

WATERSHED WORK PLAN AGREEMENT

between the

Trinity-Neches Soil and Water Conservation District  
Local Organization

Henderson County Levee Improvement District No. 3  
Local Organization

(hereinafter referred to as the Sponsoring Local Organization)

State of Texas

and the

Soil Conservation Service  
United States Department of Agriculture  
(hereinafter referred to as the Service)

Whereas, the Soil and Water Conservation Districts have heretofore entered into a Flood Control Supplemental Memorandum of Understanding with the Soil Conservation Service for assistance in constructing works of improvement for the prevention of floods in the East Laterals watershed, State of Texas, under the authority of the Flood Control Act of 1944 (58 Stat. 877).

Whereas, the Trinity-Neches Soil and Water Conservation District and the Henderson County Levee Improvement District No. 3 have heretofore entered into a watershed work plan operation and maintenance agreement for works of improvement in East Laterals watershed with the Service; and

Whereas, the responsibility for carrying out all or a portion of the work of the Department on the watershed has been assigned by the Secretary of Agriculture to the Service; and

Whereas, there has been developed through the cooperative efforts of the Sponsoring Local Organization and the Service a mutually satisfactory plan for works of improvement for the East Laterals watershed which became effective on the 9th day of October, 1951; and

Whereas, the works of improvement for the East Laterals watershed have been installed; and

Whereas, in order to complete the overall resource development program and to control critical sediment source areas for the East Laterals watershed there has been developed through the cooperative efforts of the Sponsoring Local Organization and the Service a mutually satisfactory plan for critical area treatment on the East Laterals watershed which plan is annexed to and made a part of this agreement; and

Whereas, the supplemental plan describes the problems and sets forth a plan for works of improvement, the kinds and quantities of measures to be installed, the estimated cost, cost-sharing arrangements, maintenance and other responsibilities of those participating in the project;

Ncw, therefore, in view of the foregoing considerations, the local organization and the Secretary of Agriculture, through the Service, hereby agree on the supplement, and further agree that the works of improvement as set forth in said supplement will be installed, operated and maintained substantially in accordance with the terms, conditions and stipulations provided therein.

- (1) Add land treatment measures for stabilization of critical areas on approximately 430 acres. These acres will be treated with planned measures such as shaping, vegetating and appurtenant structural measures.
- (2) A separate agreement will be entered into between the Service and the District Cooperator before either party initiates work involving funds of the other party. Such agreement will set forth in detail the financial and working arrangements and other conditions that are applicable to the specific works of improvement.
- (3) The sponsoring local organization assures that comparable replacement dwellings will be available for individuals and persons displaced from dwellings, and will provide relocation assistance advisory services and relocation assistance, make the relocation payments to displaced persons, and otherwise comply with the real property acquisition policies contained in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646, 84 Stat. 1894) effective as of January 2, 1971, and the Regulations issued by the Secretary of Agriculture pursuant thereto. The costs of relocation payments will be shared by the sponsoring local organization and the Service as follows:

	Sponsoring Local Organization (percent)	Service (percent)	Estimated Relocation Payment Costs (dollars)
Relocation Payments	33.29	66.71	<u>1/</u>

1/ Investigation has disclosed that under present conditions the project measures will not result in the displacement of any person, business, or farm operation. However, if relocations become necessary, relocation payments will be cost-shared in accordance with percentages shown.

- (4) The sponsoring local organization will provide assistance to landowners and operators to assure the installation of the land treatment measures shown in the supplemental watershed work plan.

- (5) The sponsoring local organization will encourage landowners and operators to operate and maintain the land treatment measures for the protection and improvement of the watershed.
- (6) The costs shown in this agreement represent preliminary estimates. In finally determining the costs to be borne by the parties hereto, the actual costs incurred in the installation of works of improvement will be used.
- (7) This agreement is not a fund obligating document. Financial and other assistance to be furnished by the Service in carrying out the supplement is contingent on the appropriation of funds for this purpose.
- (8) The supplement may be amended or revised, and this agreement may be modified or terminated only by mutual agreement of the parties hereto except that an amendment to incorporate changes affecting one specific local sponsor may be made by mutual agreement between the Service and that sponsor involved. This includes all changes affecting that sponsor including the addition of County Commissioners as sponsors to this supplement where such action is determined necessary.
- (9) No member of or delegate to Congress, or resident commissioner shall be admitted to any benefit that may arise therefrom, but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.
- (10) The program conducted will be in compliance with all requirements respecting non-discrimination as contained in the Civil Rights Act of 1964 and the regulations of the Secretary of Agriculture (7 C.F.R. 15.1-15.12), which provides that no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any activities receiving federal financial assistance.
- (11) This agreement will not become effective until the Service has issued a notification of approval and authorizes assistance.

