



Watershed Protection and Flood Prevention Act (P.L. 84-566)

- **Agriculture assists State and local agencies in developing plans for improvement of soil conservation and other purposes.**
- **Technical, financial and credit assistance in small watersheds.**
- **Project purposes: watershed protection; flood prevention; agricultural water management; ground water recharge; water quality management; municipal and industrial water supply.**





Aging P.L. 566 Dams

FY 2000 Agricultural Appropriations Bill:

“The Committee is increasingly concerned by the threats to public safety posed by the aging system of flood control structures and the hardships placed on local conservation and flood control districts due to the Department’s policy that rehabilitation of such facilities is considered part of the district’s operation and maintenance responsibilities. The Committee directs the Department to provide the Committee a detailed analysis of this problem and a strategy to provide comprehensive rehabilitation of endangered structures.”



Aging P.L. 566 Dams

USDA NRCS

United States
Department of
Agriculture

Natural
Resource
Conservation
Service

June 2000

A Report to Congress on Aging Watershed Infrastructure

An Analysis and Strategy for Addressing the Nation's
Aging Flood Control Dams



The FY 2000 Agricultural Appropriations Bill included the following Congressional directive:

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NRCS prepared report to Congress on Aging PL 566 structures

**Table 1. Small Flood Control Dams Installed
by NRCS Programs ***

1948 - 1995

State	Pilots	RC&D	PL-566	PL-534	Total	State	Pilots	RC&D	PL-566	PL-534	Total
AL		7	100		107	NE	93	18	541		652
AK					0	NV			8		8
AR	24	2	144		170	NH			24		24
AZ	2	2	21		25	NJ		1	19		20
CA			10		10	NM	2	2	73		77
CO	32	1	77		110	NY		5	48		53
CT		1	30		31	NC	8	5	72		85
DE					0	ND	10		35		45
FL			9		9	OH	15		42		57
GA	12	10	218	117	357	OK	6	9	965	1114	2094
HI			6		6	OR			5		5
ID			3		3	PA		5	81		86
IL	11		53		64	PB					0
IN		2	118		120	PR			4		4
IA	28	33	659	426	1146	RI					0
KS	38	16	714		768	SC	7	2	77		86
KY	16	1	178		195	SD	2	21	32		55
LA			36		36	TN	5	1	124		130
ME			16		16	TX	60	43	695	1293	2091
MD			16		16	UT			28		28
MA		1	28		29	VT			4		4
MI			13		13	VA	3		102	28	133
MN	8	5	29		42	WA			6		6
MS	3	5	183	388	579	WV	7	4	74	78	163
MO	26	25	531		582	WI	1	1	83		86
MT		1	18		19	WY		2	11		13
TOTAL	420	231	6357	3444	10458						

**NRCS
Installed
Dams**

10,458



* Source: National Dams Inventory 1995

**Table 2. National Summary of
Known Rehabilitation Needs**
on Dams built by PL-566, PL-534, Pilot, and RC&D
April 1999

State	Total No. of Project Dams	No. of Dams Needing Rehab.	Estimated Funds Needed
Alabama	108	71	\$23,937,000
Arkansas	201	77	\$20,427,000
Colorado	152	49	\$28,106,000
Georgia	357	129	\$85,099,000
Illinois	64	36	\$10,336,000
Indiana	127	41	\$14,040,000
Iowa	1187	284	\$20,124,000
Kansas	792	97	\$19,214,000
Kentucky	195	105	\$19,688,000
Mississippi	578	84	\$30,454,000
Missouri	659	244	\$21,148,000
Nebraska	900	294	\$3,600,000
New Mexico	71	17	\$22,360,000
New York	53	49	\$2,239,000
Ohio	77	46	\$7,124,000
Oklahoma	2094	190	\$52,728,000
Pennsylvania	91	14	\$817,000
Tennessee	137	43	\$12,143,700
Texas	1932	283	\$84,187,000
Virginia	144	16	\$9,775,000
West Virginia	167	34	\$53,346,000
Wisconsin	86	42	\$2,332,000
Totals	10172	2245	\$543,226,000

**Known Dams
with Rehab
Needs:**

2,245

\$543,226,000

Caution: These are preliminary estimates subject to change upon completion of detailed on-site assessment.



Small Watershed Rehabilitation Act of 1999

- **Introduced in House as H.R. 728**
- **Senate version – S. 1762**
- **Enacted as Section 14 of P.L. 106-472.**

**Amended PL 83-566 to add Section 14,
Rehabilitation of Structural Measures Near,
at, or Past Their Evaluated Life Expectancy**



P.L. 106-472 - Provisions

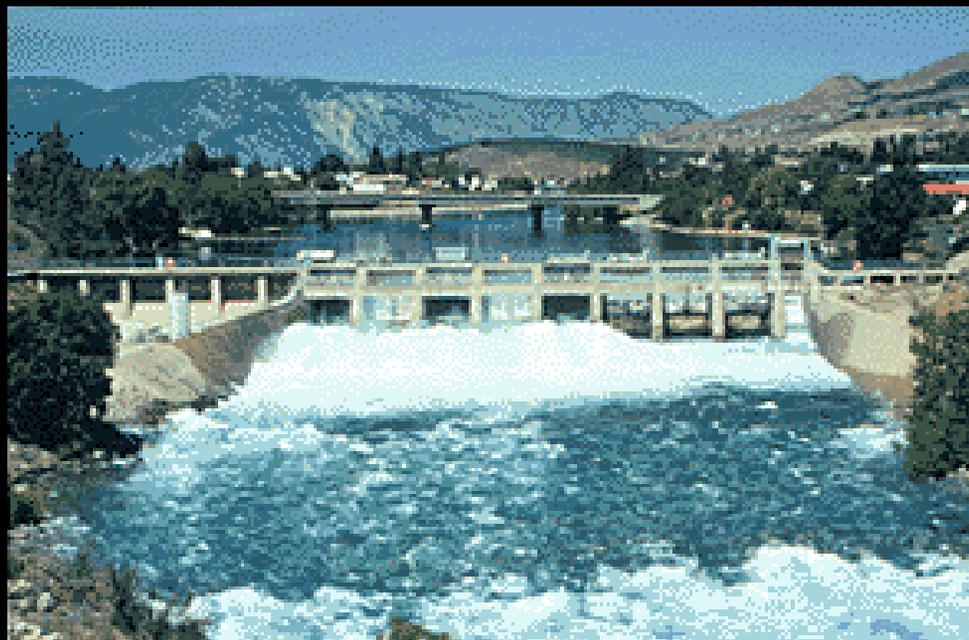
Rehabilitation of structural measures means:

