



Use of PL 83–566 Watershed Authority and Watershed Planning Requirements in the Regional Conservation Partnership Program (RCPP)

April 2016

PURPOSE OF THIS TRAINING

- Provide information on the PL 83–566 watershed authorities within RCPP
 - For NRCS staff
 - For Partners applying for RCPP
- We want everyone (NRCS and Partners) moving forward together during this application process

OBJECTIVES

- Give a brief overview of the Regional Conservation Partnership Program.
- Provide guidance on use of PL 83–566 Watershed Protection and Flood Prevention Act Authority in RCPP.
- Provide Watershed Planning–NEPA guidance.

Topics to be discussed

- RCPP Overview
- PL 83–566 Authority in RCPP
- Critical Conservation Areas
- Sponsor Responsibilities
- Eligible Purposes
- Statutory and Programmatic Rules
- Watershed Plan and NEPA Requirements
- Requirement to follow NRCS standards and engineering design criteria

RCPP Overview

- The Regional Conservation Partnership Program (RCPP) is authorized in the Agricultural Act of 2014
- RCPP is a comprehensive and flexible program that uses partnerships to stretch and multiply conservation investments and reach conservation goals on a regional or watershed scale; goal is to leverage 1:1
- \$263 million for FY2017: 40% to national, multi-state projects; 25% to state projects; 35% to critical conservation areas

