLICATION: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es): <input type="checkbox"/> <input type="checkbox"/> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify): _____													
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: TITLE:		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:											
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):													
13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:											
Start Date	Ending Date	a. Applicant	b. Project										
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. YES THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE _____ b. NO. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW											
a. Federal	\$.00												
b. Applicant	\$.00												
c. State	\$.00												
d. Local	\$.00												
e. Other	\$.00												
f. Program Income	\$.00												
g. TOTAL	\$.00												
17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?		<input type="checkbox"/> Yes If "Yes," attach an explanation. <input type="checkbox"/> No											
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED													
a. Typed Name of Authorized Representative		b. Title	c. Telephone number										
d. Signature of Authorized Representative		e. Date Signed											

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Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry: | Item: | Entry: |
|-------|--|-------|--|
| 1. | Self-explanatory. | 12. | List only the largest political entities affected (e.g., State, counties, cities). |
| 2. | Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable). | 13. | Self-explanatory. |
| 3. | State use only (if applicable). | 14. | List the applicant's Congressional District and any District(s) affected by the program or project. |
| 4. | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank. | 15. | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <i>only</i> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5. | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application. | 16. | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. |
| 6. | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. | 17. | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. |
| 7. | Enter the appropriate letter in the space provided. | 18. | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.) |
| 8. | Check appropriate box and enter appropriate letter(s) in the space(s) provided:
— "New" means a new assistance award.
— "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
— "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. | | |
| 9. | Name of Federal agency from which assistance is being requested with this application. | | |
| 10. | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested. | | |
| 11. | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. | | |

Name of Sponsor _____

By _____
(Type name below signature)

Title _____

Date _____

Address _____

Zip Code _____

The signing of this application was authorized by resolution of the governing body of the

(Name of Sponsor)

adopted at a meeting held on _____ (date).

(Type name below signature)
Secretary (or other title)

Address _____

Zip Code _____

Date _____

(Add additional signature blocks as necessary.)

Exhibit 503-2 Summary fact sheet request for planning authorization

Fact Sheet

Request for Planning Authorization

United States
Department of
Agriculture

Soil
Conservation
Service

Project:	Watershed Project No. (90XX)
State:	County:
Watershed Size: _____ ac.	Date of Request:
Date of Application:	Date of NTC Concurrence:

Magnitude of Problems	With-Project Effects
Onsite:	Onsite:
Offsite:	Offsite:

Most Likely Recommended Plan:

No. of Beneficiaries:	Acres Benefited
Participation Rate:	Federal Costs:
Cost Share Rate:	Local Cost:
Approval Level	Annual Benefits:
Exception to NED:(yes or no)	Annual Costs:
(If yes, describe the EQ or social effects justifying the exception.)	

Name of Sponsors:

Est. Starting Date:	Completion Date:
SCS Planning Cost:	

Program Status:

Projects in Operations:

Projects in Planning (Include 9000 No.)	Estimated Cost	Auth. Date	Status
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Congressional Districts and Representatives:

Senators:

Exhibit 503-3 Sample Notice of Intent to Prepare an EIS**BILLING CODE: 3210-16
DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE**

(Name) Watershed, (County), (State)

AGENCY: Soil Conservation Service

ACTION: Notice of Intent to Prepare an Environmental Impact Statement

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for (Name) Watershed, (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).

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, (Name), State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns (List project purposes, i.e.; a plan for watershed protection, flood prevention). Alternatives under consideration to reach these objectives include (List alternatives, i.e., systems for conservation land treatment, channel improvement, earth dams).

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the draft environmental impact statement. Meetings will be held at (List time and location of meeting, i.e. 2:00 p.m., Wednesday, October 10, 1979, in the courtroom of the (Name) County Courthouse, (City and State), to determine the scope of the evaluation of the proposed action. Further information on the proposed action or the scoping meeting may be obtained from (Name), State Conservationist, at the above address or telephone (Area Code and Number).