- ◆ **Protecting the integrity/extending the useful life of structural measures beyond original life expectancy;**
- ◆ **Correcting damage from catastrophic events**
- ◆ **Correcting deterioration occurring at an abnormal rate**
- ◆ **Upgrading to meet changed land use conditions/safety criteria**
- ◆ **Decommissioning, if requested by local organization**



P.L. 106-472 - Provisions

- **Structural measures = Dams**
- **Cost-share of local sponsor required**
 - ◆ 65% of total rehab cost, not to exceed 100 percent of actual construction costs
- **NRCS Assistance:**
 - ◆ Planning
 - ◆ Designing
 - ◆ Implementing





P.L. 106-472 - Provisions

- **May not be used for:**
 - ◆ **Performance of operation and maintenance specified for original project**
 - ◆ **Can renegotiate O&M responsibility for rehabilitated project**



Authorization of Appropriations

2001 - \$5 million

2002 - \$10 Million

2003 - \$15 Million

2004 - \$25 Million

2005 - \$35 Million



Project Rehabilitation

- **Studies of rehabilitation will be conducted the same as the planning of any P.L. 566 Project**
- **Very few projects so far:**
 - ◆ **Cloud Creek site in Oklahoma Pilot rehab in FY 1998**
 - ◆ **Other Pilot rehabs in Wisconsin, Ohio, New Mexico and Mississippi in FY 2000**



Projects

- **FY 2000 - \$8 MILLION FOR PLANNING IN MS, NM, OH & WI**
- **Fy 2001 - \$8 million for same 4 States**
- **A number of States gearing up to get 35% cost share**
- **10 States with high number of at risk dams**
- **Ranking underway based on:**
 - ◆ **Potential for failure**
 - ◆ **Consequences of failure**

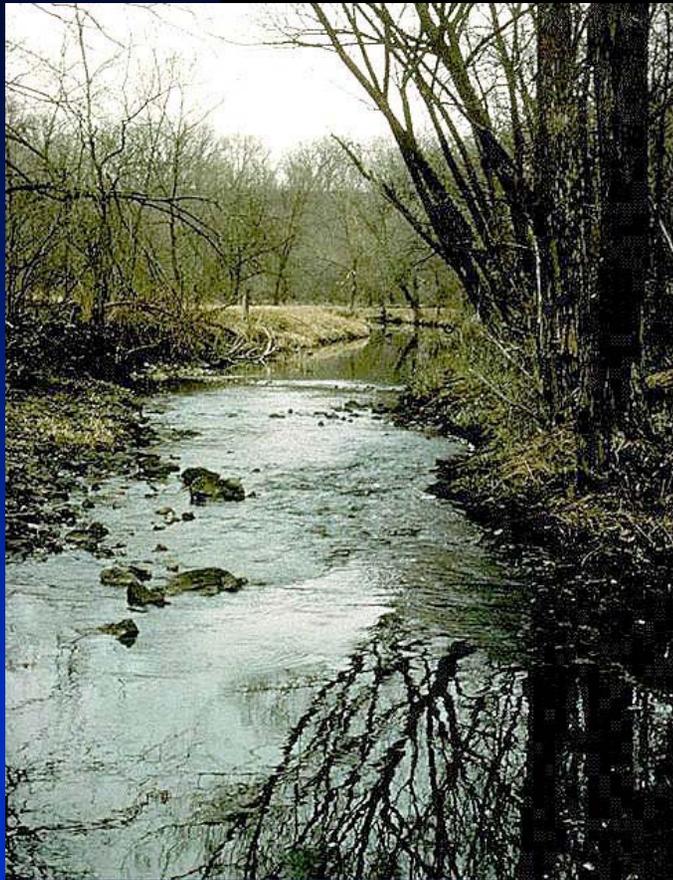


What This Means to FWS

- **Planning procedures for a new P.L. 566 Project apply**
- **Coordination with FWS under Section 12 of P.L. 566 applies**



Section 12, Watershed Protection and Flood Prevention Act (P.L. 84-566)



In preparing plans, Agriculture must:

- ◆ Consult regarding conservation and development of wildlife resources
- ◆ Afford the FWS the opportunity to participate of project planning
- ◆ Give full consideration to recommendations in reports provided by the FWS on the project



Section 12, Watershed Protection and Flood Prevention Act (P.L. 84-566)

- ◆ include technically and economically feasible works of improvement for wildlife purposes that are acceptable to Agriculture and local project sponsor
- ◆ Include FWS report with project plan when submitted for approval
- Funds for FWS are through base funds appropriated to the Department of the Interior



Next Steps

- **Contact your NRCS State Office to determine what projects in your area may be considered and when**
- **Use this opportunity to seek:**
 - ◆ **environmental mitigation for impacts**
 - ◆ **Opportunities to decommission dams and remove or breach**
 - ◆ **Changes to benefit fish and wildlife**