
United States
Department of
Agriculture

**Soil
Conservation
Service**

**National
Watershed
Manual**

Part 505

**Reviews and
Approvals**

Part 505

Reviews and Approvals

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Subpart 505A Introduction**505.00 General**

This part describes procedures for review and approval of watershed plan-Environmental Assessments (plan-EA) and plan-Environmental Impact Statements (plan-EIS). Unless otherwise indicated, the term “plan” will be used to refer to both. Subpart 505B gives procedures for plans that do not require National Technical Center (NTC) concurrence. Subpart 505C gives procedures for administratively approved plans that require NTC concurrence. Subpart 505D gives procedures for plans that require Congressional committee approval. Subpart 505E gives additional steps that must be included in special designated areas. Each step or action in the following sections has a specific purpose. The flow charts (Exhibits 505-13 and 505-14) will aid in understanding the written procedures. Procedures shown in this part may be supplemented, as necessary, in each State and NTC.

The watershed program uses an interdisciplinary approach that includes consultation and review with agencies, groups, and individuals having expertise or interest in the particular project. The state conservationist is responsible for preparing the best plan possible. The review process should not be relied on to correct errors and improve quality.

Full public and appropriate governmental agency participation must be provided for in the planning and review process for successful planning. Reviews of preliminary working copies of the plan may be used to facilitate this participation. Assistance from the NTC should be requested as needed in the development of data and to familiarize the NTC with the project. Working with the Sponsoring Local Organizations (SLO), the state conservationist is to prepare the technical review plan giving full consideration to views expressed by Federal, State, and local agencies as well as those of the general public.

Representatives of State and Federal agencies must be in full agreement relative to carrying out features of the project on lands under their jurisdiction. This agreement should be reached at a local level before the technical review of the plan.

The state conservationist may initiate interagency review once any needed technical concurrence has been received on the technical review draft plan. If issues arise that cannot be resolved by the state conservationist and the NTC director, the Deputy Chief for Programs and the Deputy Chief for Technology will be advised. They will be provided with an explanation of the problem and jointly resolve the issue.

If an EIS is not needed for a project, a FONSI should be filed. Omit those steps that are obviously designed for an EIS review. The document that will be reviewed in those cases is the watershed plan-EA. NTC assistance for review of environmental assessments and FONSI's is available, if desired by the state conservationist.

505.01 Review plan criteria

For those plans where technical concurrence is required, the state conservationist and the director of the NTC must be assured that the technical review plan has met the following criteria:

- Appropriate project planning and evaluation procedures have been followed, and a plan has been formulated that addresses the SLOs' concerns and the national objectives with consideration of economic, environmental, and social impacts.
- Surveys, investigations, and analyses have been made in sufficient scope and intensity to adequately support the project.
- Public and interagency participation have been appropriate and are properly discussed and documented in the plan.
- The plan clearly and correctly reflects
 - watershed conditions and problems with and without the project;
 - the kind, nature, and estimated cost of measures to be installed;
 - the anticipated effect on the environment and on solving the problems, including the evaluation of benefits; and
 - the manner of financing installing, operating, and maintaining the project.

- The project, as formulated, meets the requirements of Public Law 83-566, SCS policy, Congressional criteria, Executive Orders, NEPA, P&G (for water resource projects), and other applicable laws and regulations.
- The plan conforms with the established standards and SCS requirements for technical quality.
- The state conservationist has prepared or is planning to prepare a notice of intent to prepare an EIS or file a notice of availability of a FONSI once the determination is made that an EIS is not required.

505.02 Approval and authorization authorities

(a) Plan approval

Plan approval consists of technical concurrence and final approval of the plan. Technical concurrence is arranged as needed between the state conservationist and the NTC director. Final approval of the plan follows technical concurrence and the interagency review process.

The state conservationist is the official who approves the plan by signing the watershed agreement on behalf of SCS and is also the responsible Federal official with regard to compliance with NEPA. Before signing a plan, the state conservationist must obtain authorization to do so. This authority flows from Congress to the Secretary of Agriculture to the Chief to the state conservationist. The level at which the approval authority for a particular plan resides depends on several factors, as discussed in the following paragraphs.

(b) Authorization and concurrence

Approval authority may be delegated in some cases. The delegated authority may sometimes be conditioned on NTC technical concurrence. The following paragraphs set forth the authorization and concurrence that must be obtained before the state conservationist signs a plan.

(1) Congressional approval—Congress has reserved approval authority for all plans that have over \$5 million in Federal financial assistance costs or that include a structure with more than 2,500 acre-feet of total storage capacity. All other plans may be approved administratively.

(2) Secretary of Agriculture—The Act gives the Secretary of Agriculture the authority to administer the program. The Secretary, in turn, has assigned this responsibility to the Chief of SCS, except for the loan provisions, which are administered by the RDA. Thus, the Chief has approval authority for all administratively approved plans.

(3) SCS Chief—The Chief may delegate approval authority to those state conservationist's whose staffs meet the criteria listed in 505.02(d). However, the Chief has reserved approval authority for exceptions to the NED plan requirement as established by the P&G.

(4) NTC director technical concurrence—For plans for which the state conservationist does not have delegated approval authority, the state conservationist must submit the plan to the Chief for authorization to approve it. Before doing so, the state conservationist must obtain technical concurrence in the plan from the NTC director

For plans for which the state conservationist does have delegated approval authority, the state conservationist must obtain the following NTC technical concurrences as applicable:

- For plans with Public Law 83-566 financial assistance costs in excess of \$2 million, concurrence in the plan.
- For plans with EIS's, concurrence in the EIS.
- For plans with Public Law 83-566 financial assistance costs of less than \$2 million, engineering concurrence in any planned engineering practices that exceed the state conservation engineer's job approval authority.

Table 505-1 summarizes the authorizations and concurrences that the state conservationist must obtain. It also shows which subparts to refer to for review procedures.

(c) Delegation of authority

The Chief may delegate to the state conservationist the approval authority for administratively approved plans that do not involve an exception to the NED requirement. However, state conservationists who have this authority must still obtain NTC concurrence before approving any plan with Federal financial assistance costs exceeding \$2 million or any plan with an EIS. State conservationists without delegated approval

authority may request reconsideration at any time. The Chief may also withdraw the authority from a State at any time by notifying the state conservationist by letter.

(d) Approval authority criteria

Delegation of authority will be based on recommendations from the Deputy Chief for Programs and will be made in consultation with the Deputy Chief for Technology and the appropriate Assistant Chief and NTC director. Criteria that will be used to determine if a state conservationist is to be granted plan approval authority will include:

- Availability of technical specialists needed to formulate and evaluate watershed protection and water resources projects.
- Demonstrated ability of the technical staff to meet technical requirements in the formulation and evaluation of a project.
- Past performance as measured by the quality of previously prepared plans compared with the standards set forth in Part 504 of the NWSM and in P&G.

(e) Fund authorization

Authorization to fund a project can only be made by the Chief. This is a separate step from plan approval.

Funds may not be expended on any project until authorized for funding by a letter from the Chief.

505.03 Review and approval of flood prevention (Public Law 78-534) projects

Review and approval for these subwatershed plans will be carried out in the same manner as for administratively approved Public Law 83-566 watershed projects except when financial or credit assistance for purposes other than flood prevention is proposed. In such cases, the Chief will transmit one information copy of the subwatershed plan to the Office of Management and Budget. The state conservationist will not sign the plan until authorized to do so by the Chief.

505.04 Public participation

At least one public informational meeting will be held before or during the interagency review. The meeting will be called by the SLO jointly with SCS or according to established State procedure. Anyone who may have an interest in the watershed should be invited to participate. The plan will be reviewed at the meeting.

Table 505-1 Authorizations and concurrences

Plan category	Authority to approve	NTC concurrence required	Subpart for review
Federal financial assistance over \$5 million or structure over 2,500 ac ft	Congress	Yes	D
All others administratively approved	^{1/}		
\$2 to \$5 million Federal financial assistance	STC if delegated ^{2/}	Yes	C
\$0 to \$2 million Federal financial assistance			
Plan-EIS	STC if delegated ^{2/}	Yes	C
Plan-EA	STC if delegated ^{2/}	No ^{3/}	B

^{1/} If an exception to the NED requirement is needed, the STC must obtain the approval of the Chief before signing the plan.

^{2/} If approval authority has not been delegated to the STC, the Chief will authorize approval of the individual plan after NTC concurrence is obtained.

^{3/} NTC concurrence on specific items, such as engineering job approvals, must be obtained when applicable.

Public notice of the informational meeting is to be mailed directly to owners and occupants of adjacent and affected properties at least 15 days before the meeting. It should specify that individuals and groups will be given the opportunity to prepare and submit written and oral comments concerning the project. Notice also will be published in appropriate statewide or local newspapers, or both, on at least three different days beginning at least 15 days before the meeting. Announcements should briefly describe the proposed project and include the date, time, and location of the meeting and where copies of the plan may be obtained. They should also invite comments on the plan and specify any deadlines. Other publicity methods also may be used. Copies of the plan should be made available at the meeting to satisfy a reasonable number of requests (40 CFR 1506.6).