(Signature)

(Type name and title of signee)

Date:

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904 - Watershed Protection and Flood Prevention - and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Exhibit 503-4 Sample transmittal letter to the Federal Register



United States
Department of
Agriculture

Soil
Conservation
Service

xxxx Your Street, P.O. Box xxxx
Your City, Your State Your Zip

October 8, 1991

Office of the Federal Register
National Archives and Records Service
Washington, DC 20408

Dear Sir:

The enclosed Notice of Intent to Prepare an Environmental Impact Statement is submitted for publication in the Federal Register:

Significant Creek Watershed, Anystate

Sincerely,

JOHN Q. JONES
State Conservationist

Enclosure

cc w/enclosure:

Director, Administrative Services, SCS, Washington, DC
Director, Watershed Projects Division, SCS, Washington, DC
Director, National Technical Center, SCS, (location)

NOTE: Three manually signed copies of the notice are to be transmitted to the Federal Register. The typed name and title of the signee on the notice (not the transmittal letter) must be the name and title of the person who actually signed the notice. This applies to all Federal Register notices.



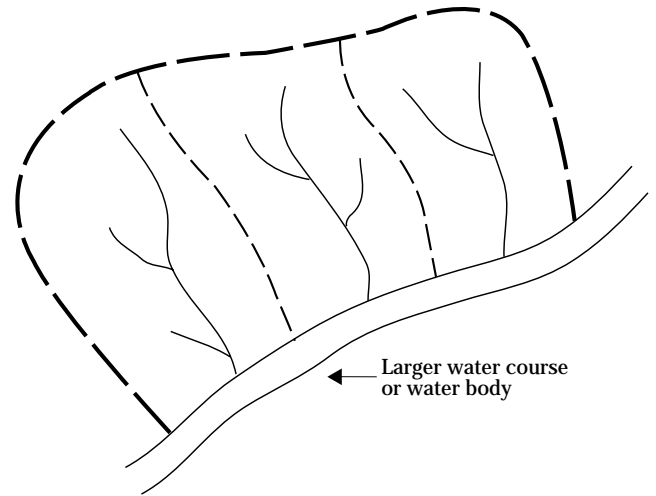
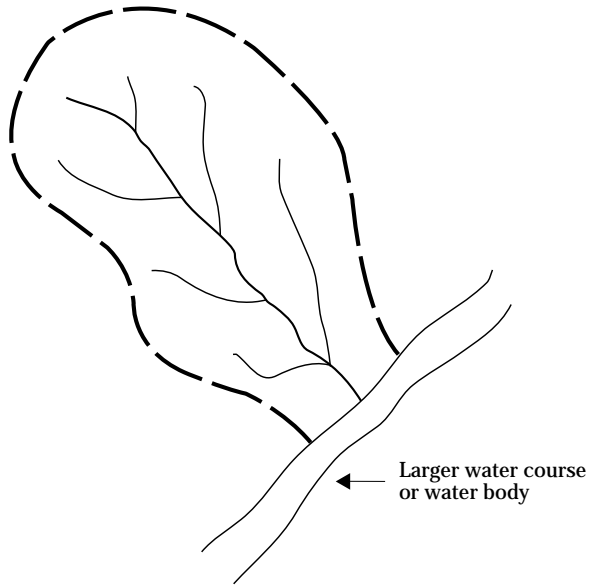
The Soil Conservation Service
is an agency of the
United States Department of Agriculture



