

Reclamation Manual

Directives and Standards

- Subject:** Administering the Water Conservation Field Services Program (WCFSP)
- Purpose:** Outlines Reclamation's procedures for administering the WCFSP pursuant to the water conservation provisions, Section 210 of the Reclamation Reform Act of 1982 (RRA) and other existing authorities, including the provision of technical and financial assistance to Federal and non-Federal entities and the administration of water conservation plans.
- Authority:** Reclamation Act of 1902 (32 Stat. 388), as amended and supplemented; RRA (96 Stat. 1268; 43 U.S.C. § 390jj); Soil and Moisture Conservation Act of 1935 (49 Stat 163; 16 U.S.C. § 590 et seq.) (through Section 6 of Reorganization Plan No. IV - 1940); Fish and Wildlife Coordination Act of 1958 (75 Stat. 563; 16 U.S.C. §§ 661 et seq.) (through Secretarial delegation); Water Supply Act of 1958 (72 Stat 319; 43 U.S.C. § 390b); Endangered Species Act of 1973 (87 Stat. 884; 16 U.S.C. 1531 et seq.); Reclamation Wastewater and Groundwater Study and Facilities Act of 1992 (Public Law 102-575); Energy Policy Act of 1992 (Public Law 102-486); Central Valley Project Improvement Act (Public Law 102-575, Title XXXIV); and Klamath Basin Water Supply Enhancement Act (Public Law 102-486).
- Contact:** Reclamation Law and Revenues Management, D-5200
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1. Definitions.

- A. **Cooperative Agreement** is a legal instrument used to reflect a relationship between the Federal Government and a State or local Government or other recipient whenever the principal purpose of the relationship is the transfer of money, property, services, or anything of value to a State or local Government or other recipient to accomplish a public purpose of support or stimulation authorized by Federal law. Substantial involvement is anticipated between the Federal Government and the State or local Government or other recipient during performance of the contemplated activity. (See *Reclamation Financial Assistance Handbook for Grants and Cooperative Agreements*, Glossary of Terms.)
- B. **Cost Share** is a contribution by the recipient toward the total cost of conducting the project. The cost-sharing portion of a project represents that portion of the project costs not borne by the Federal Government. Cost sharing can include a combination of cash and in-kind services. (See *Reclamation Financial Assistance Handbook for Grants and Cooperative Agreements*, Glossary of Terms.)

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- C. **District** means any individual or any legal entity established under State law that has entered into a contract or can potentially enter into a contract with the United States for irrigation water service through federally developed or improved water storage and/or distribution facilities.
- D. **Financial Assistance** can be grants, cooperative agreements, loans, loan guarantees, scholarships, mortgage loans, insurance, and subsidies authorized by Federal statute. The transfer of anything of value for a public purpose of support or stimulation authorized by Federal law. Includes Financial assistance; use of Federal Government facilities, services, property; and expert and technical information (other than conventional public information service). (See *Reclamation Financial Assistance Handbook for Grants and Cooperative Agreements*, Glossary of Terms.)
- E. **Grant** is a legal instrument used to reflect a relationship between the Federal Government and a State or local Government or other recipient whenever the principal purpose of the relationship is the transfer of money, property, services, or anything of value to the State or local Government or other recipient to accomplish a public purpose of support or stimulation authorized by Federal statute, rather than acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal Government or other recipient. The Federal Government will not be substantially involved during performance of the contemplated activity. (See *Reclamation Financial Assistance Handbook for Grants and Cooperative Agreements*, Glossary of Terms.)
- F. **M&I** means municipal and industrial water users.
- G. **Nonreimbursable** is a separately identified source of funding requiring no repayment. Funds provided through the WCFSP that do not require repayment.
- H. **Paid-Out District** is a district that has “paid-out” by paying all of the allocated project construction costs.
- I. **Reclamation** means Bureau of Reclamation, U.S. Department of the Interior.
- J. **Water Conservation** is prudent water management and efficient water use.
- K. **Water User Entities** is any individual, district, association, Government agency, or other entity that uses or contracts for water supplied from a Reclamation project.
2. **Background.** Reclamation established the WCFSP in 1996 to implement the water conservation provisions under Section 210 of the RRA. Reclamation meets the standards of the RRA by:

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- A. Assisting local agricultural and M&I water user entities, or other Federal and non-Federal entities to develop and implement effective water conservation plans.
 - B. Actively encouraging water conservation and the efficient use of water supplies associated with Reclamation water projects, where the benefits contribute to the proper and efficient operation of Reclamation water projects, the improvement of water supply, the protection of project lands or facilities, the beneficial use of water supplies, and/or the improvement of fish and wildlife habitat associated with the operations of those projects.
 - C. Fostering improved water management on a regional, statewide, and watershed basis through the formation of conservation program partnerships to coordinate and leverage resources with other Federal and non-Federal entities.
3. **Purposes.** The primary purposes of the WCFSP are to:
- A. Assist in developing effective water management and conservation plans;
 - B. Promote and support water education and training;
 - C. Demonstrate conservation technologies; and
 - D. Encourage and promote implementation of water efficiency measures.
4. **Activities Supported by WCFSP.**
- A. **Water Management Planning.**
 - (1) Water management planning activities are those inventory, evaluation, or other planning functions required to develop an effective water management and conservation plan as outlined in Reclamation's technical guidance *Achieving Efficient Water Management - A Guidebook for Preparing Agricultural Water Management Plans, Second Edition*.
 - (2) Reclamation may provide technical assistance to agricultural and M&I water user entities that receive water supplies from Reclamation projects for the development of water management and conservation plans. Reclamation staff may help collect data, develop resource inventories, conduct planning surveys, design and evaluate potential efficiency measures, develop water budgets, perform studies and investigations, conduct preliminary environmental evaluations, and generally assist in the development of water management and conservation plans.

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- (3) Reclamation may provide financial assistance, in the form of cost sharing agreements, to agricultural and M&I water user entities that receive water supplies from Reclamation projects, to assist in the development of water management and conservation plans, including the performance of associated inventory and evaluation support activities necessary for the development of effective plans.
- (4) Other Federal or non-Federal entities that do not directly contract for, or receive, water from Reclamation projects and/or facilities may still receive technical and/or financial assistance for water management planning activities if the Regional Director or his/her designee determines that the nature of such assistance, and the associated benefits, fall within the scope and authorities of the WCFSP.

B. Water Education and Training.

- (1) Water education and training includes a wide range of information outreach activities intended to promote water use efficiency among water users, water managers, water agencies and organizations, and the general public.
- (2) Reclamation may:
 - Provide technical assistance to assist agricultural and M&I water user entities, or other Federal and non-Federal entities, to develop water education and training programs/materials to promote conservation.
 - Conduct water education and training activities such as field tours, water fairs, workshops, and training sessions.
 - Develop and/or provide technical and informational guides, materials, videos, and web sites.
 - Enter into educational agreements with governmental, State, tribal, and local educational organizations to promote water use efficiency.
- (3) Reclamation may provide financial assistance to assist agricultural and M&I water user entities, or other Federal and non-Federal entities, in the development of water education and training programs/materials to promote water conservation.

C. Demonstration of Innovative Technologies.

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- (1) A demonstration activity's purpose is to install or apply a particular technology in a new way, or in a new setting, with the intent of reporting the results to others for potential wider adoption.
- (2) Reclamation may provide technical assistance to demonstrate innovative conservation technologies for improving water use efficiency associated with Reclamation water projects. This may be accomplished by supporting applied research that will benefit field development of innovative water management and conservation technologies, as well as sponsoring specific conservation technology demonstration projects. It may also include technical assistance to promote the development of research and technology transfer partnerships with other agencies and organizations that can benefit from the efficiency of Reclamation water projects operations.
- (3) Reclamation may provide financial assistance to agricultural and M&I water user entities, or other Federal and non-Federal entities for the purposes stated in subparagraph (2) above.

D. Implementation of Efficiency Measures.

- (1) The purpose of an implementation activity, as distinguished from a demonstration activity, is to install a water efficiency measure as part of a water district's water management and conservation plan that has already been generally accepted and proven in the particular area. Implementation activities include those survey, design, evaluation, installation, or inspection functions required to implement a planned water efficiency measure. Water efficiency measures may include, but are not limited to:
 - Modernization of diversion works
 - Improved water measurement systems
 - More efficient delivery systems
 - Addition of automation capabilities, telemetry and other operational controls
 - Improved demand scheduling and accounting technologies
 - M&I retrofit and landscape programs
- (2) Reclamation may provide technical assistance to agricultural and M&I water user entities, or other Federal and non-Federal entities in the development and implementation of water efficiency measures. Reclamation may also help perform environmental evaluations, survey, design, install, inspect, and generally assist in the implementation water efficiency measures.

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- (3) Reclamation may provide financial assistance to agricultural and M&I water user entities or other Federal and non-Federal entities to assist in the development and implementation of efficiency measures, including the performance of associated environmental activities necessary to support the installation of such measures.

5. **Grants and Cooperative Agreements.**

A. **Primary Instrument.** Generally, grants, cooperative agreements, and interagency agreements are the primary instrument for conservation assistance activities whenever the benefits of such activities provide a “public purpose of support for stimulation,” as determined by the Area Manager, including associated stakeholders, public constituencies, and/or the environment. Information regarding review and approval thresholds for grants and cooperative agreements may be found in Reclamation Manual (RM), *Financial Assistance Management*, ACM 01-01.

