

AQUILLA-HACKBERRY CREEK WATERSHED

HILL AND JOHNSON COUNTIES, TEXAS

SUPPLEMENTAL WATERSHED WORK PLAN NO IV

**U. S. Department of Agriculture
Natural Resources Conservation Service
(Formerly the Soil Conservation Service)
Temple, Texas**

JANUARY 1995

SUPPLEMENTAL WATERSHED AND AGREEMENT PLAN NO. IV

FOR

AQUILLA-HACKBERRY CREEK WATERSHED

Hill and Johnson Counties, Texas

U.S. Department of Agriculture
Natural Resources Conservation Service
(formerly the Soil Conservation Service)
Temple, Texas

January, 1995

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INTRODUCTION

The plan for watershed protection and flood prevention for the Aquilla-Hackberry Creek Watershed became effective on April 1, 1969. The plan was prepared by the local sponsoring organizations with technical assistance from the Natural Resources Conservation Service (formerly the Soil Conservation Service). Financial assistance for development of the plan was provided by the Texas State Soil and Water Conservation Board and the Natural Resources Conservation Service (NRCS).

Aquilla-Hackberry Creek Watershed comprises an area of 188,160 acres (76,146 hectares). It is located in Hill and Johnson Counties of Texas. In 1969, the main resource problems in the watershed were frequent flooding of approximately 12,250 acres (4,957 hectares) of bottomland along Aquilla and Hackberry Creeks and their tributaries. Land voiding and depreciation was occurring on about 6,300 acres (2,550 hectares) of upland as a result of unstable outlets for terraces and waterways.

The plan to address these problems was to install 23 floodwater retarding structures, 27 grade stabilization structures and 15.6 miles of channel improvement with emphasis placed on land treatment practices that would have a measurable effect on the reduction of floodwater and sediment damages.

The plan has been supplemented three times since 1969. The supplements addressed the following items:

Supplement I - Hill County-Blackland Soil and Water Conservation District (SWCD) became a sponsoring local organization and accepted all responsibility assumed by the Navarro-Hill and Nolan-Aquilla Soil and Water Conservation Districts located in Hill County. Johnson County SWCD also became a sponsoring local organization and accepted all responsibilities assumed by Nolan-Aquilla SWCD that was located in Johnson County. Nolan-Aquilla and Navarro-Hill SWCDs were relieved of their responsibility and dropped as sponsoring local organizations of the watershed. Provisions were also added to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
(Public Law 91-646, 84th Stat. 1894)

Supplement II - Deleted 9 Grade Stabilization Structures Nos. 11-1, 11-4, 11-5, 16-1, 20-2, 112, 113, 115, and 116. It also added 2 Grade Stabilization Structures Nos. 15-2 and 117. Grade Stabilization Structure No. 106 was redesigned and No. 14-1 was relocated downstream 600 feet.

Supplement III - provided PL-566 funds on a cost/share basis to install land treatment measures to stabilize and control critical sediment source areas on about 350 acres.

Minor revisions by letter exchange have resulted in the renumbering of some structures due to minor engineering changes to structures.

Actions to date include the installation of 13 floodwater retarding structures, 20 grade stabilization structures and the planned land treatment.

Remaining structures to be installed include 10 floodwater retarding structures and 15.6 miles of channel improvement.

The purpose of this supplement is to further modify the plan at the request of the sponsoring local organizations. This supplement will add one grade stabilization structure No. 11-1 and delete 7 floodwater retarding structures Nos. 1, 4A, 5A, 11, 14, 16, and 22. It will also delete 15.6 miles of channel improvement from the planned works of improvements. This supplement will change the following items in the watershed plan:

1. Delete 7 floodwater retarding structures Nos. 1, 4A, 5A, 11, 14, 16, and 22 from the planned works of improvement.
2. Add grade stabilization structure No. 11-1.
3. Delete 15.6 miles of Channel Improvement from the planned works of improvements.
4. Add required certifications on drug-free workplace, lobbying, and other matters.

The sponsors requested the deletion of the floodwater retarding structures and channel work because it was determined that landrights would be impossible to obtain. They also determined that grade stabilization structure No. 11-1 was needed to provide a stable outlet for land treatment measures and to help control

erosion that is occurring at the site location. The sponsors are willing to accept the level of protection afforded by the 16 floodwater retarding structures and 21 grade stabilization structures that will be constructed by this project. The deletion of the 7 floodwater retarding structures and 15.6 miles of channel improvement will decrease the floodwater damage reduction from 80 percent to 36 percent.