A verbatim record of the informational meeting is not required by SCS if a summary reflecting the substance of the meeting and an attendance list is kept with the reviewable record. All written statements received should be made a part of the record of the meeting. Before the meeting is adjourned, it should be determined if additional meetings are warranted. Emphasize that written comments will be received for a specified time (at least 14 days) after the meeting is held.

505.05 Exceptions to the NED plan requirement

A plan recommending Federal action is to be the alternative plan with the greatest net economic benefits consistent with protecting the Nation's environment. Exceptions may be made if there are overriding reasons for recommending another plan, based on other Federal, State, local, and international concerns. These are referred to as exceptions to the NED plan requirement.

If an exception to the NED plan requirement will be needed, it should be obtained at the earliest possible stage in the process. In many cases, the need for an exception will be known at the time the planning authorization is requested.

For projects that must be approved by Congress, the Chief of SCS will make a recommendation to the Secretary to grant such exceptions before forwarding the project for review in the Office of Management and Budget (OMB).

The Chief may grant exceptions for qualifying plans that are approved administratively. To provide program benefits to disadvantaged communities and groups, flood prevention projects in urban areas without net NED benefits may be considered for an exception. To qualify, the following criteria must be met:

- Housing values in the benefited area are less than 75 percent of the State average values.
- The average per capita income for the last 3 years in the benefited area is less than 75 percent of the National average, or current unemployment in the project area is twice the National average over the past 3 years.
- The project benefit-cost ratio is greater than the ratio of the per capita income in the benefited area to the National 3-year average per capita income.

Subpart 505B Plan-EA \$0 to \$2 million

505.10 General

This subpart describes the review and approval procedures for plans where the state conservationist has delegated approval authority and NTC concurrence is not required.

If the state conservationist has not been delegated approval authority or if an EIS is required, the plan will be reviewed as outlined in subpart 505C.

505.11 Technical review

States should develop procedures for technical review of plan-EA's by appropriate State staff personnel to ensure that the problems, the alternatives considered, the selected plan, and the effects are adequately described and that the plans have been developed according to this manual. If the FS is involved in the plan, provisions should be made for its review and concurrence. Before distributing the plan for interagency review, the state conservationist will assure that it meets the criteria outlined in section 505.01. If NTC engineering concurrence is needed, it should be obtained before the interagency review.

505.12 Interagency review

Upon completion of the State technical and local reviews, the state conservationist will transmit the plan for interagency review to the following agencies and groups for a 45-day review and comment period. A copy of the transmittal letter should be sent to the director, WPD, and the NTC director.

- Governor or designated State agency
- State Single Point of Contact for Federal Assistance
- Environmental Protection Agency – Regional office
- Fish and Wildlife Service – Regional offices
- Army Corps of Engineers – District engineer's office (except for watershed protection plans)

- Agricultural Stabilization and Conservation Service (ASCS) – State office
- Forest Service – Regional (or area) office
- State Historic Preservation Officer
- Other agencies, groups, and individuals as determined by the state conservationist.

The FONSI is normally signed at the end of the interagency review. Copies are distributed to interested agencies and individuals. A notice of its availability is to be published in the Federal Register and in one or more newspapers serving the project area. Samples of a FONSI, a notice of availability of a FONSI, and a transmittal letter to the Federal Register are in exhibits 505-1, 505-2, and 505-3, respectively.

505.13 Resolution of interagency review comments

The state conservationist should discuss the significant comments on the draft with SLO and consider resolution of the issues raised. If comments are not received from the Departments of the Interior or Army, EPA, or the Governor by the end of the review period (or extension period if granted), the state conservationist should attempt to obtain these comments. If the comments still do not appear to be forthcoming, the state conservationist may proceed without delay.

The state conservationist should respond to all substantive comments by letters to the individual who commented. The comments and responses should be summarized in the consultation section of the final plan-EA. Assistance from the NTC is available upon request.

The state conservationist and the SLO should jointly consider having a public meeting to discuss comments received on the draft plan-EA. The final plan-EA should be prepared after appropriate consideration is given to all comments.

505.14 Final approval

Once the state conservationist is satisfied that all comments have been addressed and the plan is technically and administratively acceptable, the SLO and the state conservationist should sign the plan. The state

conservationist shall not sign until at least 30 days after the FONSI notice has been published in the Federal Register. The state conservationist will notify the SLO of the approval of the plan by transmitting a manually signed copy to each sponsor.

The state conservationist should send a manually signed copy of the plan-EA and, if desired, a request for authorization for funding to the Chief. Two conformed copies should also be sent to the WPD director and the NTC director.

505.15 Fund authorization

Upon receipt of the state conservationist's request for funding, the Chief will authorize funding as budget limitations allow. No charges are to be made to the project until the funding authorization letter has been received.

505.16 Notification of Funding Authorization.

(a) State responsibilities

Upon receiving funding approval from the Chief, the state conservationist notifies the Governor, SLO, State Single Point of Contact for Federal Assistance, the NTC, area (or regional) and field offices of the Forest Service (FS), ASCS, and appropriate local offices of Federal and State agencies. (An example transmittal letter is given in exhibit 505-12.) If the state conservationist determines that it is appropriate, a press release may be issued

(b) National Headquarters responsibilities

The Chief notifies the Congressional delegations, Office of Management and Budget, Office of the General Counsel, FS, ASCS, RDA, and SCS Administrative Services Division by copies of the letter to the state conservationist authorizing funding. For Public Law 78-534 projects, only the FS and SCS Administrative Services Division will be notified.

Subpart 505C Plan-EA \$2 to \$5 million and plan-EIS \$0 to \$5 Million

505.20 General

Subpart 505C describes procedures for administratively approved plans that require NTC technical concurrence.

If the state conservationist has not been delegated technical concurrence authority or approval authority for plan-EA's less than \$2.0 million, the plan will be reviewed and approved as outlined in this subpart.

505.21 Technical review

(a) State responsibilities

After review and concurrence by appropriate State staff personnel, the state conservationist should send 12 copies of the technical review plan, along with the supporting documentation, to the NTC director; two copies to the FS's regional or area offices; and an information copy to the Director of the WPD. FS field comments should be sent directly to the state conservationist with a copy to the FS National Office.

After receiving comments from the NTC director, the state conservationist and the SLO should review the comments received and make appropriate revisions. Any assistance needed in making revisions is available from the NTC. Because it is not always clear how comments were resolved, the state conservationist shall prepare a letter to the NTC director showing the disposition of each comment with reference to the appropriate paragraph in the revised document. A copy of the revised document with the changes highlighted should accompany the letter to the NTC director.

If an exception to the NED plan requirement is needed, it should be obtained before the interagency review.

(b) NTC responsibilities

The NTC review will be completed within 45 days. This review will be coordinated by the NTC water resource planning specialist.

The NTC water resource planning specialist will distribute copies of the technical review draft to appropriate NTC staff members for review and comment. Each is to review the plan to determine if it presents a reasonable, rational approach that meets current policy and technical criteria.

Comments will include appropriate recommendations for resolving policy, administrative, or technical deficiencies. Comments forwarded to the states will be limited to those of a positive nature and will meet the following criteria:

- Identify a specific error or omission of required data.
- Identify why it is an error.
- Provide a specific recommendation for correction.

Recommendations for improving the document also may be included, if labeled as not being required for technical concurrence.

The NTC director will provide a letter of technical concurrence and authorization to proceed with interagency review when the plan is acceptable or when only minimal revisions need to be made. An informational copy will be sent to the director, WPD. Where major problems exist, concurrence will not be granted. The nonconcurrence letter should outline the comments and inform the state conservationist that the plan should be revised and submitted again for technical review.

(c) National Headquarters responsibilities

National Headquarters will advise the state conservationist of the approval of any exceptions to the NED requirement.

505.22 Interagency review**(a) Plan-EA**

If an EIS is not required, the state conservationist will transmit the plan-EA for interagency review to the following agencies and groups for a 45-day review and comment period. A copy of the transmittal letter

should be sent to the WPD director and the NTC director.

- Governor or designated State agency
- State Single Point of Contact for Federal Assistance
- Environmental Protection Agency—Regional office
- Fish and Wildlife Service—Regional office
- Army Corps of Engineers—District engineers' office (except watershed protection plans)
- Agricultural Stabilization and Conservation Service—State office
- Forest Service—Regional (or area) office
- State Historic Preservation Officer
- Other agencies, groups, and individuals as determined by the state conservationist

The FONSI is normally signed at the end of the interagency review. Copies are to be distributed to interested agencies and individuals. A notice of its availability is to be published in the Federal Register and in one or more newspapers serving the project area. Samples of a FONSI, a notice of availability of a FONSI, and a transmittal letter to the Federal Register are in exhibits 505-1, 505-2, and 505-3, respectively.