Trinity - Noches SWCD By J. H. Huff  
 Local Organization  
 P.O. Box 311 Title Chairman  
Athens Texas 75751 Address Date 12-2-75  
 Address Zip Code

The signing of this agreement was authorized by a resolution of the governing body of the Trinity - Noches  
 Local Organization  
 adopted at a meeting held on 12-2-75  
J. H. Huff P.O. Box 311  
 Secretary, Local Organization Address Athens, Texas 75751 Zip Code

Date 12-2-75

Henderson County Levee  
Improvement District # 3

By P. D. Whalley

Local Organization

Title Chairman

Room 202

Date 12-22-75

1<sup>ST</sup> NATIONAL BANK  
Address Athens TEXAS Zip Code 75751

The signing of this agreement was authorized by a resolution of the governing body of the Henderson Co. Levee Improvement District # 3 Local Organization

at a meeting held on 12-22-75

John Garbrough Secretary, Local Organization  
Box 1520 Athens Texas 75751  
Address Zip Code

Date 12-22-75

Soil Conservation Service  
United States Department of Agriculture

Approved by:

George C. Markin  
State Conservationist

Date 1/5/76

SUPPLEMENTAL  
WATERSHED WORK PLAN NO. 1

EAST LATERALS WATERSHED  
of the Trinity River Watershed  
Anderson and Henderson Counties, Texas  
October 1975

PURPOSE OF THE SUPPLEMENTAL WORK PLAN

The purpose of this supplemental watershed work plan for the East Laterals watershed is to provide a method to treat critical sediment source areas in the watershed not now provided for in the work plan.

The original work plan provided flood prevention funds for accelerated technical assistance to help landowners of the watershed to plan and apply land treatment measures and provided for the installation of a system of four floodwater retarding structures and repair of 12.2 miles of floodwater diversions. The accelerated land treatment assistance and the structural measures have been completed.

There now exist in the watershed critical sediment source areas which need to be stabilized to reduce erosion and sedimentation, protect structural measures and improve environmental conditions.

The purpose of this supplement is to provide for the use of flood prevention funds on a cost-share basis to install land treatment measures to control and stabilize critical sediment source areas.

WATERSHED PROBLEMS

Although the structural measures and accelerated land treatment measures have been installed, there still remain areas which yield high rates of sediment. Erosion from critical areas is a problem and critical area treatment is especially important in providing additional cover that will reduce the rate of silt laden runoff which fills downstream reservoirs, pollutes streams and river reducing both quality of water and capacity to carry water, damage roads and bridges and provides deposition to downstream flood plains and adversely affects the overall quality of our rural environment.

WORKS OF IMPROVEMENT TO BE INSTALLED

The works of improvement to be installed consist of land treatment measures necessary to stabilize critical sediment source areas on about 430 acres. These measures include shaping, clearing, preparation for vegetation, mulching, fertilizing, vegetating, fencing, and construction of appurtenant grade stabilizing structures such as pipe drops, drop inlets, formless concrete chutes, diversions and dams. Vegetation will include plants such as trees, shrubs, vines, grasses and legumes.

### EXPLANATION OF INSTALLATION COSTS

The total estimated cost of installing the planned measures covered by this supplement is \$96,750, of which \$64,500 is for construction (stabilization) cost and \$32,250 is for technical assistance. Of the \$64,500 cost for construction, **80 percent or \$51,600 will be federal cost and 20 percent or \$12,900 will be local cost.**

### BENEFITS FROM WORKS OF IMPROVEMENT

These land treatment measures when efficiently applied to the critical areas and properly maintained will be effective in the prevention of the deterioration of the watershed. Valuable soil that is irreplaceable will be protected and further loss of a resource will be prevented. The productivity and monetary value of adjoining areas will be maintained or enhanced by the healing of these critical areas. Benefits will accrue from protection of land and improvements which otherwise would be damaged through the extension of gully systems. Society as a whole will benefit through the prevention of destruction of an irreplaceable resource. Sediment being delivered to downstream reservoirs, flood plains and streams will be reduced.

