Wetlands

Agency	***Assistance Provided***
Department of Agriculture	Staff Technical Assistance, Field Training, Cost Sharing
Environmental Protection Agency	Grant Funding, Staff Technical Assistance, Classroom Training, Field Training
Bureau of Indian Affairs	Staff Technical Assistance Training Funding
Bureau of Reclamation	Grant Funding, Staff Technical Assistance, Classroom Training, Field Training, Cost Sharing

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Conservation Operations

Wetlands

USDA
Natural Resources Conservation Service

AUTHORIZATION: Is authorized by the Conservation Operations Act of April 27, 1935, P.L. 74-46 (16 U.S.C. 590a - 590f) and the Soil and Water Resources Act of 1997, (16 U.S.C. 2001 - 2009.)

ACTIVITIES: Conservation technical assistance is the foundation program of NRCS. Under it the agency provides technical assistance and services to land users, communities, units of State and local governments, and other Federal agencies for the purpose of sustaining agricultural productivity and protecting and enhancing the natural resource base. This assistance is based on voluntary local landowner cooperation and involves comprehensive approaches to reduce soil erosion, improve soil and water quantity and quality, improve and conserve wetlands, enhance fish and wildlife habitat, improve air quality, improve pasture and range condition, reduce upstream flooding, and improve woodlands. More than 1,000,000 land users receive these technical services which are channeled through nearly 3,000 conservation districts across the United States and its territories.

This program was key to American agriculture's success in meeting the conservation compliance provisions of the 1985 and 1990 farm bills - the most ambitious conservation effort ever attempted on private lands where assistance was provided to implement the highly erodible land (HEL), wetland (swampbuster), Wetland Reserve Program (WRP) and Conservation Reserve Program (CRP) provisions of the 1985 Food Security Act as amended by the Food, Agriculture, Conservation and Trade Act of 1990 (16 U.S.C. 380 t et. Seq.). NRCS technical field staff make HEL and wetland determinations and assist land users to develop and implement conservation plans needed to ensure compliance with the law. The NRCS is also the designated lead Federal agency for delineating wetlands on agricultural lands for purposes of implementing both the provisions of the Food Security Act and Section 404 of the Clean Water Act.

INFORMATION CONTACTS:

Regional or Local Office: Consult the local telephone directory where your land is located for location of the USDA service center.

Headquarters Office: Deputy Chief for Natural Resource Conservation Programs, Natural Resources Conservation Service, Department of Agriculture, P.O. Box 2890, Washington, DC 20013. Telephone: (202) 720-4527.

revised May,1998

Environmental Quality Incentives Program *(EQIP)*

Wetlands

USDA Natural Resources Conservation Service

AUTHORIZATION: Federal Improvement and Reform Act of 1996, Public Law 104-127, as amended; Food Security Act of 1985, Subtitle D, Title XII, 16 U.S.C. 3830 et seq.

OBJECTIVES: Technical, educational, and financial assistance to eligible farmers and ranchers to address soil, water, and related natural resource concerns on their lands in an environmentally beneficial and cost-effective manner. This program provides assistance to farmers and ranchers in complying with Federal, State, and tribal environmental laws, and encourages environmental enhancement. The purpose of this program are achieved through the implementation of structural, vegetative, and land management practices on eligible land. This program is funded through the Commodity Credit Corporation (CCC). NRCS provides overall program management and implementation leadership for conservation planning and implementation. The Farm Service Agency provides leadership for administrative processes and procedures for the program.

TYPES OF ASSISTANCE: Direct Payments for Specified Use.

USES AND USE RESTRICTIONS: Technical assistance is provided in conservation planning for eligible participants. Education and financial assistance is provided for implementation of structural, vegetative, and land management practices. Cost-share payments may be made to implement one or more eligible structural or vegetative practices. Incentive payments can be made to implement one or more land management practices. Fifty percent of the funding available for technical, cost-share payments, incentive payments, and education shall be targeted at practices relating to livestock production.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Individual/family farmers and ranchers who face serious threats to soil, water, and related natural resources, or who need assistance with complying with Federal and State environment laws. A participant may be an owner, landlord, operator, or tenant of eligible agricultural lands. Limited resource producers, small-scale producers, producers of minority groups, Federally recognized Indian tribal governments, Alaska natives, and Pacific Islanders are encouraged to apply.

Beneficiary Eligibility: Individual/family farmers and ranchers who face serious threats to soil, water, and related natural resources, or who need assistance with complying with Federal and State environmental laws. A participant may be an owner, landlord, operator, or tenant of eligible agricultural lands. Limited resource producers, small-scale producers, producers of minority groups, Federally Recognized Indian Tribal Governments, Alaska natives, and Pacific Islanders are encouraged to apply.

Credentials/Documentation: Evidence that applicant has control over land to be entered into contract and submits an acceptable conservation plan for the farm or ranch unit of concern that incorporates needed natural resource conservation practices. This program is excluded from coverage under OMB Circular No. A-87.

APPLICATION AND AWARD PROCESS:

Preapplication Coordination: None. This program is excluded from coverage under OMB Circular No. A-102 and E.O. 12372.