(b) Plan-EIS

The state conservationist will send copies of the draft plan-EIS to the Environmental Protection Agency (EPA) (five copies to the Office of Federal Activities and five copies to the regional office) and other agencies, groups, and individuals (one copy each). EPA will publish the notice of availability in the Federal Register. Agencies and groups receiving the drafts should be listed in the Consultation and Public Participation section of the plan-EIS. A required list of recipients is shown in exhibit 505-4, and sample letters for requesting comments are in exhibits 505-5 through 505-7.

At least 45 days will be allowed for review, beginning on the date that the notice of availability of the draft is published in the Federal Register by EPA. It is important that all concerned people receive a notice.

Information copies (so indicated) should be sent to the SLO, director of WPD, NTC director, area (or regional) and field office of the FS, RDA regional office, Fish and Wildlife Service regional office, and other participating agencies. If National Forest lands are involved, two copies should be sent to the area (or regional)

office of the FS and one copy to the forest supervisor of the concerned National Forest.

The state conservationist should publicize the availability of and invite public comments on the draft plan-EIS. This can be done by appropriate public notices in newspapers and other media.

505.23 Resolution of interagency review comments

The state conservationist should discuss the significant comments on the draft with SLO and consider resolution of the issues raised. If comments are not received from the Departments of the Interior or Army, EPA, or the Governor by the end of the review period (or extension period if granted), the state conservationist should attempt to obtain these comments. If the comments still do not appear to be forthcoming, the state conservationist may proceed without delay.

If an EIS was prepared, the state conservationist should obtain the EPA rating on the draft. If an EC, EO, EU, or a 3 is in the rating and substantive comments are attached, efforts should be made to resolve the issues raised and to obtain a letter of concurrence or comment on the proposed final plan-EIS from the EPA regional director. Issues raised should be discussed in the Consultation and Public Participation section of the plan-EIS. The concurrence letter on the proposed final plan-EIS should be included in the appendix with EPA's letter of comments on the draft.

All substantive comments should be responded to either in the consultation section of the plan-EIS or in letters to the individual who commented from the state conservationist if an EIS is not prepared. The consultation section of a final plan-EA should summarize the comments and responses. Assistance from the NTC is available on request.

The state conservationist and the SLO should jointly consider having a public meeting to discuss comments received on the draft plan. The final plan should be prepared after appropriate consideration is given to all comments.

505.24 Final approvals

(a) State responsibilities—plan-EA

If substantive changes have been made in the plan-EA as a result of the interagency review, the state conservationist should consult with the NTC director to verify that technical concurrence is still granted.

Once the state conservationist is satisfied that all comments have been addressed and the plan is technically and administratively acceptable, the SLO and the state conservationist should sign the plan. State conservationists without delegated approval authority should not sign until authorized to do so by the Chief. The state conservationist shall not sign until at least 30 days after the FONSI notice has been published in the Federal Register. The state conservationist will notify the SLO of the approval of the plan by transmitting a manually signed copy to each sponsor.

The state conservationist should send a manually signed copy of the plan-EA and, if desired, a request for authorization for funding to the Chief. Two conformed copies should also be sent to the WPD director and the NTC director.

(b) State responsibilities—plan-EIS

If substantive changes have been made in the plan-EIS as a result of the interagency review, the state conservationist should consult with the NTC director to verify that technical concurrence is still granted. The state conservationist will then transmit

- Five copies of the final plan-EIS to the EPA Office of Federal Activities
- A copy to SLO, area (or regional) and field offices of the Forest Service, and appropriate local offices of other participating agencies
- Six copies to USDI for projects located east of the Mississippi River and nine copies for projects west of the Mississippi River.
- A copy to each agency, group, or individual providing substantive comments on the draft (see exhibits 505-8 and 505-9).

After the 30-day administrative action period initiated by EPA's publication of the Notice of Availability of the final plan-EIS in the Federal Register, a Record of Decision (ROD) (see exhibit 505-11) shall be prepared by the state conservationist and notice of its availability sent to the Federal Register (see exhibit 505-10). Copies of the notice and the ROD should be sent to the

WPD director and the NTC director. The Notice of Availability must clearly indicate what the decision is, such as, "Notification that a Record of Decision to proceed with the installation of the David Creek Watershed Project is available." The state conservationist should sign the ROD and send a copy to all who provided comments on the draft plan-EIS.

The SLO and the state conservationist then sign the plan. If approval authority is not delegated, the state conservationist should not sign the plan until authorized to do so by the Chief. The state conservationist will notify the SLO of the approval of the plan by transmitting a manually signed copy to each sponsor. A manually signed copy and, if desired, a request for fund authorization should be sent to the Chief. Two conformed copies should also be sent to the director of WPD and to the NTC director.

(c) NTC responsibilities

The NTC director should verify that technical concurrence is still granted when notified by the state conservationist that substantive changes were made as a result of the interagency review. The NTC director should also provide guidance for regaining technical concurrence should it have been affected.

(d) National Headquarters responsibilities

When necessary, National Headquarters will authorize the state conservationist to sign the plan.

For Public Law 78-534 subwatershed plan-EIS's that provide for Federal assistance for purposes other than flood prevention, the Chief will transmit a copy of the plan to OMB. Copies of the transmittal letter will be furnished to the NTC director and the state conservationist.

505.25 Fund authorization

Upon receipt of the request for funding, the Chief will authorize funding as budget limitations allow. No charges are to be made to the project until the funding authorization letter has been received.

505.26 Notifications of funding authorization

(a) State responsibilities

The state conservationist notifies the Governor, State Single Point of Contact for Federal Assistance, the NTC, area (or regional) office of the FS and the forest supervisor of the concerned National Forest, and appropriate local offices of Federal and State agencies. (An example transmittal letter is given in exhibit 505-12.) If the state conservationist determines it appropriate, a press release may be issued.

(b) National Headquarters responsibilities

The Chief will authorize funding for the project in a letter to the state conservationist. The Chief notifies the Congressional delegations, OMB, Office of the General Counsel, FS, ASCS, RDA, and SCS's Administrative Services Division. For Public Law 78-534 projects, only the FS and SCS Administrative Services Division will be notified.

Subpart 505D Plan-EIS for projects requiring congressional approval

505.30 General

Subpart 505D describes the review and approval requirements for plans that will require Congressional committee approval. Projects that require Congressional approval include those where Federal financial assistance costs are more than \$5 million and projects that have structures that have a total storage capacity exceeding 2,500 acre feet. An EIS is required for these plans.

Public Law 78-534 subwatershed plans should follow the procedures in subpart 505C, even if the project cost exceeds \$5 million.

505.31 Technical review

(a) State responsibilities

After review and concurrence by appropriate state staff personnel, the state conservationist should send 3 copies of the technical review plan-EIS to the director of WPD; 12 copies of the plan-EIS and a copy of all supporting documentation to the NTC director; and 2 copies of the plan-EIS to the FS's regional or area offices for review. FS field comments should be sent directly to the state conservationist with a copy to the FS National Office.

The state conservationist should review the comments received and make appropriate revisions. Assistance in making revisions is available from the NTC. Because the way in which comments were resolved is not always clear, the state conservationist shall prepare a letter to the NTC director showing the disposition of each comment with reference to the appropriate paragraph in the revised document. A copy of the revised document with the changes highlighted should accompany the letter to the NTC director.

The state conservationist should notify WPD of the need for an exception to the NED plan requirement before the interagency review.

(b) NTC responsibilities

The technical review will be completed within 45 days of receiving the documents in the NTC. This review will be coordinated by the NTC water resource planning specialist.

The NTC water resource planning specialist will distribute copies of the technical review draft plan-EIS to appropriate NTC staff members for review, comment, and concurrence on the technical adequacy of the document and support data. Each is to review the plan-EIS to determine if it presents a reasonable, rational approach that meets current policy and technical criteria.

Comments will include appropriate recommendations for resolving policy, administrative, or technical deficiencies. Comments forwarded to the states will be limited to those of a positive nature and will meet the following criteria:

- Identify a specific error or omission of required data.
- Identify why it is an error.
- Provide a specific recommendation for correction.

Recommendations for improving the document may also be included, if labeled as not being required for technical concurrence.

The NTC director will provide a letter of technical concurrence and authorization to proceed with interagency review when the plan-EIS is acceptable or when only minimal revisions need to be made. An informational copy will be sent to the WPD director. Where major problems exist, concurrence will not be granted. The nonconcurrence letter should outline the comments and inform the state conservationist that the plan-EIS should be revised and submitted again for technical review.