Vegetative treatment of these areas will provide additional habitat, cover, protection and breeding places for wildlife. This in turn can help to maintain the ecological balance of nature.

Treatment of the exposed areas will improve the appearance and enhance the beauty of the terrain for the air and land travelers by minimizing or eliminating the visual impact of raw eroding areas.

Economic conditions will be improved by maintaining the productivity of the area and making it possible for owners and operators to continue with economic units on fewer acres. The community will benefit because the tax base will be maintained and strengthened so that tax supported community services can be financed.

The critical area stabilization measures will be established over a 5 year period. Each conservation district will be responsible for the work in their respective districts. The sponsoring local organization will acquire without cost to the Federal Government such construction permits as will be needed for the installation of critical area treatment measures included in this supplement. They will make arrangements with individuals, county commissioners, or other groups responsible for the land on which the work is being installed. Planned measures to be cost-shared will be included as a part of a conservation plan approved by the District. Depending on the preference of those concerned, installing the works of improvement will be handled by one of the following methods, (1) contract, (2) force account, or (3) installation by the cooperator on a cost-share basis. A

Conservation Plan Supplement (C.P.S) will be completed prior to beginning installation of any cost-share land treatment work. This Conservation Plan Supplement will specify method of installation, planned treatment, quantities, estimated costs and estimated time schedule for installation, etc., for cost-shared and essential non cost-share practices. Cost-sharing on planned measures will be 80 percent federal funds and 20 percent local funds. The necessary technical assistance will be furnished by the Service and cost-shared measures will be installed in accordance with Service standards and specifications.

#### OPERATION AND MAINTENANCE

The critical area stabilization measures will be maintained by the land-owners, county commissioners, or other groups responsible for the land on which the work is being installed. Based on technical recommendation by the Soil Conservation Service, an operation and maintenance agreement will be entered into by the conservation district and the landowner concerned.

Provisions will be made for free access of District, State and Federal representatives to inspect all critical area stabilization measures at any time.

Operation and maintenance inspections for critical area stabilization measures will be made by the Service employee responsible for operation and maintenance inspection and the sponsors on an annual basis for the first 5 years, or after unusually severe floods, or after the occurrence of any other unusual conditions that might adversely affect these measures.

TABLE 1 - ESTIMATED PROJECT INSTALLATION COST

East Laterals Watershed, Texas

Installation Cost Item <sup>2/</sup>	Number		Estimated Cost (Dollars) <sup>1/</sup>		
	Unit	Land	Federal	Non Federal Land	Total
<u>LAND TREATMENT</u>					
Land Areas					
Cropland	Acres	11,000	11,000	49,125	49,125
Pastureland	Acres	40,000	40,000	202,583	202,583
Rangeland	Acres	-	-	-	-
Critical Area Stabilization	Acres	230	230	12,900	64,500
Technical Assistance					
				242,722	242,722
<b>TOTAL LAND TREATMENT</b>			xxx	294,322	558,930
<u>STRUCTURAL MEASURES</u>					
Construction					
Floodwater Retarding Structures	No.	4	4	183,985	183,985
Floodwater Diversions	Miles	12.2	12.2	64,463	64,463
Subtotal Construction				248,448	248,448
Engineering Services				32,298	32,298
Project Administration					
Construction Inspection				27,329	27,329
Other				24,845	26,135
Subtotal Administration				52,174	53,464
Other Cost					
Land Rights				47,108	47,108
Subtotal Other				47,108	47,108
<b>TOTAL STRUCTURAL MEASURES</b>				332,920	381,318
<b>TOTAL PROJECT</b>				627,242	940,248

<sup>1/</sup> Price Base: Critical Area Stabilization 1975. All other measures actual cost.

<sup>2/</sup> All items installed except Critical Area Stabilization