

## WATERSHED AND FLOOD PREVENTION OPERATIONS

### NRCS Watershed Programs in Virginia

**The Watershed Protection and Flood Prevention Act of 1954, Public Law 83-566**, also known simply as PL-566, authorized the Secretary of Agriculture to assist local sponsors to provide protection from flooding during major storm events within sub-basins of identified watersheds, within our major river systems. Flood protection under this program has been provided similar to PL-534 through the construction of dams, dikes and channel work, and to a lesser extent through the relocation, elevation, and flood-proofing of property and vital infrastructure.

More recent changes to this program have allowed for acquisition of conservation easements within floodplains where repetitive damages have occurred, as well as the installation of land treatment measures similar to PL-534 on individual farms and other private land holdings to protect on-site productivity and improve water quality.

The PL-534 and PL-566 programs have similar objectives. The planning criteria, economic justifications, local sponsoring requirements, cost-sharing criteria, structural limitations, and other policies and procedures used in flood prevention projects generally parallel those used in watershed protection projects.

Programs Assignments: NRCS has the responsibility for administration of the Watershed Protection and Flood Prevention Act and the work authorized under the Flood Control Act. This includes responsibility for the installation of land treatment measures and structural works of improvement in authorized watersheds on non-Federal land and on Federal lands by arrangement with the administering agency.

### Program Details

1. Technical and financial assistance for construction include:

- a) Land Treatment measures. NRCS assures that a program of proper land use will be carried out as a basic requirement for assistance in the development of flood prevention sub-watersheds or watershed projects. NRCS provides landowners and operators with technical assistance to accelerate the planning and application of land treatment measures that help achieve project objectives. This accelerated assistance is in addition to that received under other conservation programs.

Installation costs may be shared with Federal funds when land treatment measures are installed primarily to achieve off-site benefits such as surface and ground water quality improvements, water conservation and flood mitigation. The cost-share rate of this financial assistance may not

exceed the rate of assistance for similar practices under other conservation programs of USDA. This work is accomplished through project agreements with local sponsoring organizations or through long-term contracts between the landowner and NRCS. In the first case, the local sponsors arrange for and accomplish the work by contract or force account. NRCS makes payments to the local sponsoring organizations as the land treatment measures are installed. In the long-term contract situation, landowners contract directly with NRCS.

- b) **Other works of improvement:** In addition to land treatment, watershed protection and flood prevention may involve a wide variety of other works of improvement. These may include stream channel restoration, dams to mitigate for flooding or to provide fish and wildlife habitat, water based recreation or water supply; grade stabilization and sediment control structures, flood proofing buildings located in a floodplain, zoning or otherwise controlling certain floodplain areas to restrict further development, removal of buildings from the flood area, conservation easements, and other similar measures. Detailed construction plans, and designs and specifications are prepared for these measures by NRCS or by private engineers employed by the local sponsoring organization.

NRCS provides all construction funds for flood prevention mitigation and an equitable share of the cost of installing works of improvement for agricultural water management, fish and wildlife, water quality, or recreational development. The latter includes the cost of basic facilities for public health and safety, access to recreational areas, and use of the recreational development. Local organizations must pay all costs of works of improvement for other purposes. In addition, local organizations must acquire water rights, permits and furnish land, easements and rights-of-way allocated to public fish and wildlife and recreational developments may be paid with P.L.-534 or P.L.-566 funds. The local share for non-structural flood mitigation measures must be at least 25 percent of the cost. Financial assistance may also be provided for the purchase of conservation easements at a federal cost share rate of 50 percent to 99 percent.

- c) **Installation of Measures.** Watershed measures can be installed using a variety of contracting methods. Contracts may be administered by NRCS, using formal contracting procedures or by the sponsoring local organizations with the capacity.

Technical assistance is provided for flood prevention, agricultural water management, water quality, and for water resource development or improvement for public fish and wildlife and recreational purposes, either directly by NRCS, or by the local organizations with advances or reimbursement from the Federal government. NRCS may also supply

up to one-half the cost of engineering assistance required for the installation of basic facilities for public fish and wildlife and recreational development.

Local sponsoring organizations must operate and maintain the completed works of improvement for the length of time that the project is economically evaluated. This period of time is usually between 25 years and 100 years.

2. Detailed sub-watershed work plans are prepared for P.L. 534 flood prevention projects in cooperation with soil conservation districts and other local sponsoring organizations. These plans outline soil and water management problems in sub-watersheds, what is proposed to alleviate these problems, the estimated benefits and costs, cost sharing, and operation and maintenance arrangements. These plans also serve as the basis for the National Environmental Policy Act process.
3. Loans and loan services are provided to finance the local share of the costs of installing planned works of improvement. Repayment with interest is required within 50 years after the principal benefits of improvements first become available. Loans are financed through the Rural Utilities Service (RUS).

### **WATERSHED OPERATIONS AUTHORIZED BY P.L.-566**

Watershed projects involving an estimated Federal contribution in excess of \$5 million for construction, or construction of any single structure having a capacity in excess of 2,500 acre-feet, require Congressional committee authorization. The Chief of NRCS authorizes all other projects. After authorization, technical and financial assistance may be provided for installation of works of improvement specified in the plans.

Project sponsors are provided assistance in installing planned land treatment measures when plans are approved. Surveys and investigations are made and detailed designs, specifications, and engineering cost estimates are prepared for construction of structural measures. Project sponsors are required to obtain all land rights, easements, and rights-of-way. Technical assistance is also furnished to landowners and operators to accelerate planning and application of needed conservation on their land.

Under a project agreement, the sponsoring local organization agrees to construct, and operate and maintain, a single or an interrelated group of projects measures. NRCS and the sponsoring local organization agrees to share the construction cost as specified in the work plan. Administrative, contractual, and engineering assistance is provided for preparation of contracts and inspection of construction.

When the local organization performs the contracting, payments are made to them as the work progresses in accordance with the terms of the project agreement. When the local organization requests NRCS to conduct the contracting for works of improvement, NRCS makes payments directly to the contractor as the work progresses. Payments include amounts financed from Federal funds and from local organizations that fund their share of the construction costs.