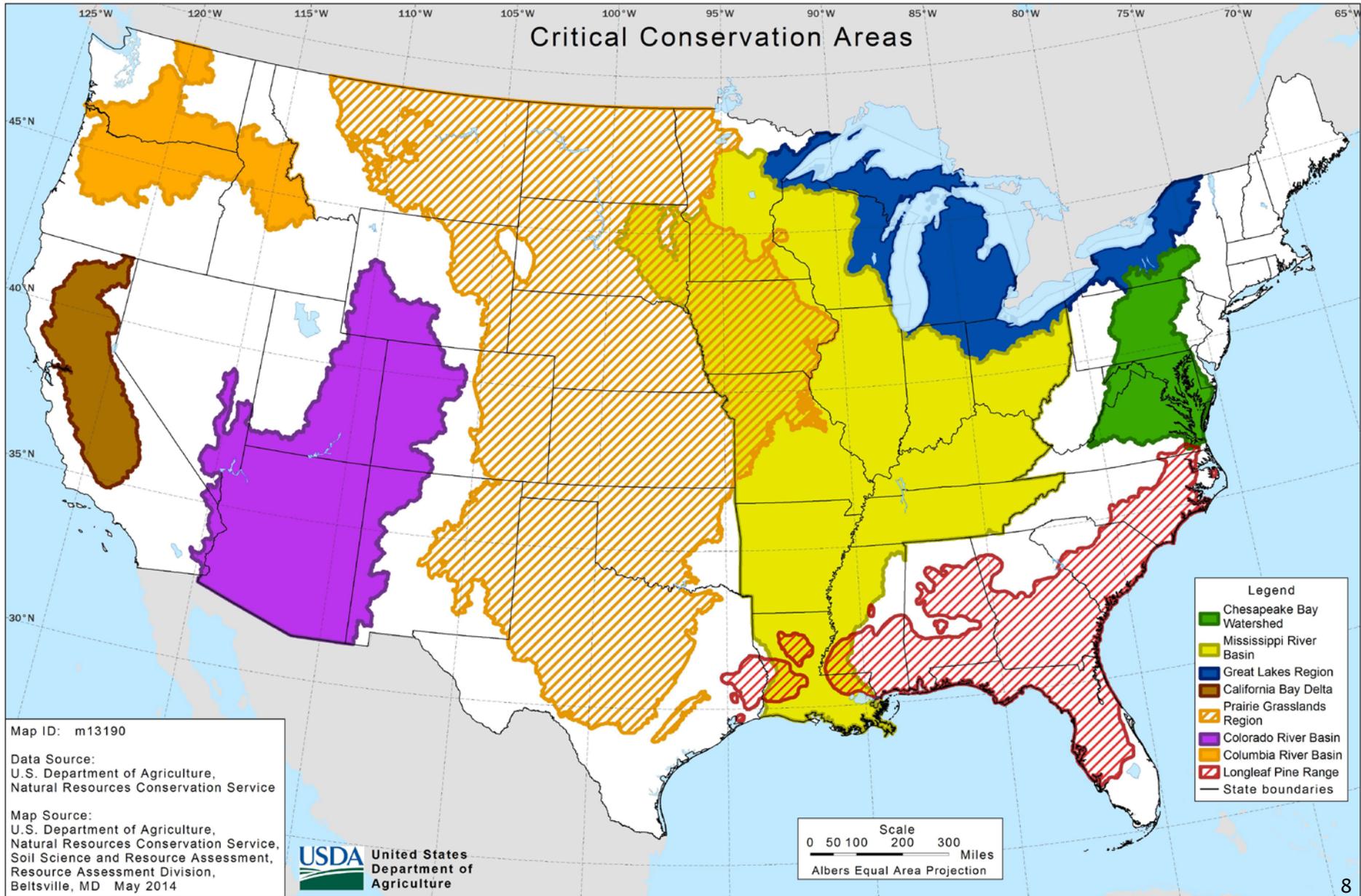
RCPP Overview

- Contracts and easement agreements are implemented through the Agricultural Conservation Easement Program (ACEP), Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP) or the Healthy Forests Reserve Program (HFRP)
- Contact NRCS staff in your state for additional general information on RCPP

PL 83-566 Authority in RCPP

- In critical conservation areas, projects may also utilize the authorities under the PL 83-566 Watershed and Flood Prevention Program (excluding Watershed Rehabilitation Program)
- Projects in CCAs may request a combination of any of the authorized programs; EQIP, CSP, ACEP, HFRP, and/or PL 83-566

Critical Conservation Areas



CCAs have Resource Concern Priorities listed in the FY2017 APF

CCA (example)	Resource Concern Priorities
<p>Great Lakes Region (IL, IN, MI, MN, NY, PA, OH, WI)</p>	<p><u>Water Quality Degradation</u>: Excess nutrients and pesticides in surface and ground waters; excessive sediment in surface water</p> <p><u>Inadequate Habitat for Fish and Wildlife</u>: Habitat degradation</p>
<p>Prairie Grasslands Region (CO, KS, IA, MO, MN, MT, ND, NE, NM, OK, SD, TX, WY)</p>	<p><u>Inadequate Habitat for Fish and Wildlife</u>: Habitat degradation</p> <p><u>Insufficient Water</u>: Inefficient use of irrigation water</p> <p><u>Excess Water</u>: Runoff, Flooding or Ponding</p> <p><u>Degraded Plant Condition</u>: Excessive Plant Pest Pressure</p>

First Question to Ask Before Using PL-566 Watershed Authority

Does the RCPP Project have a sponsor or sponsors who, collectively, can meet the PL-566 sponsor responsibilities?

We'll get to the details on sponsor responsibilities next, but if the answer to the question above is "No", then you cannot use PL-566 authority.

PL 83–566 Sponsor Responsibilities

- Power of eminent domain
- Obtaining permits and licenses
- Have and exercise the authority to levy taxes
- Ability to obtain agreements from landowners for land treatment above reservoirs
- Showing evidence of commitment of funding, installing, operating and maintaining the project for the design lifespan

PL 83–566 Sponsor Responsibilities

- Coordinate or lead public participation
- Implement watershed management features (i.e., permitting, zoning, easements, water rights, etc.)
- Providing evidence that any proposed municipal and industrial water supply use will be acceptable in quantity and quality to meet the anticipated needs
- Ensure long-term operation, repair, and maintenance of the project

Eligible PL 83-566 Purposes

- watershed protection
- flood mitigation
- water quality improvements
- soil erosion reduction
- rural, municipal and industrial water supply
- irrigation
- water management
- sediment control
- fish and wildlife enhancement
- hydropower

Statutory and Programmatic Rules

- PL 83–566 requires development of physically, environmentally, socially, and economically sound watershed project plan including National Environmental Policy Act (NEPA) document
- Principles and Requirements for Federal Investments in Water Resources must be followed

Statutory and Programmatic Rules

Section 2 of Public Law 83–566 defines the maximum watershed and structure size for project:

- Watershed or subwatershed area cannot exceed 250,000 acres.
- Single structure no larger than 12,500 acre–feet of floodwater detention capacity and no more than 25,000 acre–feet of total capacity.