Application Procedure: Program participation is voluntary. The applicant applies at the local USDA Service Center on Form CCC-1200. Applications may be filed at any time during the year. The participant develops a conservation plan for the farm or ranching unit of concern. The participant's conservation plan serves as the basis for the EQIP contract. Technical assistance, educational assistance and cost-share or incentive payments may be provided to apply needed conservation practices and land use adjustments within a time schedule specified by the conservation

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plan. A contract with a participant may apply one or more land management practices or one or more structural or vegetative practices or both.

Award Procedure: Natural' Resources Conservation Service may designate a watershed, an area, or a region of special environmental sensitivity or having significant soil, water, or related natural resource concern as a priority area. The priority areas are designated based on recommendations of local work groups which are convened by the local conservation district. NRCS will give special consideration to applicants in priority areas who have conservation plans that address the natural resource concerns for which the priority area was designated. Technical, educational, and financial assistance may also be provided to participants with significant statewide natural resource concerns outside a priority area. Applications will be periodically ranked and selected for funding.

Deadlines: None.

Range of Approval/Disapproval Time: From 10 to 60 days.

Appeals: A participant may appeal any adverse determination to the FSA county committee.

Renewals: Not applicable.

ASSISTANCE CONSIDERATIONS:

Formula and Matching Requirements: Structural and vegetative practices can be funded by cost-sharing up to 75 percent of the total cost of establishing the practice. Incentive payments can be made for land management practices in an amount and rate that NRCS determines is necessary to encourage a participant to perform the practice that would not otherwise be initiated without government assistance. Other practices may be required to be installed without program payments.

Length and Time Phasing of Assistance: Contract period is between 5 to 10 years, depending on the conservation systems that need to be applied. Obligations for assistance are tied to the schedule for applying conservation practices included in the conservation plan used as the basis for the 5 to 10 year contract. Payments are made when the participant and NRCS certify that conservation practice is completed in accordance with contract. CCC expenditures under a contract entered into during a fiscal year will not be made until the subsequent fiscal year.

POST ASSISTANCE REQUIREMENTS:

Reports: There are no reports and the participants makes an annual status review during the length of the contract that includes maintenance of completed contract items and need for deletion or addition of contract items. Participants must operate and maintain a conservation practice for its intended purpose for the life span of the practice.

Audits: Natural Resources Conservation Service makes periodic random reviews of the operation and maintenance of the contract items during the life span of the conservation practice. Participants are subject to audit by the Office of Inspector General, USDA.

Records: Maintained in local NRCS office, FSA county office, and Federal record centers for specified number of years.

FINANCIAL INFORMATION:

Account Identification: 12-4336-0-1-302.

Obligations: (Grants) FY 96 $180,000,000; FY 97 est $180,000,000; and FY 98 est $180,000,000. (Salaries and expenses) FY 96 $20,000,000; FY 97 est $20,000,000; and FY 98 est $20,000,000.

Range and Average of Financial Assistance: Cost-share and incentive payments are limited to $10,000 per person per year and to $50,000 over the length of the contract. Average contract payments are estimated to be $30,000.

PROGRAM ACCOMPLISHMENTS: None. This program is in its first year of implementation.

REGULATIONS, GUIDELINES, AND LITERATURE: 7 CFR Part 1466. Program is announced through news media and in announcements to agricultural producers, farm and ranch owners and operators in the county. Program manuals, handbooks, and leaflets issued by NRCS and FSA.

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INFORMATION CONTACTS:

Regional or Local Office: Consult the local telephone directory where your land is located for location of the USDA service center.

Headquarters Office: Deputy Chief for Natural Resource Conservation Programs, Natural Resources Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, DC 20013. Attn: Deputy Chief, Natural Resources Conservation Programs. Telephone: (202) 720-1845. FAX: (202) 720-4265.

RELATED PROGRAMS: 10.054, Emergency Conservation Program; 10.064, Forestry Incentives Program; 10.069, Conservation Reserve Program; 10.072, Wetlands Reserve Program; 10.764, Resource Conservation and Development Loans; 10.901, Resource Conservation and Development; 10.902, Soil and Water Conservation; 10.904, Watershed Protection and Flood Prevention.

EXAMPLES OF FUNDED PROJECTS: No projects were funded at the time of publication.

CRITERIA FOR SELECTING PROPOSALS: Applications will be periodically ranked and selected for funding based on: the environmental benefits per dollar expended; the cost-effectiveness of the conversation practices; the environmental benefits derived; extent to which the contract will assist the applicant in complying with Federal, State, tribal or local environmental laws; whether the land is located in a priority area and the extent the contract will assist the priority area goals and objectives.

revised May,1998

Conservation Reserve Program *(CRP)*

Wetlands

USDA
Natural Resources Conservation Service

AUTHORIZATION: Food Security Act of 1985, Title XII, Public Law 99-198, as amended; Food, Agriculture, Conservation, and Trade Act of 1990, Public Law 101-624; Federal Agriculture Improvement and Reform Act of 1996, Public Law 104-127.