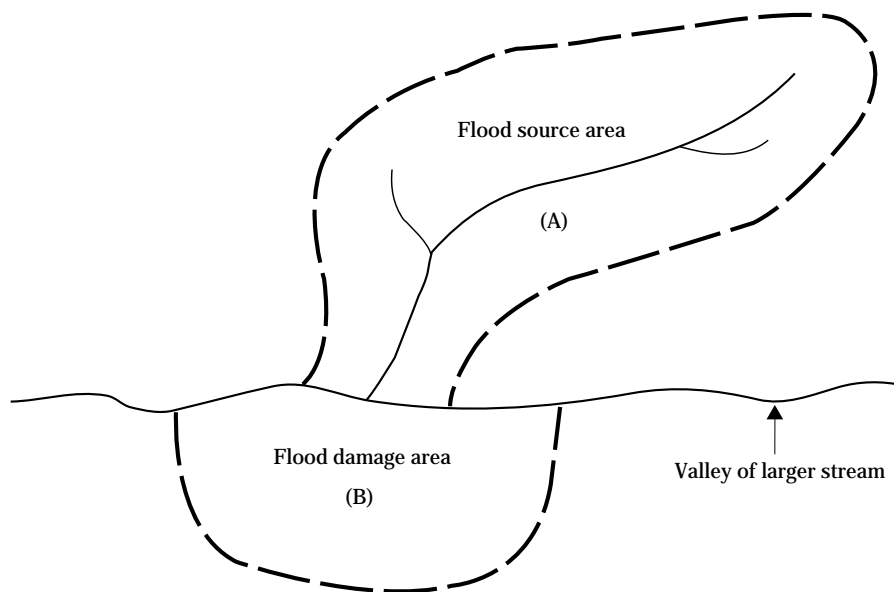
Exhibit 503-5 Watershed areas eligible for assistance under the Act

Main stream and tributaries (area less than 250,000 acres)

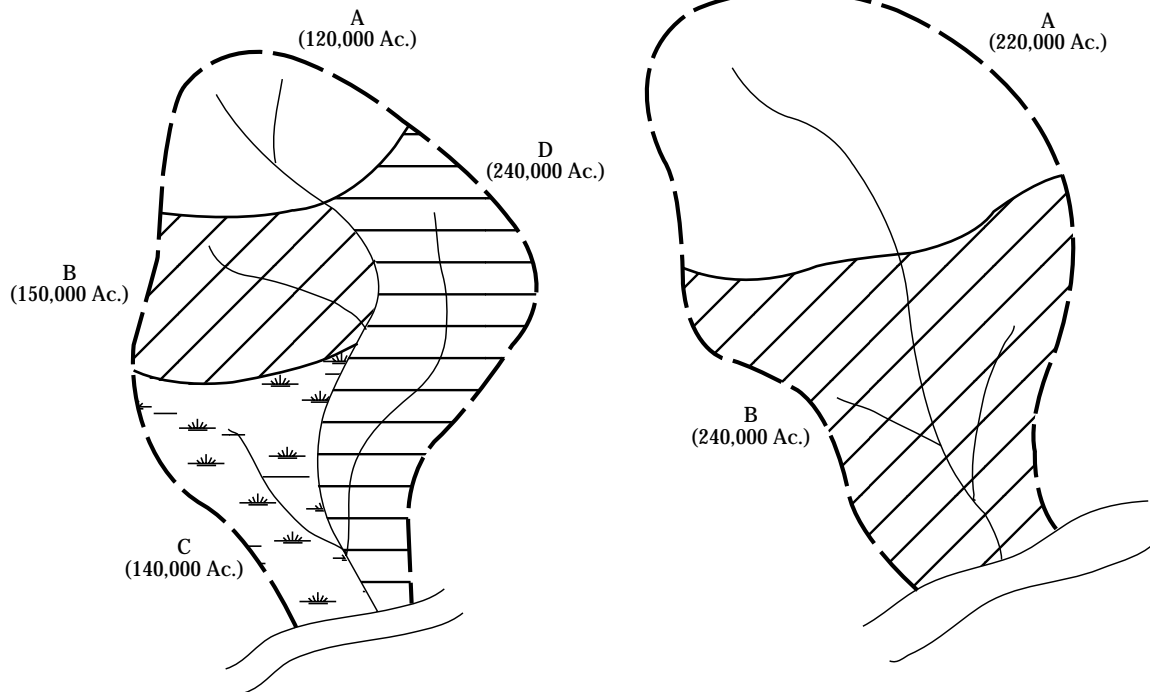
Separate tributaries—These may be planned as a single watershed as long as their total area is less than 250,000 acres