505.32 Interagency review

Upon notification of technical concurrence by the NTC director, the state conservationist should prepare the interagency review draft and send copies of the draft plan-EIS to the EPA (five copies each to the Office of Federal Activities and the regional office), and other agencies, groups, and individuals (one copy each). EPA will publish the Notice of Availability in

the Federal Register. Agencies and groups receiving the drafts are to be listed in the Consultation and Public Participation section of the plan-EIS. A required list of recipients is shown in exhibit 505-4, and sample letters for requesting comments are in exhibits 505-5 through 505-7.

At least 45 days will be allowed for public review. The time will begin on the date that the notice of availability of the draft is published in the Federal Register by EPA. All concerned people should receive a notice.

Information copies (so indicated) should be sent to the SLO, WPD director, NTC director, area (or regional) office of the FS, RDA regional office, regional office of the Fish and Wildlife Service, and other participating agencies. If National Forest lands are involved, two copies should be sent to the area (or regional) office of the FS and one copy to the forest supervisor of the concerned National Forest.

The state conservationist is to publicize the existence of and invite public comments on the draft plan-EIS. This can be done by appropriate public notices in newspapers and other media.

505.33 Resolution of interagency review comments

The state conservationist should discuss the significant comments with SLO and consider resolution of the issues raised. If comments are not received from the Department of Interior, Army, EPA, or the Governor by the end of the review period (or extension period if granted), the state conservationist should attempt to obtain these comments. If the comments still do not appear to be forthcoming, the state conservationist may proceed without delay.

The state conservationist also should obtain the EPA rating on the draft EIS. If the rating includes either an EC, EO, EU, or a 3 and substantive comments are attached, efforts should be made to resolve the issues raised and to obtain a letter of concurrence or comment on the proposed final plan-EIS from the EPA regional director. Issues raised should be discussed in the Consultation and Public Participation section of the plan-EIS. The concurrence letter on the proposed final plan-EIS should be included in the appendix with EPA's letter of comments on the draft.

All substantive comments should be responded to in the Consultation and Public Participation section the plan-EIS. Assistance from the NTC is available upon request.

The state conservationist and the SLO should jointly consider having a public meeting to discuss comments received on the draft plan-EIS. The final plan-EIS should be prepared after appropriate consideration is given to all comments.

505.34 Final USDA approvals

(a) State responsibilities

If substantive changes have been made in the plan-EIS as a result of the interagency review, the state conservationist should consult with the NTC director to verify that technical concurrence is still granted.

The state conservationist will then transmit

- Five copies of the final plan-EIS to the EPA Office of Federal Activities.
- A copy to the SLO, area (or regional) and field offices of the FS, appropriate local offices of other participating agencies.
- Six copies to USDI for projects located east of the Mississippi River and nine copies for projects located west of the Mississippi River.
- A copy to each agency, group, or individual providing substantive comments on the draft (see exhibits 505-8 and 505-9).

After the 30-day administrative action period initiated by the EPA's publication of the Notice of Availability of the final plan-EIS in the Federal Register, a Record of Decision (ROD) (see exhibit 505-11) shall be prepared by the state conservationist and notice of its availability sent to the Federal Register (see exhibit 505-10). Copies of the notice and the ROD should be sent to WPD and the NTC director. The Notice of Availability must clearly indicate what the decision is, such as: "Notification that a Record of Decision to proceed with installation of the David Creek Watershed Project is available." The state conservationist should sign the ROD and send a copy to all who provided comments on the draft plan-EIS.

The agreement in the plan-EIS should then be signed, first by the SLO and then by the state conservationist. The state conservationist should not sign until autho-

rized to do so by the Chief. This step confirms agreement by all parties involved and requests Congressional authorization of the project.

The state conservationist should send three manually signed and three conformed plan-EIS's to the director of WPD. The OMB Fact Sheet (see exhibit 505-13), ROD, and any letters of comment on the final plan-EIS received during the 30-day comment period should be included with the transmittal. One conformed copy of the plan-EIS, the OMB Fact Sheet, the ROD, and letters of comment should be sent to the NTC director.

(b) NTC responsibilities

The NTC director should verify that technical concurrence is still granted if notified by the state conservationist that substantive changes were made as a result of the interagency review. If changes have affected the concurrence, the NTC director should provide guidance for correcting the situation.

(c) National Headquarters responsibilities

National Headquarters will obtain a Secretarial Exception if necessary and forward the plan-EIS to OMB through the Department.

505.35 Office of Management and Budget fact sheet

The Office of Management and Budget (OMB) has requested that a fact sheet (see exhibit 505-13) be submitted along with any plan-EIS that it reviews. Along with the fact sheet, they have requested that the plan-EIS's be accompanied by a copy of the ROD, any letters of comment received on the final plan-EIS, and a copy of the Secretarial Exception if one was obtained. The information is of value to them in their review process. The following information provides guidance in filling out the form.

(a) Economic and financial data

These figures should be listed in dollars rounded off to an appropriate level of significance.

(1) Traditional cost share—These dollars are based on the standard cost-share rates—flood prevention, 100 percent; recreation, 50 percent; irrigation, 50 percent; M&I, 0 percent.

(2) Enhanced cost share—This is determined through negotiation with the SLO. The dollars listed are what the SLO are willing to pay. (They may be willing to pay more than would be the case using traditional cost sharing.) Flood prevention is the one exception because Public Law 83-566 must pay 100 percent.

(b) Benefit-cost ratios

These should be entered at each interest rate listed.

(1) Authorized rate—This interest rate is established when the plan-EIS is approved. On a new plan-EIS, the authorized rate will be the same as the current rate. On revised plans or supplements, it may be less than the current rate.

(2) Current rate—The prevailing interest rate at the time the fact sheet is prepared.

(c) Certification (last question)

Always check the “yes” block.

Fact sheets will be prepared after a new plan-EIS is signed by the SLO and SCS and any exceptions needed have been obtained.

505.36 Submission of final plan-EIS to Congress

(a) State responsibilities

The state conservationist should have the following material ready to transmit to the director of the WPD, upon request, for use by the Congressional committees:

- For plans to be considered by agricultural committees—15 conformed copies of the watershed plan-EIS and 25 project maps (folded to 8 1/2" x 11").
- For plans to be considered by public works committees—15 conformed copies of the watershed plan-EIS, 25 project maps (folded to 8 1/2" x 11").
- In either case, enough additional copies should be included for each Senator and Representative in whose district the project is located.

After Congressional approval, the state conservationist notifies the SLO, Governor, area (or regional) offices of the FS, other appropriate field offices of Federal

agencies, State agencies, State Single Point of Contact for Federal Assistance, and others who have indicated an interest. (An example transmittal letter is given in exhibit 505-12.)

After Congressional approval, the state conservationist can request funding.

(b) National Headquarters responsibilities

The Chief will transmit two conformed plan-EIS's through the Secretary of Agriculture to the Office of Management and Budget for forwarding to the appropriate Congressional committees.

The Chief, after project approval by Congressional committees, makes the appropriate notification that the Congressional committees have approved the plan-EIS and that installation is authorized. This notification should be sent to the concerned Senators and Congressmen; the involved state conservationists, assistant chiefs, and NTC's; Office of Management and Budget; Secretary of the Interior; U.S. Army Corps of Engineers; EPA; Office of the General Counsel; FS; RDA; ASCS; and SCS Administrative Services Division. Copies of the plan should accompany letters to FS and Administrative Services staffs.

If Congress does not approve the plan-EIS, the Chief will inform the state conservationist of the reasons and what needs to be done to make the document acceptable.

Subpart 505E Review and approval procedures for special designated areas

505.40 General

Instructions contained in this subpart apply in specific areas where special commissions have been established with statutory authority to coordinate resource planning and development activities. Having been established, the instructions contained in this subpart relating to the review and approval of watershed plans are to supplement the previous sections in this part.

505.41 Appalachia

The state conservationist will transmit the draft plan to the Appalachian Regional Commission with a request for review and comment in accordance with interagency review procedure.

The concerned state conservationist will

- Invite the Office of Appalachian Studies and the U.S. Army Corps of Engineers, Cincinnati, Ohio, to participate in the local review of each watershed plan.
- Send the Office of Appalachian Studies three information copies of the draft plan at the same time that copies are distributed for interagency review. The Office of Appalachian Studies should be requested to submit any comments it might have through the Office of the Chief of Engineers or the district engineer as appropriate.
- Furnish the Governor with an additional copy of the draft plan for the State member of the Water Development Coordinating Committee for Appalachia.

505.42 Delaware River Basin


The procedures for the coordination and review of watershed plans in the Delaware River Basin are set forth in an Administrative Agreement executed between the Delaware River Basin Commission and the Soil Conservation Service, December 23, 1966. The address of the Commission is 25 State Police Drive, P.O. Box 7360, West Trenton, New Jersey 08628 (Telephone: 609-883-9500).

505.43 Susquehanna River Basin

Watersheds located within the Susquehanna River Basin should follow the additional regulations and procedures for review as contained in 18 CFR 803.

505.44 Tennessee Valley Authority

Procedures for coordinating activities with the Tennessee Valley Authority are contained in a Memorandum of Understanding executed between the TVA and SCS November 6, 1958.



