SUPPLEMENTAL WATERSHED AND AGREEMENT PLAN NO. I

FOR

CADDO CREEK WATERSHED

Hunt and Collin Counties, Texas

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

December 1996

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INTRODUCTION

The plan for watershed protection and flood prevention for the Caddo Creek Watershed became effective on January 23, 1986. 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.

Caddo Creek Watershed comprises an area of 134,400 acres (210.0 square miles). It is located in Hunt and Collin Counties of Texas. Caddo Creek heads about 4 miles north of Farmersville in Collin County and flows into Lake Tawakoni in southwest Hunt County. The area is about 25 miles east of Dallas, Texas

The major problem in 1986 was the loss of the productive capacity of the soil resource base on 15, 900 acres, which caused a reduction of food and fiber output. The effects of excessive soil erosion were evident throughout the watershed. The plan to address these problems was to apply conservation practices to adequately protect 8,800 acres of cropland. The conservation practices consisted of 8, 624 acres of conservation cropping, contour farming, and crop residue use, 1, 161, 600 feet of terraces, 176 acres of grassed waterways, and 78 grade stabilization structures. The PL-566 cost-share rate was 80 percent for the establishment of these enduring conservation practices.

The purpose of this supplement is to further modify the plan to-reduce the PL-566 cost-share rate from 80 percent to 65 percent. The reduction in the cost-share will align the cost-share rate with other watersheds and other cost-share programs that provide financial and technical assistance to local land users.

This supplement will change the following items in the watershed plan:

1. Reduce the PL-566 cost-share rate from 80 percent to 65 percent for the establishment of enduring conservation practices,
2. Add required certifications on drug-free workplace, lobbying, and other matters.

SUPPLEMENTAL WATERSHED AGREEMENT NO. I

CADDO CREEK WATERSHED, TEXAS

Between the

Upper Sabine Soil and Water Conservation District
Local Organization

and the

Collin County Soil and Water Conservation District
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 Caddo Creek Watershed, State of Texas, executed by the Sponsors named therein and the NRCS, became effective on the 23rd day of January 1986; and

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

Whereas, a Supplemental Watershed Plan which modifies the watershed plan date January 23, 1986 for said watershed has been developed through the cooperative efforts of the sponsors and NRCS and;

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) Reduce the PL-566 cost-share rate from 80 percent to 65 percent for the establishment of enduring conservation practices,

(2) Paragraph No. 11 is added to the plan agreement in accordance with the certification regarding drug-free workplace requirements (7 CFR 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 statues;

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.

(3) Paragraph No. 12 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.

(4) Paragraph No. 13 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.

Collin County Soil and Water Conservation District
Local Organization

By Ken LeBarge

Title Chairman

June 3, 1997
Date

The signing of this agreement was authorized by a resolution of the governing body of the Collin County Soil and Water Conservation District adopted at a meeting held on 6-3-97.

Bill Rose
(Secretary, Local Organization)

Upper Sabine Soil and Water Conservation District
Local Organization

By J. Maynard Chief Jr.

Title CHAIRMAN

MAY 13 1997
Date

The signing of this agreement was authorized by a resolution of the governing body of the Upper Sabine Soil and Water Conservation District adopted at a meeting held on 5-13-97.

Kenneth D Thornton
(Secretary, Local Organization)

Natural Resources Conservation Service
United States Department of Agriculture

Approved By _____ Acting

JOHN P. BURT
State Conservationist

Date JUN 24 1997

SUPPLEMENTAL WATERSHED PLAN NO. I

CADDO CREEK WATERSHED, TEXAS

Need For Supplement

Since the original Watershed Agreement became effective on the 23rd day of January 1986, it has become necessary to modify that agreement in order to facilitate the completion of the project. The following changes in the original plan as supplemented were made to align the PL-566 cost-share rate with other watersheds and cost-share programs that provide financial and technical assistance to local land users. The following items were changed in the watershed plan:

(1) Reduce the PL-566 cost-share rate from 80 percent to 65 percent for the establishment of enduring conservation practices,

(2) Add required certifications on drug-free workplace, lobbying, and other matters.