QUESTIONS?

Watershed Plan–NEPA Requirements

- Applicants must develop a watershed plan and National Environmental Policy Act (NEPA) environmental assessment (EA) or environmental impact statement (EIS).
- Projects already having an NRCS approved PL–566 watershed plan–EA/EIS can proceed straight to design and implementation.
- Approved PL–566 plans older than 5 years will need to be updated to evaluate current environmental conditions and reaffirm economic feasibility.

Watershed Plan–EA/EIS Content

- Purpose and need for action;
- Watershed agreement between NRCS and sponsoring local organization(s);
- List of alternatives including a no–action alternative, the agency preferred alternative, other reasonable alternatives, the most cost–effective alternative, a summary and comparison of alternative plans, and any relevant issues and concerns identified through scoping, including direct, indirect, and cumulative actions and impacts;

Watershed Plan–EA/EIS Content

- Evaluation of all reasonable alternatives. The Plan EA/EIS lays out the assessment of the environmental benefits and consequences for each alternative; how benefits may be enhanced; and how consequences will be mitigated;
- A thorough economic evaluation according to the Principles and Requirements for Federal Investments in Water Resources (March 2013) to address benefits and costs of each alternative in order to document the selected alternative;

Watershed Plan–EA/EIS Content

- A complete and thorough description of the preferred alternative including the rationale for alternative preference, measures to be installed, mitigation, permits and compliance, costs and cost-sharing, installation and financing, operation, maintenance and replacement, economic tables, structural tables; and
- Performance outcome measures that are quantifiable and can be evaluated at completion of the project that will be used to assess the success of each performance measure.

Project Timelines

- The length of time to complete all PL 83–566 statutory requirements should be considered when requesting watershed program authority
- RCPP proposed work must be completed within five years of the RCPP agreement approval
- Please work with your local NRCS staff regarding tasks and funding prior to submitting your preproposals.

Additional Requirements

- As per NRCS policy, all watershed plan–EA/EIS documents must be reviewed by NRCS’s National Water Management Center to ensure compliance with applicable Federal laws and NRCS policy.
- Congressional approval is not required for RCPP–funded projects.

NRCS Standards and Engineering Design Criteria Required

- All structural and non-structural practices implemented through RCPP must follow NRCS standards and engineering design criteria
- See NRCS Field Office Technical Guide and the National Engineering Manual for guidance

www.nrcs.usda.gov

Resources

- See NRCS National Watershed Program Manual and National Watershed Program Handbook for guidance on completing watershed plan and environmental compliance requirements

www.nrcs.usda.gov

Search for “watershed and flood prevention operations”

QUESTIONS?

RCPP 2017 APF Timeline

Announcement for Program Funding (APF) was announced March 14, 2016 and available on the RCPP website.

- Pre-proposal applications due: May 10, 2016
- Selected pre-proposals announced: week of July 18
- Full-proposal applications due: Sept 19, 2016
- Selected full-proposals announced: Dec 2016

Contact Information

- General RCPP Questions

- RCPP@wdc.usda.gov

- PL 83–566 Authority

- Jan Marie Surface (Watershed Planning Specialist)

- jan.surface@ar.usda.gov 501–210–8902

- George Townsley (Economist)

- george.townsley@ar.usda.gov 501–210–8924

- NHQ Watershed Team

- Kevin Farmer (Watershed Team Leader)

- kevin.farmer@wdc.usda.gov 202–720–3413

- Ron Smith (Acting National Watershed Operations Program Manager)

- ron.smith@or.usda.gov 503–414–3252

Thank you!