Subpart 505F Exhibits

Exhibit 505-1 Sample Finding Of No Significant Impact (FONSI)**Finding Of No Significant Impact
for
David Creek Watershed
Clarke County, Anywhere****Introduction**

The David Creek Watershed is a federally assisted action authorized for planning under Public Law 83-566, the Watershed Protection and Flood Prevention Act. An environmental assessment was undertaken in conjunction with the development of the watershed plan. This assessment was conducted in consultation with local, State, and Federal agencies as well as with interested organizations and individuals. Data developed during the assessment are available for public review at the following location:

U.S. Department of Agriculture
Soil Conservation Service
100 West 14th Street
Yourtown, Anystate 12345

Recommended action

Proposed is the development of about 41 conservation plans that will provide for land treatment measures to be applied on farms for reduction of sheet, rill, and streambank erosion; storage and management of animal waste; and improved hydrologic condition in the watershed. The proposed plan will stabilize 2,650 acres of excessively eroding cropland and grassland and 2,500 feet of streambank. Animal waste management facilities and application practices will be installed on about 30 farms in the watershed.

Effect of recommended action

The recommended action will protect the watershed hydrologically by improving the soil cover condition and reducing overland flow velocities. Streamflow will be stabilized to the extent that peak flood flow rates will be slightly reduced and flow will be attenuated.

The proposed action will have little or no effect on wetlands. With land treatment applied on 2,650 acres, rainfall infiltration on cropland will be increased from 15 to 35 percent. This will provide for a 1 or 2 percent overall increase in ground water recharge in the watershed, which will ensure maintenance of ground water at levels needed for sustaining the wetlands.

The proposed project will encourage and promote the agricultural enterprises in the watershed through improved efficiency. This action will tend to offset pressures to convert important farmland to other uses, such as residential development.

Exhibit 505-1 Sample Finding Of No Significant Impact (FONSI)
—Continued

An initial management summary of cultural resources as they relate to the planned components has been developed. The survey concludes that no significant adverse impacts will occur to cultural resources in the watershed should the plan be implemented. The SCS has consulted with the State Historic Preservation Office on the effects that planned measures will have on significant cultural resources. However, construction of manure storage units, riprapping, critical-area planting, and diversion channels do have the potential for seriously disrupting individual sites. Therefore, caution shall be exercised in planning and installing such measures to avoid serious disruption of areas having potential as individual cultural sites.

Significant cultural resources identified during implementation will be avoided or otherwise preserved in place to the fullest practical extent. If significant cultural resources cannot be avoided or preserved, pertinent information will be recovered before construction. If there is a significant cultural resource discovery during construction, appropriate notice will be made by SCS to the State Historic Preservation Officer and the National Park Service. Consultation and coordination have been and will continue to be used to ensure the provisions of Section 106 of Public Law 89-665 have been met and to include provisions of Public Law 89-523, as amended by Public Law 93-291. SCS will take action as prescribed in SCS GM 420, Part 401, to protect or recover any significant cultural resources discovered during construction.

No threatened or endangered species in the watershed will be affected by the project.

One of the primary objectives of the project is to improve water quality. About 80 percent of the cropland and animal waste pollutants will be controlled. Sediment influx to the Coalville Reservoir will be reduced by an estimated 3,900 tons annually. Nutrients attached to sediment will be retained on the land rather than delivered to receiving water. Land treatment practices will reduce loss of water and erodible nutrients to the stream system, thereby reducing stream enrichment and conserving the nutrients for plant production.

Fish and wildlife habitats may be temporarily disturbed in some part of the 2,650 acres of cropland and grassland during installation of land treatment practices, but they will be restored to at least their previous value within one growing season. The Coalville Reservoir and the David Creek stream system will be more suitable for species sensitive to sediment concentrations. More suitable cover will be provided for openland wildlife by land treatment measures, such as diversions, grassed waterways, and critical area plantings. The value of woodland habitat will not decline.

The 2,500 feet of streambank protection proposed will temporarily roil adjacent stream water during installation. About 40 percent of the streambank (1,000 feet) to be protected is well shaded. This shading will be lost for at least 3 years after installation. Adjacent water temperature is expected to rise no more than 1°C during this period of exposure.

No wilderness areas are in the watershed.

Scenic values will be complemented with the diversity added to the dairy farm landscape by conservation land treatment measures. During installation of the proposed measures, scenic values will be temporarily decreased at specific locations in the watershed.

No significant adverse environmental impacts will result from installations except for minor inconveniences to local residents during construction.

Exhibit 505-1 Sample Finding Of No Significant Impact (FONSI)
—Continued**Alternatives**

The planned action is the most practical means of protecting the watershed, stabilizing the eroding lands, and controlling animal waste. Because no significant adverse environmental impacts will result from installation of the measures, no other alternatives, other than the no project one, were considered.

Consultation—Public participation

Formal agency consultation began with the initiation of the notification of the State Single Point of Contact for Federal Assistance in February 1981. The Governor and the Division of Planning were also notified of the application for Federal assistance. Agencies were again notified when planning was authorized in September 1981.

Scoping meetings were held in December 1981, June 1982, and August 1982, and interdisciplinary efforts were used in all cases. Four Federal agencies (FmHA, FS, F&WS, and EPA), three State agencies (Department of Fish and Game, Department of Cultural Resources, and Economic Development Commission), four county agencies, and several local groups were involved in part or all of the scoping and planning processes.

Specific consultation was conducted with the State Historic Preservation Officer and the county historical society concerning cultural resources in the watershed. Comments from the State Historic Preservation Officer were used in the development of this plan.

The environmental assessment was transmitted to all participating and interested agencies, groups, and individuals for review and comment in October 1982. Public meetings were held throughout the planning process to keep all interested parties informed of the study progress and to obtain public input to the plan and environmental evaluation.

Agency consultation and public participation to date have shown no unresolved conflicts with the implementation of the selected plan.

Conclusion

The Environmental Assessment summarized above indicates that this Federal action will not cause significant local, regional, or national impacts on the environment. Therefore, based on the above findings, I have determined that an environmental impact statement for the David Creek Watershed Plan is not required.

(signature)

(type in name)
State Conservationist

(Date)

Exhibit 505-2 Sample Notice of Availability of a FONSI**Billing Code: 3410-16
Department of Agriculture
Soil Conservation Service**

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

Agency: Soil Conservation Service

Action: Notice of a Finding Of No Significant Impact

Summary: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR Part 1500); and the Soil Conservation Service Regulations (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the _____ 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).

Supplemental information: The environmental assessment of this federally assisted action indicates that the project will not 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 are not needed for this project.

The project purposes are (list measure purposes, i.e., a plan for flood control and watershed protection). The planned works of improvement include (list planned improvements, i.e., three floodwater retarding dams and accelerated technical assistance for land treatment).

The Notice of a Finding Of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting (Name).

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the Federal Register.

(Signature)

(Type name and title of signee)

(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.)

Note: The reference to Executive Order 12372 is not necessary for TA-only plans.

Exhibit 505-3 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 Finding of No Significant Impact is submitted for publication in the Federal Register:

Significant Creek Watershed, Anystate

Sincerely,

John Q. Doe

JOHN Q. DOE
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 505-4 Distribution list for draft plan-EIS

Agency	Number of copies	Agency	Number of copies
Environmental Protection Agency		Others	
Appropriate regional administrator	5	Director	1
Office of Federal Activities – A104	5	Office of Advocacy and Enterprise	
Environmental Protection Agency		Room 1322, South Building	
401 M Street, SW		U.S. Department of Agriculture	
Washington, DC 20460		Washington, DC 20250	
Corps of Engineers		Executive Secretary	1
Appropriate district	2	Advisory Council on Historic Preservation	
		1100 Pennsylvania Avenue, NW	
U.S. Department of the Interior		Washington, DC 20004	
Secretary of the Interior	1	(only if significant cultural values are affected)	
U.S. Department of the Interior		Governor of State (or State agency designated	
Washington, DC 20240		by governor)	1
Director		State Single Point of Contact for Federal Assistance	1
Office of Environmental Project Review		Area-wide Clearinghouse	1
U.S. Department of the Interior		State Historic Preservation Officer	1
Room 2024		Special Designated Area (only if involved)	1
Washington, DC 20240		Natural Resources Defense Council, Inc.	1
East of Mississippi River	12	1350 New York Ave., NW, Suite 300	
West of Mississippi River	18	Washington, DC 20005	
U.S. Department of Commerce		National Wildlife Federation	1
Director, Ecology and Conservation Office	4	1412 16th Street, NW	
Department of Commerce, NOAA		Washington, DC 20036	
14th and Constitution Avenues, NW, Room 6222		Attn: Legislative Representative	
Washington, DC 20230		Sierra Club	1
Department of Energy		404 C Street, N	
Department of Energy	1	Washington, DC 20002	
Forrestal Building		(also send copy to local chapter)	
1000 Independence Avenue, SW		National Audubon Society (appropriate local office)	1
Washington, DC 20585		Other groups who have shown interest in the project	1
(only when project has major energy-related consequences)			
U.S. Department of Housing and Urban Development			
Appropriate regional office	2		
Environmental Officer			
U.S. Department of Transportation			
Coordinator, Water Resources	4		
U.S. Coast Guard G-MPS1			
U.S. Department of Transportation			
2100 Second Street, SW			
Washington, DC 20590			

Exhibit 505-5 Sample transmittal letter to EPA for draft plan-EIS

United States
Department of
Agriculture

Soil
Conservation
Service

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

Director
Office of Federal Activities
Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

January 15, 199_

Dear Sir:

Enclosed are five copies of the draft Watershed Plan-Environmental Impact Statement (plan-EIS) for the Any Creek Watershed, Any State, prepared under authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566) and in accordance with Section 102.(2)(c) of the National Environmental Policy Act of 1969 (Public Law 91-190). Copies have also been sent for review and comment to other departments of the Federal government, Governor of Any State, and other interested parties.