SUPPLEMENTAL WATERSHED AGREEMENT NO. IV
AQUILLA-HACKBERRY CREEK WATERSHED, TEXAS

Between the

Aquilla-Hackberry Creek Conservation District
Local Organization

Hill County-Blackland Soil and Water Conservation District
Local Organization

Johnson County Soil and Water Conservation District
Local Organization

Hill County Commissioners Court
Local Organization
(Referred to herein as Sponsors)

State of Texas

and the

Natural Resources Conservation Service
(formerly the Soil Conservation Service)
United States Department of Agriculture
(Referred to herein as NRCS)

Whereas, the watershed plan for Aquilla-Hackberry Creek Watershed, State of Texas, executed by the Sponsors named therein and the NRCS, became effective on the 1st day of April 1969; and

Whereas, a Supplemental Watershed Plan Agreement No. I executed by the Sponsors named therein and the NRCS, became effective on the 12th day of January 1972; and

Whereas, a Supplemental Watershed Plan Agreement No. II executed by the Sponsors named therein and the NRCS, became effective on the 12th day of November 1973; and

Whereas, a Supplemental Watershed Plan Agreement No. III executed by the Sponsors named therein and the NRCS, became effective on the 16th day of January 1979; and

Whereas, in order to carry out the watershed plan for said watershed, it has become necessary to modify said watershed agreement as supplemented; and

Whereas, the responsibility for administration of the Watershed Protection and Flood Prevention Act, as amended, has been assigned by the Secretary of Agriculture to the Natural Resources Conservation Service (NRCS); and

Whereas, a Supplemental Watershed Plan No. IV which modifies the watershed plan dated April 1, 1969 for said watershed has been developed through the cooperative efforts of the Sponsors and the NRCS;

Now, therefore, the Secretary of Agriculture through the NRCS and the Sponsors hereby agree upon the following modifications of the terms, conditions, and stipulations of said watershed agreement, as supplemented;

- (1) Floodwater retarding structures Nos. 1, 4A, 5A, 11, 14, 16, and 22 are hereby deleted from the planned works of improvements.
- (2) 15.6 miles of channel work are hereby deleted from the planned works of improvements.
- (3) Grade stabilization structure No. 11-1 is hereby added to the planned works of improvements.
- (4) Paragraph No. 1 is modified to read as follows:

Except as herein provided, the Sponsoring Local Organization will acquire without cost to the federal government such landrights as will be needed in connection with the works of improvement. (Estimated cost \$226,015). The percentage of this cost to be borne by the Sponsoring Local Organization and the Service are as follows:

<u>Works of Improvement</u>	<u>Sponsoring Local Organization</u> (percent)	<u>Service</u> (percent)	<u>Estimated Land Rights Cost</u> (dollars)
16 Floodwater Retarding Structures	100.0	0.0	197,515
21 Grade Stabilization Structures	100.0	0.0	28,500

(5) Paragraph No. 3 is modified to read as follows:

The percentages of construction cost of the structural works of improvement to be paid by the Sponsors and by the NRCS are as follows:

<u>Works of Improvement</u>	<u>Sponsors</u> (percent)	<u>NRCS</u> (percent)	<u>Estimated Construction Cost</u> (dollars)
16 Floodwater Retarding Structures	0.0	100.0	3,888,035
21 Grade Stabilization Structures	0.0	100.0	620,822
Critical Area Treatment	20.0	80.0	770,000

(6) Paragraph No. 4 is modified to read:

The percentages of the cost for engineering and project administration to be borne by the Sponsors and by the NRCS are as follows:

<u>Works of Improvement</u>	<u>Sponsors</u> (percent)	<u>NRCS</u> (percent)	<u>Estimated Engineering and Project Adm. Cost.</u> (dollars)
16 Floodwater Retarding Structures	0.0	100.0	624,300
21 Grade Stabilization Structures	0.0	100.0	155,180

(7) Paragraph No. 17 is added to the plan agreement in accordance with the certification regarding drug-free workplace requirements (7CFR 3017, Subpart F) as follows:

By signing this watershed agreement, the sponsors are providing the certification set out below. If it is later determined that the sponsors knowingly rendered a false certification, or otherwise violated the requirements of the Drug-Free Workplace Act, the NRCS, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacturing, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) all direct charge employees; (ii) all indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantees' payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification:

A. The sponsors certify that they will or will continue to provide a drug-free workplace by:

(1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(2) Establishing an ongoing drug-free awareness program to inform employees about--

- (a) The danger of drug abuse in the workplace;
- (b) The grantee's policy of maintaining a drug-free workplace;
- (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (d) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

(3) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1);

(4) Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will--

(a) Abide by the terms of the statement; and

(b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(5) Notifying the NRCS in writing, within ten calendar days after receiving notice under paragraph (4)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(6) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (4)(b), with respect to any employee who is so convicted--

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

(7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5), and (6)

B. The sponsors may provide a list of the site(s) for the performance of work done in connection with a specific project or other agreement.