Separate flood source and damage areas (total area less than 250,000 acres)—Watershed includes flood source area (A) and flood damage area (B)

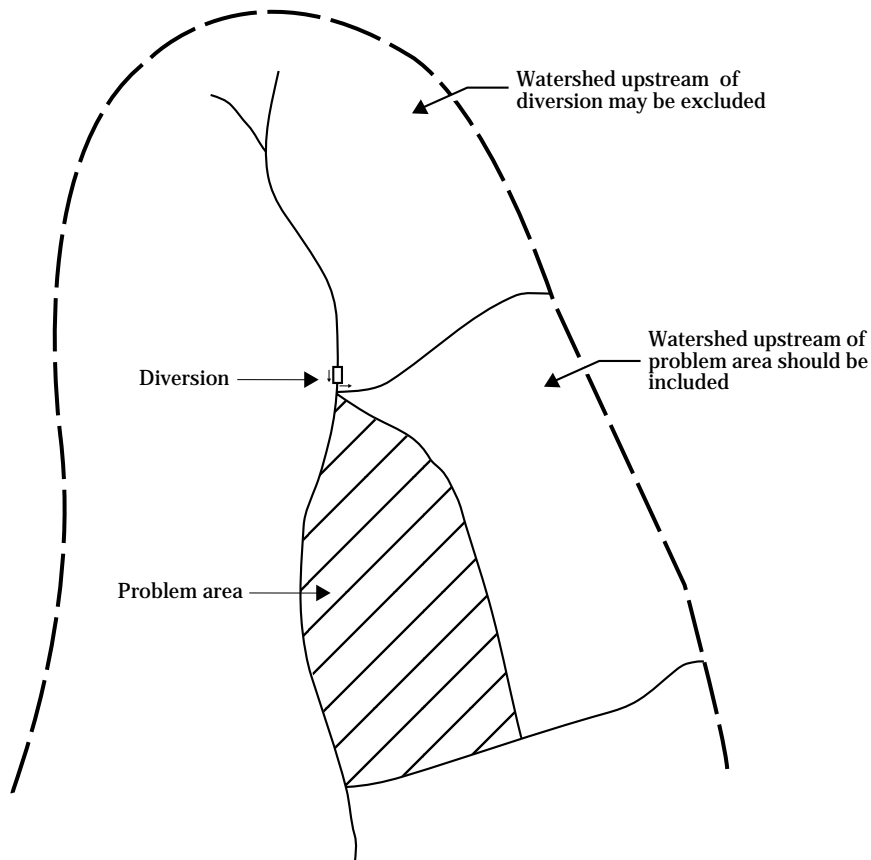


Multiple plans (combined area greater than 250,000 acres)



Watershed areas A, B, C, and D are each less than 250,000 acres. They may be planned together if requested by local organizations and provided separate applications and separate watershed plans are prepared for each area. Reservoirs or floodwater retarding structures may not be planned below the point of 250,000 acres. However, channel work may be planned along the main watercourse below the point of 250,000 acres of drainage provided the area above the locations of such work has been planned, is being planned concurrently, or it has been determined that works of improvement are not needed or not feasible. However, improvements along the main watercourse will not be installed until the work planned above the point of 250,000 acres of drainage has been constructed, or it has been determined that they are not needed or will have an insignificant effect on the main stem work, or prior installation of upstream measures is not practicable.

Water problem area (area less than 250,000 acres)



The watershed should normally include all surface drainage into the water problem area below the point of diversion. The area above the point of diversion may be excluded if

- the water supply is adequate in quantity, quality, and regulation, and
- the watershed conditions are not adverse to the successful installation, operation, and maintenance of the proposed project.

If the side tributary drainage areas cause the watershed size to exceed 250,000 acres, they may be excluded if runoff from them will not adversely affect the project.

Exhibit 503-6 Flow chart for major planning steps