Comments have been requested on or before March 22, 199_, and should be sent to this office.

Sincerely,

John Q. Doe

JOHN Q. DOE
State Conservationist

Enclosures



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



Exhibit 505-6 Sample transmittal letter to Governor

United States
Department of
Agriculture

Soil
Conservation
Service

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

Honorable
Governor of Any State
Any Town, Any State 00000

January 21, 199__

Dear Governor :

In accordance with section 2 of Executive Order 10913, and our responsibility as assigned by the Secretary of Agriculture, we are transmitting for your review and comment the draft Watershed Plan-Environmental Impact Statement (plan-EIS) for the Any Creek Watershed, Any State. This plan-EIS was prepared by the Valley Soil and Water Conservation District and the Dale Soil and Water Conservation District, with assistance by the Soil Conservation Service under authority of the Watershed Protection and Flood Prevention Act, (Public Law 83-566) and in accordance with section 102(2)(c) of the National Environmental Policy Act of 1969 (Public Law 91-190). The application for assistance in the preparation of the plan-EIS was approved by the State Soil Conservation Committee on June 29, 1984.

It is requested that comments be received by this office on or before March 22, 199__.

Sincerely,

John Q. Doe

JOHN Q. DOE
State Conservationist

Enclosures

Note: Make appropriate changes if the governor has designated a State agency to act on watershed matters.



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



Exhibit 505-7 Sample transmittal letter for interagency review

United States
Department of
Agriculture

Soil
Conservation
Service

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

Address

Date

(Omit salutation)

Enclosed is a copy of the draft Watershed Plan–Environmental Impact Statement (plan-EIS) for the Any Creek Watershed, Any State, prepared under authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566) and in accordance with section 102(2)(c) of the National Environmental Policy Act of 1969 (Public Law 91-190). The plan-EIS will require final approval by the appropriate committees of the Senate and House of Representatives before Federal assistance is authorized.^{1/}

We are requesting that comments be received by this office on or before March 22, 199__, or such later date as may be needed to total 45 days after the Environmental Protection Agency (EPA) publishes its notice of availability in the Federal Register. If your comments are not received by the due date, we will assume you do not wish to comment.^{2/}

John Q. Doe

JOHN Q. DOE
State Conservationist

Enclosure

- ^{1/} For administratively approved plans, change this sentence to read, “The final plan-EIS may be approved administratively.”
- ^{2/} The last sentence should be omitted on an EIS sent to the Departments of the Interior or Army, or to EPA.



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



Exhibit 505-8 Sample transmittal letter for final plan-EIS

United States
Department of
Agriculture

Soil
Conservation
Service

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

Address

Date

(Omit salutation)

Enclosed is a copy of the final Watershed Plan-Environmental Impact Statement (plan-EIS) for the Any Creek Watershed, Any State, prepared under authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566) and in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969 (Public Law 91-190).

This plan-EIS reflects comments received on the draft sent out for comments on January 15, 199_. This plan-EIS will require final approval by the appropriate committees of the Senate and House of Representatives before Federal assistance is authorized.^{1/}

John Q. Doe

JOHN Q. DOE
State Conservationist

Enclosure

^{1/} For administratively approved plans, change this sentence to read, "The final plan-EIS may be approved administratively."



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



Exhibit 505-9 Sample transmittal letter to EPA for final plan-EIS



United States
Department of
Agriculture

Soil
Conservation
Service

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

Director
Office of Federal Activities
401 M Street, SW
Environmental Protection Agency
Washington, DC 20460

August 15, 199 _

Dear Sir:

Enclosed are five copies of the final Watershed Plan-Environmental Impact Statement (plan-EIS) for the Any Creek Watershed, Any State. This plan-EIS reflects comments received on the draft sent out for comments on January 15, 199_.

Sincerely,

John Q. Doe

JOHN Q. DOE
State Conservationist

Enclosures

cc:
Director, Watershed Projects Division, SCS, Washington, DC
Director, National Technical Center, SCS



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



Exhibit 505-10 Sample notice of availability of record of decision

**Billing Code: 3410-16
Department of Agriculture
Soil Conservation Service**

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

Agency: Soil Conservation Service

Action: Notice of Availability of Record of Decision

Summary: (State Conservationist's name), responsible Federal official for projects administered under the provisions of Public Law 83-566, 16 U.S.C. 1001-1008, in the State of (Name), is hereby providing notification that a record of decision to proceed (or not to) with the installation of the (Name) Watershed project is available. Single copies of this record of decision may be obtained from (State Conservationist's name) at the address shown below.

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)

(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.)

Note: The reference to Executive Order 12372 is not necessary for TA-only plans.

Exhibit 505-11 Sample record of decision

Record of Decision Lake Creek Watershed Oak and Day Counties, Anystate

1. Purpose—As state conservationist for the Soil Conservation Service, I am the Responsible Federal Official (RFO) for all Soil Conservation Service projects in Anystate.

The recommended plan for the Lake Creek Watershed involves works of improvement to be installed under authorities administered by the Soil Conservation Service. This project includes the installation of six single-purpose flood prevention structures, one multiple-purpose flood prevention recreation structure, recreation facilities, and accelerated land treatment.

The Lake Creek Watershed plan was prepared under the authority of the Watershed Protection and Flood Prevention Act (Public Law 566, 83rd Congress, 68 Stat. 666, as amended) by the Oak and Day Soil and Water Conservation Districts and the City of Blackwell. The scoping meeting, held during November 1988, established the Soil Conservation Service (SCS), U.S. Department of Agriculture (USDA), as lead agency, and the Forest Service, USDA, and the Fish and Wildlife Service, United States Department of the Interior, as cooperating agencies.

2. Measures taken to comply with national environmental policies—The Lake Creek Watershed project has been planned in accordance with existing Federal legislation concerned with the preservation of environmental values. The following actions were taken to ensure that the Lake Creek Watershed plan is consistent with national goals and policies.

A preliminary environmental evaluation was completed by an interdisciplinary team under the direction of SCS in 1988 before the scoping meeting. It concluded that significant impacts on the human environment may occur because of the complexity and public interest of the proposed action. As RFO, I directed that a draft environmental impact statement (EIS) be prepared.

The interdisciplinary environmental evaluation of the Lake Creek Watershed project was conducted by the sponsoring local organizations, cooperating agencies, and the Soil Conservation Service. Information was obtained from many groups and agencies. An inventory and evaluation of environmental and socioeconomic conditions were prepared by Mobley-Andrews Consultants under a contract with SCS. Reviews were held with the Environmental Protection Agency, Fish and Wildlife Service, Anystate Department of Natural Resources, State Historic Preservation Officer, and the State Archeologist. Inputs from these reviews were included in the EIS.

Public meetings were held on April 5, 1990, and December 16, 1990, to solicit public participation in the environmental evaluation, to assure that all interested parties had sufficient information to understand how their concerns are affected by water resource problems, to afford local interests the opportunity to express their views regarding the plans that can best solve these problems, and to provide all interests an opportunity to participate in the plan selection. More than 600 parties were notified by mail of the joint public meetings. A transcript of the minutes was developed and is on file.

Exhibit 505-11 Sample record of decision—Continued

Testimony and recommendations were received relative to the following subjects:

- a. Public ownership and management of natural areas surrounding Structure 1 should be accomplished to offset the losses of wildlife habitat caused by the structure and adjacent activities.
- b. The adequacy of water quality of Site 1 for recreational use should be determined.
- c. Impacts to Lake Otto should be evaluated.
- d. A thorough consideration of nonstructural alternatives should be undertaken.
- e. Thermal impacts of the reservoirs should be evaluated.

A draft environmental impact statement was prepared in October 1991 and made available for public review. The recommendations and comments obtained from public meetings held during project planning and assessment were considered in the preparation of the statement. Projects of other agencies were included only when they related to the Public Law 566 project, and they were not evaluated with regard to their individual merit.