C. Agencies shall keep the original of all disclosure reports in the official files of the agency.

(8). Paragraph No. 18 is added to the plan agreement in accordance with the certification regarding lobbying (7 CFR 3018) as follows:

(1) The sponsors certify to the best of their knowledge and belief, that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the sponsors, to any person for influencing or attempting to influence an officer or employee of an agency, member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(c) The sponsors shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

(2) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

(9). Paragraph No. 19 is added to the plan agreement in accordance with the certification regarding debarment, suspension, and other responsibility matters - primary covered transactions (7 CFR 3017) as follows:

(1) The sponsors certify to the best of their knowledge and belief, that they and their principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the primary sponsors are unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this agreement.

The Sponsors and NRCS further agree to all other terms, conditions, and stipulations of said watershed agreement not modified herein.

Aquilla-Hackberry Creek Conservation District
Local Organization

BY Ed J. Gurb

Title Pres

5-22-95
Date

The signing of this agreement was authorized by a resolution of the governing body of the Aquilla-Hackberry Creek Conservation District adopted at a meeting held on _____.

[Signature]
(Secretary; Local Organization)

Hill County-Blackland Soil and Water Conservation District
Local Organization

By Wayne D. Hearn
Title Chairman
4-19-95
Date

The signing of this agreement was authorized by a resolution of the governing body of the Hill County-Blackland Soil and Water Conservation District adopted at a meeting held on 4-19-95.

Wayne D. Hearn
(Secretary, Local Organization)

Johnson County Soil and Water Conservation District
Local Organization

By Floyd C. Amstutz, III
Title Chairman
6-5-95
Date

The signing of this agreement was authorized by a resolution of the governing body of the Johnson County Soil and Water Conservation District adopted at a meeting held on 6-5-95.

Floyd C. Amstutz, III
(Secretary, Local Organization)

Hill County Commissioners Court
Local Organization

By Tommy J. Walker
Title County Judge
5-8-95
Date

The signing of this agreement was authorized by a resolution of the governing body of the Hill County Commissioners Court adopted at a meeting held on May 8, 1995.

Ruth Peterson
Secretary, Local Organization)
Hill County Clerk

Natural Resources Conservation Service
United States Department of Agriculture

Approved By

Harry W. Oneth
State Conservationist

Acting

Date

JUN 20 1995

SUPPLEMENTAL WATERSHED PLAN NO. IV
AQUILLA-HACKBERRY CREEK WATERSHED, TEXAS

Need For Supplement

Since the original Watershed Agreement became effective on the 1st day of April 1969, it has become necessary to modify that agreement in order to facilitate the completion of the project. The sponsors have requested the following changes in the watershed plan as supplemented:

- (1) Floodwater retarding structure Nos. 1, 4A, 5A, 11, 14, 16, and 22 will be deleted from the planned works of improvements.
- (2) 15.6 miles of channel improvement will be deleted from the planned works of improvements.
- (3) Grade stabilization structure No. 11-1 will be added to the planned works of improvements.
- (4) Add required certifications on drug-free workplace, lobbying, and other matters.

Effects Of The Proposed Changes

The flood protection provided by the planned works of improvement to be deleted at the request of the sponsors will be foregone. Thirteen of the planned 16 floodwater retarding structures are installed and providing flood protection to floodplain lands below the structures. All of the grade stabilization structures except for the one being added by this supplement have been installed and are providing stable outlets for terraces and waterways located in the upland areas of the watershed. Deleting floodwater retarding structure Nos. 1, 4A, 5A, 11, 14, 16, and 22 and the 15.6 miles of channel improvement from the planned works of improvements will result in a change of floodwater damage reduction from 80 percent to 36 percent. Also all secondary benefits associated with the construction of the 7 floodwater retarding structures and 15.6 miles of channel improvement will not be realized.

