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WATERSHED
CONSERVATION AND FLOOD
PREVENTION...

A DISCUSSION OF THE WATERSHED PROTECTION
AND FLOOD PREVENTION ACT WITH QUESTIONS
AND ANSWERS PERTAINING TO THE NEW
PROGRAM



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QUESTIONS AND ANSWERS ON THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT

(Public Law 566, 83d Cong., ch. 656, 2d sess.)

The Hope-Aiken Watershed Protection and Flood Prevention Act was passed to help meet the needs of local people who are faced with small watershed problems. The act:

1. Places responsibility in local organizations to initiate programs, adapt plans to local requirements, share in the costs, and make provisions for the plan's application and maintenance.
2. Gives farmers a specific means to get United States Department of Agriculture technical help to work out watershed-treatment plans.
3. Provides for Federal cost sharing on small waterflow-retarding dams and other flood-prevention and water-management measures.
4. Gives the Secretary of Agriculture new opportunities to serve local small watershed groups.

In connection with his approval of the bill, President Dwight D. Eisenhower stated:

The act recognizes by law for the first time the great importance of upstream watershed protection in our overall water resource policy. For the first time also, this act provides a broad program of Federal technical and financial assistance to such local watershed groups as are willing to assume responsibility for initiating, carrying out, and sharing the costs of watershed protection which will help conserve water for agricultural uses and supplement any needed downstream flood-control measures.

The House Committee on Agriculture publishes the following questions and answers to help meet the demand for preliminary information relating to the act and its practical application.

Purpose

1. Q. What is the act's primary objective?
 - A. To provide the basis for a program by which local groups can cooperate with and receive assistance from the Federal Government in solving their flood-prevention and water-management problems.
2. Q. Does the act provide the Secretary of Agriculture with additional opportunities to serve local watershed groups?
 - A. Yes. It authorizes him to cooperate with States and local agencies in carrying out jointly planned and mutually agreed on flood-prevention and water-management projects.
3. Q. What are the guiding principles in extending Federal help under the act?
 - A. Local people are expected to bear at least an equitable share of the cost and to ask the Secretary of Agriculture only to supplement their resources by supplying that additional part which is necessary to make the project possible but which

cannot be provided from resources available in the watershed and the State. The greater the share of the cost that local people assume, the better their opportunity to receive the assistance they need to carry through the project.

4. Q. Does this legislation duplicate or overlap other national conservation programs?
- A. No. Federal help under the act is available only to assist local organizations to plan and install needed water-management and flood-prevention measures that cannot feasibly be installed under other current Federal conservation programs.

Definitions

5. Q. What is a watershed under the act?
- A. All land and water within a natural drainage area of 250,000 acres or less.
6. Q. What are "works of improvement" under the act?
- A. Any undertaking for:
- (1) Flood prevention (including structural and land-treatment measures) or
- (2) Agricultural phases of the conservation, development, utilization, and disposal of water (including measures for irrigation and drainage).
7. Q. What is a watershed work plan?
- A. It is a plan for works of improvement referred to in the act.
8. Q. How does the act define "local organization"?
- A. " * * * Any State, political subdivision thereof, soil- or water-conservation district, flood prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out, maintain, and operate works of improvement."

Federal assistance

9. Q. What kinds of Federal assistance are authorized under the act?
- A. Technical help in working out and applying a watershed "work plan," and determining its feasibility; also funds for the equitable Federal share of the costs of installing the needed flood-prevention and water-management measures. Storage capacity for other than flood prevention must be paid for from non-Federal funds.
10. Q. What about any public lands involved?
- A. Works of improvement will be planned for all lands within a watershed regardless of ownership. Where structural measures benefiting private lands are installed on Federal lands, the Federal share of the construction cost will be determined on the same basis as if such improvements were installed on private lands. The Federal Government will bear the entire cost of all land-treatment measures on Federal lands.

Limitations

11. Q. What is the maximum size watershed that can be treated under the act's provisions?
- A. The watershed must not exceed 250,000 acres. Two or more adjacent watersheds, when they comprise parts of a larger watershed, may be planned together, if the local sponsoring organizations so desire, even though the combined area exceeds 250,000 acres.

12. Q. What size structures can be built?
- A. Single structures are limited to a total storage capacity of 5,000 acre-feet. Watershed work plans including any structure of more than 2,500 acre-feet total capacity must be approved by the House and Senate Agriculture Committees before appropriations may be made for the project. Watershed work plans which do not include any structure of more than 2,500 acre-feet total capacity do not require such approval.
13. Q. What about irrigation or drainage works?
- A. Assistance will be restricted to irrigation and drainage facilities which benefit more than a single farm and which can be planned and carried out as a part of a watershed project. Priority will be given for increasing the efficiency of land use of existing farms. Irrigation or drainage of land not previously or now used for farming shall be incidental and not a primary purpose of any assistance so provided. Storage capacity specifically for water for irrigation must be paid for from non-Federal funds.
14. Q. What about municipal water supply?
- A. Storage for municipal water supplies may be included as part of the watershed work plan, but structural costs above those necessary for flood prevention must be paid from non-Federal funds.
15. Q. What about recreation?
- A. Many opportunities for recreation developments will arise incidental to the works of improvement. But the costs of developing of recreational facilities must be borne by non-Federal sources.
16. Q. Must projects be completed within a specified time?
- A. The installation time will be set forth in the work plan, as agreed upon by the local organization. The objective will be to complete projects in 5 years or less, subject to the availability of funds.