More than 250 copies of the draft environmental impact statement were distributed to agencies, conservation groups, organizations, and individuals for comment. Copies were also placed in several libraries in the watershed. The draft environmental impact statement was filed with the Environmental Protection Agency on December 27, 1991.

Existing data and information pertaining to the project's probable environmental consequences were obtained with assistance from other scientists and engineers. Documentary information as well as the views of interested Federal, State, and local agencies and concerned individuals and organizations having special knowledge of, competence over, or interest in the project's environmental impact were sought. This process continued until it was felt that all the information necessary for a comprehensive, reliable assessment had been gathered.

A complete picture of the project's current and probable future environmental setting was assembled to determine the proposed project's impact and identify unavoidable adverse environmental impacts that might be produced. During these phases of evaluation, it became apparent that there are legitimate conflicts of scientific theory and conclusions leading to differing views of the project's environmental impact. In such cases, after consulting with persons qualified in the appropriate disciplines, those theories and conclusions appearing to be the most reasonable, and having scientific acceptance were adopted.

The consequences of a full range of reasonable and viable alternatives to specific project features were considered, studied, and analyzed. In reviewing these alternatives, all courses of action that could reasonably accomplish the project purposes were considered. Attempts were made to identify the economic, social, and environmental values affected by each alternative. Both structural and nonstructural alternatives were considered.

Exhibit 505-11 Sample record of decision—Continued

The alternatives considered reasonable alternatives to accomplish the project's objectives were (1) a floodway and land treatment, (2) the NED plan – structural measures only (the selected plan minus the environmental quality elements), (3) the EQ plan—2 structures, flood plain acquisition for habitat preservation, upland habitat improvement, and land treatment measures, and (4) the selected plan. Ten other alternatives were suggested and evaluated that would accomplish part of the objectives of the planned project. The full range of effects was set forth in the alternatives section of the EIS. Individual flood plain management strategies, actions, and programs that would meet some of the project's goals were considered.

3. Conclusions—The following conclusions were reached after carefully reviewing the proposed Lake Creek Watershed project in light of all national goals and policies, particularly those expressed in the National Environmental Policy Act, and after evaluating the overall merit of possible alternatives to the project:

- a. The Lake Creek Watershed project will employ reasonable and practicable means that are consistent with the National Environmental Policy Act while permitting the application of other national policies and interests. These means include, but are not limited to, a project planned and designed to minimize adverse effects on the natural environment while accomplishing an authorized project purpose. Project features designed to preserve existing environmental values for future generations include: (1) placement into public ownership a natural area containing forest, native prairie, and geological features; (2) establishment of a wildlife habitat area adjacent to floodwater-retarding structures; (3) establishment of a program to monitor water quality in reservoir No. 1 during the summer season; (4) installation of pool drains in all reservoirs, which provides opportunities for withdrawal of water during low stream flows; (5) fish and wildlife management plans for the reservoirs and natural area cooperatively developed by the SLO and the Anystate Department of Natural Resources; (6) acceleration in the application of land treatment practices to prevent erosion and sediment damage to streams and ecosystems; (7) establishment of grasses and legumes on dams and offsite borrow areas to protect them from erosion and provide food for wildlife; and (8) placement of trees and shrubs in the proposed recreational facilities area.
- b. The Lake Creek Watershed project was planned using a systematic interdisciplinary approach involving integrated uses of the natural and social sciences and environmental design arts. All conclusions concerning the environmental impact of the project and overall merit of existing plans were based on a review of data and information that would be reasonably expected to reveal significant environmental consequences of the proposed project. These data included studies prepared specifically for the project and comments and views of all interested Federal, State, and local agencies and individuals. The results of this review constitute the basis for the conclusions and recommendations. The project will not affect any cultural resources eligible for inclusion in the National Register of Historic Places. Nor will the project affect any species of fish, wildlife, or plant or their habitats that have been designated as endangered or threatened.
- c. In studying and evaluating the environmental impact of the Lake Creek Watershed project, every effort was made to express all significant environmental values quantitatively and to identify and give appropriate weight and consideration of nonquantifiable environmental values.

Exhibit 505-11 Sample record of decision—Continued

- d. Wherever legitimate conflicts of scientific theory and conclusions existed and conclusions led to different views, persons qualified in the appropriate environmental disciplines were consulted. Theories and conclusions appearing to be most reasonable scientifically acceptable, or both, were adopted.
- e. Every possible effort has been made to identify those adverse environmental effects that cannot be avoided if the project is constructed.
- f. The long-term and short-term resource uses, long-term productivity, and the irreversible and irretrievable commitment of resources are described in the final environmental impact statement.
- g. All reasonable and viable alternatives to project features and to the project itself were studied and analyzed with reference to national policies and goals, especially those expressed in the National Environmental Policy Act and the Federal water resource development legislation under which the project was planned. Each possible course of action was evaluated as to its possible economic, technical, social, and overall environmental consequences to determine the tradeoffs necessary to accommodate all national policies and interests. Some alternatives may tend to protect more of the present and tangible environmental amenities than the proposed project will preserve. However, no alternative or combination of alternatives will afford greater protection of the environmental values while accomplishing the other project goals and objectives.
- h. I conclude, therefore, that the proposed project will be the most effective means of meeting national goals and is consistent in serving the public interest by including provisions to protect and enhance the environment. I also conclude that the recommended plan is the environmentally preferable plan.

4. Recommendations—Having concluded that the proposed Lake Creek Watershed project uses all practicable means, consistent with other essential considerations of the national policy, to meet the goals established in the National Environmental Policy Act, that the project will thus serve the overall public interest, that the final environmental impact statement has been prepared, reviewed, and accepted in accordance with the provisions of the National Environmental Policy Act as implemented by Departmental regulations for the preparation of environmental impact statements, and that the project meets the needs of the project SLO, I propose to implement the Lake Creek Watershed project.

By:

State Conservationist
Soil Conservation Service
U.S. Department of Agriculture

Date:

Exhibit 505-12 Sample transmittal letter notifying of project authorization

United States
Department of
Agriculture

Soil
Conservation
Service

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

Honorable David L. Boren
United States Senate
Washington, DC 20510

Date

Dear Senator Boren:

We are pleased to notify you [and your Congressional colleagues] that I have authorized assistance for installation of works of improvement in the Wild Horse Creek Watershed, Payne County, Oklahoma, under authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566).

This authority will permit advance planning with local sponsors. However, financial assistance funds for measure installation are not available at this time. Future funds will be provided based upon State priorities from annual allocations for the Public Law 83-566 program.

The Wild Horse Creek Watershed Project, sponsored by the Payne County Conservation District, contains 30,982 acres. The primary purposes of the project are flood prevention and watershed protection.

If additional information is needed, please contact Mr. C. Budd Fountain, State Conservationist, Soil Conservation Service, Agricultural Center Building, Stillwater, Oklahoma 74074, (405) 524-4360.

[A public announcement will not be made until 2 days after the date of this letter.]

Sincerely,

Chief
Soil Conservation Service

Identical letters sent to:

Honorable Don Nickles, United States Senate, Washington, DC 20510

Honorable Bill K. Brewster, House of Representatives, Washington, DC 20515

bc: Paul F. Larson, Director, South NTC, SCS, Fort Worth, TX
Eugene E. Andreuccetti, Assistant Chief, South, SCS, Washington, DC
Dorothy V. Bradbury, Confidential Assistant to Chief for Congressional and Public Liaison, SCS, Washington, DC

Note: When using this letter for other individuals, omit the words in the brackets.