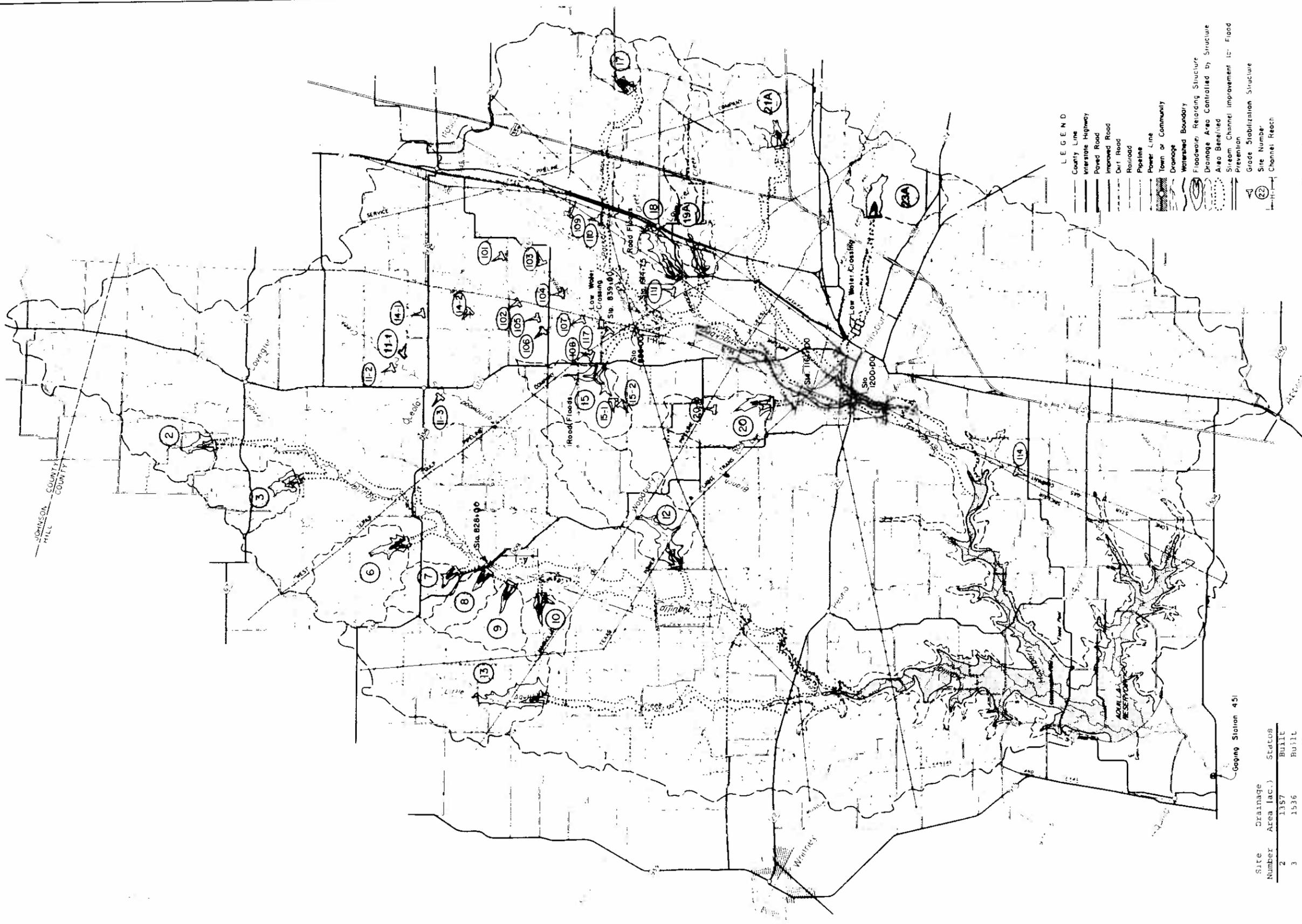
Comparison of Benefits and Costs

The total average annual cost of structural measures (amortized total installation cost and project administration, plus operation, maintenance and replacement) is \$210,500. These measures are expected to produce average annual benefits of \$306,300. The benefit-cost ratio is 1.5 to 1.0.

