

Part 503 – Watershed Project Plan Modifications

Subpart A – Preparation of Revised and Supplemental Plans

503.0 Introduction

- A. The Watershed Agreement and Watershed Project Plan are the official documents for carrying out a Watershed Project. When the terms, conditions, or stipulations of a project plan must be modified, changes must be approved and documented through one of the following: a revised or supplemental Watershed Plan, an exchange of correspondence with the Sponsoring Local Organizations (SLOs), or project agreement.
- B. When forestry is involved, regional foresters and the area director of the Forest Service must be notified and given the same opportunity to review the modification as for the original plan.
- C. State-developed procedures for coordination of proposed Federal financial assistance must be followed when a revised or supplemental Watershed Project Plan includes the addition of any structural measure or removal of any multiple-purpose structure. The public must be informed of any major plan changes and invited to participate in supplemental planning actions and any supplemental Environmental Assessment or Environmental Impact Statement (Plan-EA or Plan-EIS).
- D. Preparation, review, and approval of revised and supplemental Public Law 78-534 project plans are the same procedures as those for administratively approved Public Law 83-566 project plans.

503.1 Revised Watershed Project Plan

- A. A revised Watershed Project Plan is required when new problems that require Federal assistance are identified or when there are numerous complex changes to the planned measures.
- B. A revised Watershed Project Plan replaces the existing plan when the original plan no longer represents the original resource conditions, planned objectives, or measures. The revised plan must include all information necessary to install a Watershed Project without reference to the original plan or previous supplemental plans. The revision must include information from the prior plans and supplements that relate to environmental information, environmental effects, cumulative effects, agreements, responsibilities and obligations, including those related to the operation and maintenance of installed works of improvement.
- C. A revised Watershed Project Plan must follow the same format and content as a new plan (see Title 390, National Watershed Program Manual (NWPM), Part 501, and National Watershed Program Handbook (NWPH), Part 601). A revised plan requires preparation of either a Plan-EA or a Plan-EIS.
- D. All revised Watershed Plan-EAs and Plan-EISs must be developed and evaluated using current procedures and the current discount rate for Federal water resources planning.
- E. Revised Watershed Agreements must be used with all revised Watershed Project Plans and placed at the front of the document, behind the table of contents. Because the agreement is a revision, it must include a special opening section (see Title 390-NWPH, Part 606, Subpart 606 D, Section 606.52). After the introductory paragraphs, the remaining items should follow the format in the exhibit in Title 390-NWPM, Part 506, Subpart C, Section

506.30.

503.2 Supplemental Watershed Project Plan

A. A supplemental Watershed Project Plan is a document that changes the purpose, scope, or a major feature of an existing plan. The conditions requiring modification by a supplemental Watershed Project Plan include changes in project purposes, scope, major features, or SLO responsibilities that are not significant enough to warrant a revised Watershed Project Plan. The amount of detail in a supplemental plan depends on the nature and extent of the modifications and their effect on the overall project.

B. Conditions that require modifications by a supplemental Watershed Project Plan include:

- Change in Purpose: The addition or removal of one or more purposes from an approved Watershed Project Plan.
- Change in Scope: A planned increase or decrease in the degree or extent of project development.
- Change in Major Features: Achieving agreed-upon objectives through changed methods without changing purpose or scope, or by adding provisions for Watershed Program credit assistance.

C. Modifications to the proposed action that affect environmental outcomes require preparation of a Plan-EA or supplemental Plan-EIS. Supplemental plans that do not affect the environment or are covered by a categorical exclusion do not require a Plan-EA or Plan-EIS. These may include actions such as removing a proposed project measure or discontinuing a purpose. For these actions, an environmental evaluation (EE) must be conducted, and the environmental evaluation EE/CPA-52 must be included to document that a Plan-EA or Plan-EIS is not required.

D. Supplemental Watershed Project Plans must be prepared according to 390-NWPM, Part 501, and 390-NWPH, Part 601. The complexity of the proposed action and its effects, not the type of environmental document used for the original plan, determines whether the supplement includes a new or supplemental Plan-EIS or new Plan-EA.

E. Modifications by a supplemental Watershed Project Plan to an authorized Watershed Project Plan that increases the Public Law 83-566 cost by 20 percent or adds a cost-sharing purpose will be evaluated using current procedures. Procedures used to evaluate the approved original Watershed Project Plan must be used for all other supplemental plans.

- All works of improvement in evaluation units significantly affected by the proposed modification must be evaluated using the current discount rate for Federal water resources planning.
- For works of improvement not significantly impacted by proposed changes, the discount rate used during plan formulation must be used for both installed works and works not yet installed.

F. For supplemental Watershed Plans that require a new or supplemental Plan-EIS, the works of improvement yet to be installed must be evaluated, along with the portions already installed using the original and current discount rates, and must be displayed in the supplemental Watershed Plan-EIS.