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



Exhibit 505-13 Office of Management and Budget fact sheet

Fact Sheet

Project Information

Project Name

Total \$ in K

Location of Project

(Include State, counties, and Congressional district)

Authorization

Public Law 83-566, 68 Stat. 666 as amended (16 U.S.C. 1001 et. seq.) 1954

Background

(Purpose and description of project -- not more than 10 lines)

Economic and financial data

Costs

Project Purposes	Total traditional cost share		Total enhanced cost share		Annual O&M	
	Non-Fed	Federal	Non-Fed	Federal	Non-Fed	Federal

Total Costs

Benefits

Project Purposes	Average annual benefits		Number of direct beneficiaries	
	Onsite	Offsite	Onsite	Offsite

(When possible, differentiate between urban/rural flood control, existing/future)

Exhibit 505-13 Office of Management and Budget fact sheet—Continued

Benefit-to-Cost Ratio	<p>_____ @ _____ (authorized rate)</p> <p>_____ @ _____ (current rate)</p>																					
Budget Data	<table border="0"> <tr> <td style="padding-right: 20px;">Funding schedule (Budget year + 5)</td> <td style="padding-right: 10px;">1st</td> <td style="padding-right: 10px;">2nd</td> <td style="padding-right: 10px;">3rd</td> <td style="padding-right: 10px;">4th</td> <td style="padding-right: 10px;">5th</td> <td style="padding-right: 10px;">6th</td> </tr> <tr> <td style="padding-left: 20px;">Federal funds</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="padding-left: 20px;">Non-Federal funds</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	Funding schedule (Budget year + 5)	1st	2nd	3rd	4th	5th	6th	Federal funds							Non-Federal funds						
Funding schedule (Budget year + 5)	1st	2nd	3rd	4th	5th	6th																
Federal funds																						
Non-Federal funds																						
Period of Analysis and Project Life																						
Environmental Problems	(Significant impacts)																					
Other Significant or Controversial Issues	(Brief summary)																					
Evidence of Unusual Congressional or Local Interest																						
Compliance	<p>Is this report in compliance with executive orders, public laws, and other statutes governing the formulation of water resources projects?</p> <p style="text-align: center;">___ Yes ___ No</p> <p style="text-align: center;">(If No, give brief explanation)</p>																					

Exhibit 505-14 Plan-EA

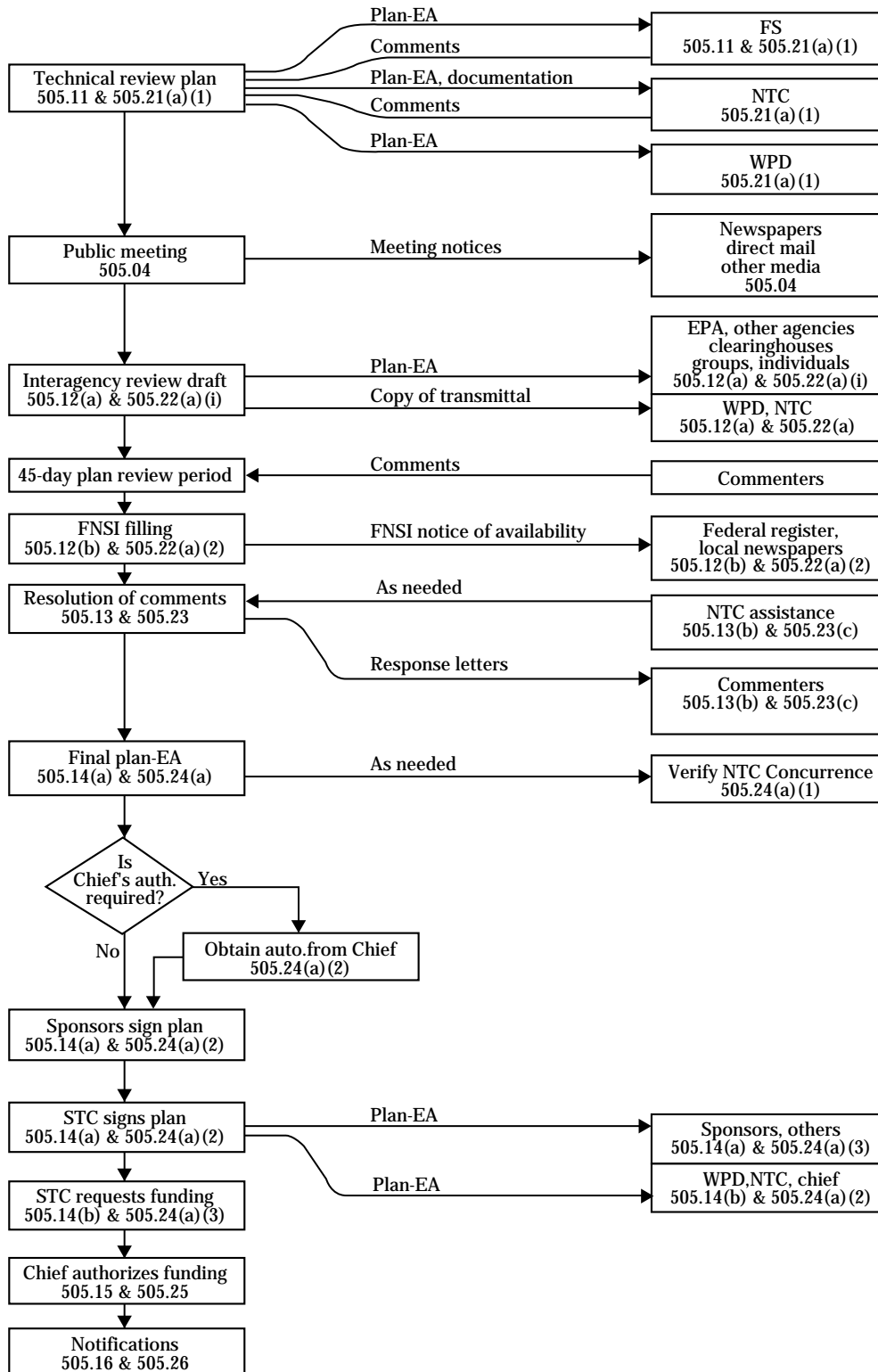


Exhibit 505-15 Plan-EIS

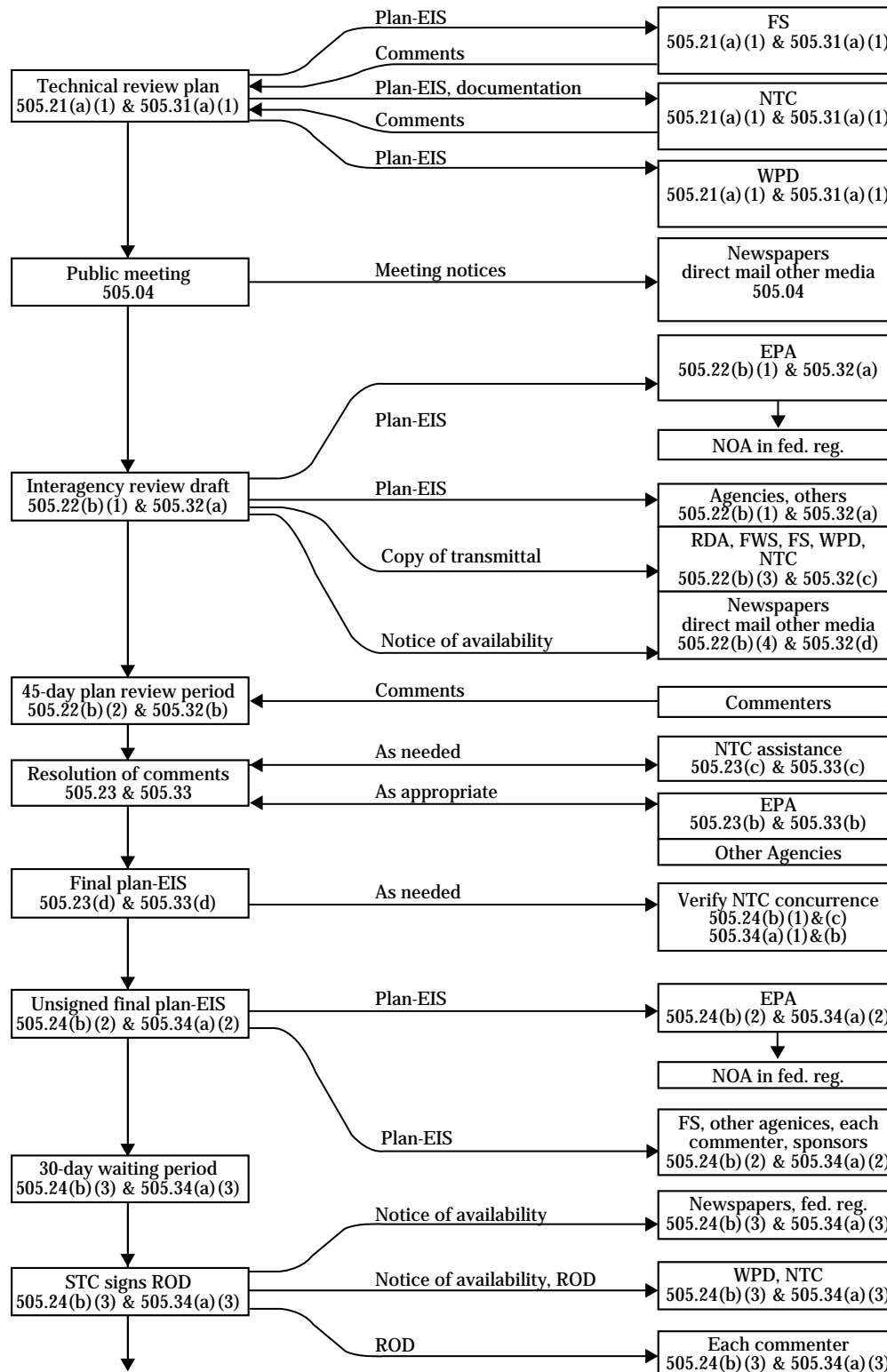


Exhibit 505-15 Plan-EIS—Continued