Procedures

17. Q. How would any local organization, such as a soil-conservation district, initiate action under the act?
- A. Formal application blanks and suggestions for filling them out will be available in each State through offices of the Soil Conservation Service, Federal and State Forest Services, Extension Service, and the State agency designated by the Governor to act on applications. The local organization would simultaneously submit an application for planning assistance to the Governor or State agency designated by him and to the State office of the Soil Conservation Service.
18. Q. At what stage do the Soil Conservation Service and the Forest Service begin to assist the local organization in developing a watershed work plan?
- A. After the Soil Conservation Service, acting for the Secretary, has approved the project for planning. This approval can be given only after approval of the local organization's application by the authorized State agency or Governor, or after 45 days if no action is taken on the application by the State agency or Governor.

19. Q. What happens if the Governor or his authorized agency turns down the local organization's application?
A. The Department of Agriculture will halt activity.
20. Q. When the kinds, quantities, and costs of needed works of improvement have been agreed on by the local organizations and the Department of Agriculture, what is the next move?
A. The local organizations and the Secretary of Agriculture then must agree on the work plan which sets forth the shares of the costs that will be met from non-Federal and Federal sources.
21. Q. If a satisfactory watershed work plan is developed, what is the next step?
A. The plan is transmitted to the Administrator of the Soil Conservation Service, acting for the Secretary of Agriculture. A period of up to 60 days is then provided to the Secretaries of the Army and Interior, if they are concerned, in which to review and comment on the plan. The Secretary of Agriculture then forwards the plan to the Congress, through the President, together with any recommendations of those agencies. Forty-five days during which the Congress is in session must then elapse before any installations involving Federal assistance are begun. In addition, as noted in the answer to question No. 12 above, if the plan includes any structures larger than 2,500 acre-feet total capacity, it must be approved by the House and Senate Agriculture Committees before appropriations can be made.
22. Q. How will Federal money become available for work authorized under the act?
A. By appropriation. A supplemental appropriation of \$1,750,000 was made for the fiscal year 1955 to initiate planning and other work.

Local participation

23. Q. What about the needs and interests of people who live in the watershed?
A. They initiate action. They participate in the development of the watershed work plan. They have the responsibility for seeing that the recommended program is in conformance with their wishes.
24. Q. What minimum requirements must local people meet?
A. They must acquire necessary land, easements, or rights-of-way; assume an equitable share of the project's cost; arrange for operation and maintenance; acquire necessary water rights; and get agreements from owners of not less than half of the lands in drainage areas above dams to carry out soil-conservation programs.

Feasibility

25. Q. How will economic soundness of projects be determined?
A. Department of Agriculture agencies will use recognized techniques in making necessary studies to determine the costs and benefits of each proposed project to establish its economic soundness.

26. Q. How will the findings of such studies be applied?
A. The findings will establish the nature and extent of local and other benefits and afford a means for determining an equitable sharing of costs between non-Federal and Federal sources of funds.

Contracting works of improvement

27. Q. Who will contract for the construction of dams?
A. The act gives the Secretary of Agriculture authority to contract for construction of dams until July 1, 1956, in those States in which local organizations do not have authority to enter into such contracts. In States where local organizations have such authority they will, from the start, contract for necessary dams.
28. Q. Do the present State laws authorize soil-conservation districts or other local organizations to contract for dams to be built under this act?
A. Since State soil-conservation district enabling acts vary, State attorneys general will have to provide specific answers to this question. Some States apparently will need to pass new enabling legislation or to amend existing legislation in order to facilitate work under the act.
29. Q. What requirements and procedures will apply to contracting by local organizations?
A. (1) The local organization must have adequate facilities for arranging for, letting, and servicing construction contracts.
(2) The local organization must have legal authority to act as the contracting agency.
(3) In choice of contractors, the local organization will use the same basis for bid acceptance as the Department of Agriculture.
(4) Federal funds will be used only for payments for installation of works of improvement.
(5) All work must be done in accordance with plans and specifications approved by the Department of Agriculture as set forth in the contract. This will include all changes made in the contract during construction. Payment will not be made for any unauthorized work or work done outside the terms of the approved contract.
(6) The Department of Agriculture will be responsible for on-the-job inspection.

The watershed work plan

30. Q. What features will the watershed work plan include?
A. In addition to the plan for treating the watershed, it will include a schedule of operations, the cost, cost-sharing arrangements, and justification for establishing and maintaining the measures needed for the protection and improvement of the watershed.

31. Q. What are some of the primary purposes of the watershed work plan?
- A. To inform the President, the Congress, and the public of the needs and desires of the local people and of the plans of the Department of Agriculture to expend Federal funds on the watershed project. Also to justify such expenditures in accordance with national authorities, policies, and regulations. The work plan is the official document upon which approval of expenditure of funds is based. It records the responsibilities agreed to by the local organization for carrying out and operating and maintaining a complete program of watershed protection and improvement within a given period.