Revised Table 2. Estimated Cost Distribution - Structural and nonstructural measures
 AQUILLA - HACKBERRY WATERSHED, 74 XAS
 (Dollar) 11

Structure Site No or Name	Installation cost - P.1 - 566				Installation cost - Other funds				Total Installation Cost		
	Construction	Engineering	Land Rights	Project Administration	Total P.1 - 566	Construction	Engineering	Land Rights		Other	Project/ Administration
Constructed FRS											
2	174,905	22,600		10,800	188,405			8,100		600	8,600
3	110,890	20,000		9,800	140,490			7,600		500	8,100
6	184,013	33,100		16,300	233,013			6,800		500	7,300
7	130,853	23,600		11,300	185,753			3,700		600	4,300
8	87,282	16,200		2,500	105,982			3,000		600	3,600
9	162,389	22,600		13,200	198,189			3,700		600	4,300
10	208,165	42,500		20,400	271,065			4,700		600	5,300
15	198,645	35,800		12,200	246,645			19,700		600	20,300
17	141,970	25,500		13,300	180,770			3,700		600	4,300
20	184,813	23,200		13,300	221,313			16,300		600	16,900
19A	187,291	27,500		16,800	231,591			12,000		600	12,600
21A	302,716	45,300		28,000	376,016			14,800		600	15,400
37A	572,956	85,900		49,200	708,056			20,200		600	20,800
Subtotal	2,560,125	426,100		222,400	3,208,625			125,300		6,600	131,900
Constructed GSS											
101	24,169	8,040		2,300	34,509			940		100	1,040
102	22,162	6,700		2,560	31,422			1,350		100	1,450
103	26,796	6,700		2,560	36,056			1,270		100	1,370
104	32,634	6,160		3,100	41,894			760		100	860
105	25,224	6,310		2,400	33,934			1,430		100	1,530
108	39,362	9,640		2,740	51,742			1,350		100	1,450
107	33,851	6,460		3,220	43,531			940		100	1,040
108	16,179	2,040		2,660	21,879			1,110		100	1,210
109	20,640	5,160		1,860	27,660			780		100	880
110	20,923	5,240		1,890	28,053			780		100	880
111	37,660	9,420		3,680	50,760			940		100	1,040
114	21,015	5,250		2,000	28,265			940		100	1,040
117	24,178	8,040		2,300	34,518			900		100	1,000
112	33,162	6,290		3,160	42,612			1,670		100	1,770
14.1	29,304	7,350		2,790	39,444			1,130		100	1,230
14.1	42,798	10,700		4,070	57,568			1,510		100	1,610
14.2	5,540	5,540		2,100	13,180			1,170		100	1,270
15.1	37,095	8,770		2,570	48,435			1,350		100	1,450
15.2	16,940	4,240		1,610	22,790			1,350		100	1,450
40.1	78,142	9,540		3,670	91,352			1,510		100	1,610
Subtotal	571,622	142,880		54,310	768,812			43,200		2,040	45,240
Total	3,131,747	568,980	0	276,710	3,977,437	0	0	148,500	0	8,640	157,140
Constructed Structures	3,131,747	568,980	0	276,710	3,977,437	0	0	148,500	0	8,640	157,140
Remaining FRS to be Constructed											
12	475,600	71,200		41,000	587,800			16,940		500	17,440
13	458,600	68,800		33,500	560,900			25,200		500	25,700
18	772,700	56,100		22,200	851,000			30,020		500	30,520
Remaining GSS to be Constructed											
17.1	43,300	14,300		4,700	62,300			5,700		500	6,200
Total Remaining Sites	1,650,200	208,500	0	117,400	1,976,100	0	0	77,515	0	4,000	81,515
Grand Total	4,781,947	777,480	0	394,110	5,953,537	0	0	226,015	0	12,640	238,655

11 Price Base Actual cost for constructed structures and 1994 for remaining structures.



Site Number	Drainage Area (ac.)	Status
2	1357	Built
3	1536	Built
6	2253	Built
7	762	Built
8	666	Built
9	781	Built
10	890	Built
12	3136	Planned
13	4992	Planned
15	1658	Built
17	672	Built
18	4622	Planned
19A	3005	Built
20	1408	Built
21A	1179	Built
23A	1389	Built

- LEGEND**
- County Line
 - Interstate Highway
 - Paved Road
 - Improved Road
 - Dirt Road
 - Railroad
 - Pipeline
 - Power Line
 - Town or Community
 - Drainage
 - Watershed Boundary
 - Floodway/Retarding Structure
 - Drainage Area Controlled by Structure
 - Area Benefitted
 - Stream Channel Improvement ID: Flood Prevention
 - Grade Stabilization Structure
 - Site Number
 - Channel Reach

Figure 1

PROJECT MAP
 AQUILLA-HACKBERRY CREEK WATERSHED
 TILL AND JOHNSON COUNTIES, TEXAS
 U.S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE
 TEMPLE, TEXAS