G. Supplemental plans must begin with a section titled, “Changes Requiring Preparation of a Supplement”, to describe why the plan is being supplemented and what changes are being made.

H. A supplemental Watershed Project Plan, Plan-EA or Plan-EIS, if submitted as a separate document, a Pre-National Environmental Policy Act (Pre-NEPA), must contain the same content as required by Title 390-NWPM, Part 501, Subpart D. However, the supplemental plan must summarize or incorporate, by reference, the general discussions (such as descriptions of the affected environment that have not changed since the original plan) and focus only on the issues specific to the proposed action. The Plan-EA or Plan-EIS must contain adequate information to stand alone and allow the public to understand the effects of the proposed action.

I. Supplemental Watershed Project Plans dealing with rehabilitation must contain or be accompanied by a new or supplemental Plan-EIS or a new Plan-EA, unless the proposed action falls into a class of actions that has been categorically excluded. When categorical exclusions apply to the proposed action, a Plan-EA or Plan-EIS is not required. In this case, the plan will include the environmental evaluation (EE/CPA-52) in lieu of the “Environmental Consequences” section. The document (whether Plan-EA or Plan-EIS) is based on the proposed action and its effects – not on the type of environmental document used for the original plan.

J. Supplemental Watershed Agreements must be used with all supplemental project plans and placed behind the table of contents. The agreement must specify: the nature of the modification, the provisions of the original agreement (as supplemented, if appropriate) that are being modified by the new agreement, make changes resulting from new laws or policy, and those provisions in the original agreement that are unchanged. The exhibit in Title 390-NWPH, Part 606, Subpart D, Section 606.51, is an example of a supplemental Watershed Agreement.

503.3 Exchange of Correspondence

A. An exchange of correspondence consists of a request from the SLO to modify the Watershed Agreement and Watershed Project Plan, along with NRCS approval of the request.

B. Agreements to changes in the terms, conditions, and stipulations of the approved plan that do not require a revised or supplemental project plan may be documented by an exchange of correspondence. If there are no changes in environmental effects or significant new information about the project, a supplemental Plan-EA or Plan-EIS is not required. An EE will be conducted and included in the administrative record to document that a Plan-EA or Plan-EIS is not required.

Examples of changes that do not require a new Plan-EA or Plan-EIS:

- Changes in works of improvement that do not involve a change in purpose, scope, environmental effects already analyzed in the original Plan-EA or Plan-EIS or major features
- Changes in sponsors that do not affect the responsibilities of any SLO
- Transfer of an SLO or changes in its responsibilities
- Changes to cost-sharing arrangements in the Watershed Agreement
- A change from local to Federal contracting, or from Federal to local contracting

C. Any time an exchange of correspondence is completed, a copy must be sent to the Director of the Conservation Engineering Division.

503.4 Project Agreement

A. A project agreement is a document used to obligate funds for the construction of works of improvement.

B. A project agreement can provide adequate documentation for cost changes that do not modify the cost-sharing rate. These may include changes in cost that occur as a result of site adaptation in the final design or fluctuation in price levels.

Part 503 – Watershed Project Plan Modifications

Subpart B – Review and Approval of Plan Modifications

503.10 Introduction

The review of proposed modifications of Watershed Project Plans must be commensurate with the magnitude of proposed changes. Input from the public and concerned groups, as well as local, State and Federal agencies, must be obtained and documented.

503.11 Review and Notification Procedures

Required reviews and notifications are based on the approval level of the proposed modification. The review and notification procedure outlined in Title 390, National Watershed Program Manual (NWPM), Part 502, must be followed for all revised and supplemental Watershed Project Plans that include a supplemental environmental impact statement or environmental assessment. All rehabilitation plans require review in accordance with 390-NWPM, Part 502, Subpart B and Section 505.35 of this manual. The review requirements of other modifications are determined by the State Conservationist (SC).

503.12 Approval and Authorization

- A. Watershed plan modifications must be reviewed for conformance with national policy by the Watershed Operations Program or Watershed Rehabilitation Program National Program Manager, as applicable.
- B. Project plan modifications must be approved and authorized for funding using the same criteria established for new Watershed Project Plans unless the Watershed Plans were originally approved by a congressional committee. In that case, modifications do not require committee approval.
- C. Watershed Program statutory authorities must not be exceeded.

503.13 Approval and Authorization of Public Law 78-534 Projects

Preparation, review and approval procedures for Public Law 78-534 projects are the same as those for administratively approved Public Law 83-566 projects, with one exception. If revisions and supplements to a sub-Watershed Project Plan involve Federal financial or credit assistance from flood damage reduction funds for purposes other than flood damage reduction, the Chief will transmit one informational copy of the supplemental sub-Watershed Project Plan to the Office of Management and Budget. The Chief authorizes the State Conservationist (SC) to execute the revised or supplemental plan.