

## Questions and Answers

# Rehabilitation of Aging Dams

*The Small Watershed Rehabilitation Amendments of 2000 (Section 313, PL 106-472) were signed into law by the President on November 9, 2000. This legislation authorized the USDA Natural Resources Conservation Service (NRCS) to work with local community leaders and watershed project sponsors to address public health and safety concerns and environmental impacts of aging dams.*

Q. Are all dams eligible for rehabilitation under this legislation?

A. Only dams that were constructed under the following USDA assisted water resource programs qualify for rehabilitation assistance:

- Small Watershed Program (PL-534 Flood Control Act of 1944 and PL-566 Watershed Protection and Flood Prevention Act),
- Pilot Watershed Program (1952-1954), and
- Resource Conservation and Development Program.

Q. How many dams are eligible for assistance under this legislation?

A. More than 10,000 small flood control dams—installed in 47 states since 1948—are eligible for rehabilitation assistance. The three states without watershed dams are Alaska, Delaware, and Rhode Island.

Q. How much money does this legislation provide?

A. This legislation provides authorization only. Funds must be appropriated annually through Congress. The legislation authorizes up to \$90 million over the next 5 years: FY 2001, \$5 million; FY 2002, \$10 million; FY

2003, \$15 million; FY 2004, \$25 million; and FY 2005, \$35 million. No funds were appropriated for rehabilitation projects for FY 2001.

Q: What work is meant by "rehabilitation"?

A: Rehabilitation includes:

- Extending the life of the dam.
- Addressing deterioration of components of the dam.
- Repairs from catastrophic storms.
- Upgrades needed to meet state dam safety laws.
- Decommissioning (removal of the dam).

Q: How much financial assistance will be provided for rehabilitation of a dam?

A: Federal funds may be used for 65 percent of the *total* cost of a rehabilitation project. The total cost includes construction, land rights, project administration, and other planning and implementation costs associated with the project.

Q: Who covers the remaining costs?

A: Local project sponsors are responsible for funding the remaining 35 percent of the project. These funds may include “in-kind” costs for the value of land rights, project administration, and other planning and implementation costs associated with the project. Local sponsors must provide all land rights, permits, etc. —the value of this work is part of the sponsors’ 35 percent share of the total cost.

Q: Will federal rehabilitation funds pay for operation and maintenance of the dam?

A: Federal funds cannot be used for operation and maintenance activities. The legislation specifically states that sponsors will continue to be responsible for operation and maintenance of the dam. *Note:* If the dam needs rehabilitating because of inadequate operation and maintenance, the local sponsors are ineligible for rehabilitation funds.

Q: What other legislation impacts the use of the rehabilitation funds?

A: Rehabilitation projects must meet the requirements of the National Environmental Policy Act. Cultural resources, historic preservation, and threatened or endangered species issues must be considered in the planning process.

Q: Who helps plan the rehabilitation project?

A: Local sponsors lead the planning effort with assistance from NRCS. The planning process will include public participation to determine the resource needs of the project area and to consider all viable alternatives.

Q: Are there requirements for designing a rehabilitated dam?

A: The dam must meet current NRCS design standards, applicable state dam safety requirements, and other applicable state and local laws.

Q: How long does it take to plan a rehabilitation project?

A: In most cases, adequate planning takes a minimum of one year to complete the process. The complexity and potential controversy of alternative solutions and the availability of specialized staff can add to the timeframe.

Q: How do sponsors and community leaders request assistance for rehabilitation?

A: Local sponsors must submit an application form to request assistance in rehabilitating their dam. The application—available from the local NRCS office—includes questions on the size and condition of the dam and the impact it has on the community. This information will be the basis for discussions between NRCS and the sponsors.

Q: Who decides which projects are funded?

A: NRCS will develop a priority ranking system to identify high priority rehabilitation projects and involve the state dam safety agency in the ranking process. Project sponsors will receive details of the ranking system that explain how their project will be ranked.

Q: What can sponsors do now—even if funding is not available?

A: Sponsors can help increase public awareness of the importance of flood control dams to their community. They can identify additional resource needs that could be addressed in a potential rehabilitation project. Specifically, sponsors could do the following:

- Identify high priority rehabilitation needs in their project.
- Determine availability of land rights.
- Assure that operation and maintenance is current for all their dams.
- Arrange for financing the 35 percent local cost share.