B. **Conditions.** Reclamation may provide assistance through the WCFSP whenever:

- (1) The particular assistance is supported by statutory authority;
- (2) Congress has appropriated funds to support such assistance; and
- (3) The particular efficiency measure or activity represents “. . . a public purpose of support or stimulation . . .” as defined by the Federal Grants and Cooperative Agreements Act of 1977 (31 U.S.C. § 6301-6308).

6. **Statutory Authority.** The authority to enter into an agreement depends on the particular law(s) or specific project authorizations. Each activity must be linked to statutory authority. For example, if the activity benefits fish and wildlife purposes, Reclamation’s authority to enter into a cooperative agreement may come from the Fish and Wildlife Coordination Act and the documentation between the parties should clearly state the connection. Appendix A may be helpful in determining specific statutory authorities for various activities.

7. **Responsibilities.**

A. **Office of Policy.**

- (1) Assign a Reclamation Water Conservation Coordinator.
- (2) The Reclamation Water Conservation Coordinator will provide support, reporting, advice, and policy coordination.

B. **Regional Offices.**

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- (1) Assign a Regional Water Conservation Coordinator.
- (2) The Regional Water Conservation Coordinator will provide leadership in program development and implementation.
- (3) Regional offices will determine the appropriate level of delegation.

C. **Regional and/or Area Offices** (depending on where the delegation resides).

- (1) Assign an Area Water Conservation Coordinator.
- (2) The Area Water Conservation Coordinator will develop an active local program designed to meet the objectives of the WCFSP.
- (3) Formulate program budgets and allocate staff and other resources to accomplish the objectives of the program based on local needs.
- (4) Ensure that all districts required to develop water conservation plans under section 210(b) of the RRA are afforded the opportunity to receive assistance and guidance in meeting their obligation.
- (5) Review and comment on all water conservation plans submitted by water user entities pursuant to RRA. In certain areas, Federal and State statutes may include additional review and comment criteria.
- (6) Determine whether any assistance, technical and/or financial, and the associated benefits fall within the scope and authorities of the WCFSP.
- (7) In the execution of agreements for the provision of technical and/or financial assistance under the WCFSP, the originating office will document applicable authorities for providing such assistance in accordance with RM ACM 01-01 *Financial Assistance Management*. Documentation should include how the particular assistance relates to, and supports, Reclamation's overall responsibility to ensure the proper and efficient operation of Reclamation water projects; improves water supply for the project; and protects project lands or facilities, the beneficial use of project water supplies, and/or the improvement of fish and wildlife habitat associated with those projects.
- (8) Determine whether a proposed activity is a demonstration activity or implementation activity.

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- (9) Each Area Office will establish follow-up procedures and schedules to prioritize available assistance and maintain current plans from all districts. Each fiscal year, Area Offices will report to the Commissioner through the Regional Director on the status of plan updates, technical and financial assistance provided, and conservation measures implemented and benefits achieved.

8. Funding Sources and Cost-Sharing.

- A. **Water Management and Conservation Program (WMC).** Area and Regional Offices may use the Reclamation-wide WMC and specific project budgets to support technical and financial assistance associated with the WCFSP. It is intended that there be discretion allowed in the establishment of cost-share rates for these activities.
- B. **Efficiency Incentives Program (EIP).** When Area and Regional Offices use the EIP budget for implementation activities, Reclamation's share shall not exceed 50 percent.

9. Reimbursability.

- A. **Nonreimbursable.** Technical and financial assistance provided through the WCFSP is not subject to traditional construction repayment or operation and maintenance reimbursability criteria or requirements. Implementation measures under the WCFSP typically represent small structural and/or non-structural measures designed to improve or modernize the operations of existing irrigation works, and do not represent new construction that requires construction authority under Federal reclamation law. In addition, WCFSP measures represent discretionary efficiency improvements, rather than required operation and maintenance practices, and are not subject to reimbursability under the incentive-based intent of the program.
- B. **Funding.** Reclamation established the WCFSP as a nonreimbursable incentives program to encourage discretionary efficiency improvements on the part of Federal and non-Federal entities associated with Reclamation water projects. Such improvements are intended to provide broad public benefits in terms of more efficient operation of those projects. WCFSP activities are funded as nonreimbursable through the WMC and the EIP. Where WCFSP funds are included in individual project budgets, they may be programmed separately as nonreimbursable incentives where Reclamation has determined the costs to be discretionary as opposed to project specific and reimbursable operation and maintenance costs.