OBJECTIVES: To protect the Nation's long-term capability to produce food and fiber; to reduce soil erosion; to reduce sedimentation; to improve water quality; to create a better habitat for wildlife; to provide some needed income support for farmers.

TYPES OF ASSISTANCE: Direct Payments for Specified Use.

USES AND USE RESTRICTIONS: Eligible owners or operators may place highly erodible or other environmentally sensitive land into a 10-15 year .contract. The participant, in return for annual payments, agrees to implement a conservation plan approved by the local conservation district for converting highly erodible cropland or other environmentally sensitive land to a long-term resource conserving cover i.e., eligible land must be planted with a vegetative cover, such as, perennial grasses, legumes, forbs, shrubs, or trees. The participant agrees to reduce the aggregate total of allotments and quotas for the contract period for each farm which contains land that is subject to a Conservation Reserve Program contract by an amount based on the ratio of the total cropland acreage on each farm, to the total acreage on each farm subject to the CRP contract. Financial and technical assistance are available to participants to assist in the establishment of a long-term resource conserving cover.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: An individual, partnership, association, Indian Tribal ventures corporation, estate, trust, other business enterprises or other legal entities and, whenever applicable, a State, a political subdivision of a State, or any agency thereof owning or operating private croplands, and State or local government croplands may apply.

Beneficiary Eligibility: An individual, partnership, association, Indian Tribal ventures, corporation, estate, trust, other business enterprises or other legal entities and, whenever applicable, a State, political subdivision of State, or any agency thereof owning or operating private croplands, and State or local government croplands will benefit.

Credentials/Documentation: The cropland must be owned or operated for not less than 12 months prior to the close of the signup period, unless the land was acquired by will or succession or the Department determines that ownership was not acquired for the purpose of placing the land in the conservation reserve. This program is excluded from coverage under OMB Circular No. A-87.

APPLICATION AND AWARD PROCESS:

Preapplication Coordination: An environmental impact assessment has been prepared for this program. This program is excluded from coverage under OMB Circular No. A-102 and E.O. 12372.

Application Procedure: FSA has two methods for enrolling acreage in the CRP. One method is a continuous signup process where acreage suitable for certain environmental priority practices, including but not limited to grass waterways, riparian buffers or filterstrips, and acreage within wellhead protection areas may be offered and accepted without going through a competitive offer process. The second method is to offer acreage during a general signup period where offers to enroll highly erodible and other environmentally sensitive acreage are accepted and ranked competitively based on an environmental benefits index. Regardless of the method of enrollment, the local FSA office, that serves the area in which the farm or ranch is located, will provide applicants the maximum payment rate CCC will accept to enroll certain acreage in

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the program. Applicants will submit a rental rate per acre offered that may be equal to or less than CCC's maximum payment rate. This program is excluded from coverage under OMB Circular Nos. A-102 and A-110.

Award Procedure: The Department will notify persons whose offers are accepted as soon as practicable after the close of the signup.

Deadlines: The rental rate per acre offered must be filed at the county FSA office by the end of the announced signup period.

Range of Approval/Disapproval Time: From 7 to 120 days.

Appeals: Participant may appeal any determination to county FSA committee or office, State committee or Deputy Administrator, or National Appeals Division.

Renewals: Not applicable.

ASSISTANCE CONSIDERATIONS:

Formula and Matching Requirements: Annual rental payments are made at the rate set in the accepted offer. A one time cost-share payment is made when approved conservation practices are established.

Length and Time Phasing of Assistance: Annual rental payments in cash or generic commodity certificates will be made for 10-15 years. A cost-share payment up to 50 percent of the cost of establishing conservation practices will be made after the practice is established. CCC may provide certain incentives for restoring wetlands or other lands.

POST ASSISTANCE REQUIREMENTS:

Reports: None.

Audits: Recipients are subject to audit by the Office of Inspector General, USDA.

Records: Maintained in county FSA office and Federal Record centers for a specified number of years.

FINANCIAL INFORMATION:

Account Identification: 12-3319-0-1-302 and 12-4336-0-1-302.

Obligations: (Grants) FY 96 $1,726,894,313; FY 97 est $1,856,702,000; and FY 98 est $1,926,374,000.

Range and Average of Financial Assistance: $50 to $50,000; $5,324.

PROGRAM ACCOMPLISHMENTS: In fiscal years 1986 through 1995, contracts were signed through the thirteenth signup covering 36.4 million acres. Each contract covers an average of 97 acres with an average rental rate of $49.67. Acres enrolled for crop. years as follows: 1986 - 2 million acres; 1987 13.7 million acres; 1988 - 8.8 million acres; 1989 5.4 million acres; 1990 4.1 million acres; 1991 -.5 million acres; 1992 - 1.0 million acres; 1993 - 1.03 million acres; and 1995 683 thousand replacement acres. The average soil erosion reduction on land contracted in CRP is 19 tons per acre per year. This is the latest actual data.

REGULATIONS, GUIDELINES, AND LITERATURE: Program is announced through news media and in letters to agricultural producers in the county. Regulations published in the Federal Register, 7 CFR Part 1410.

INFORMATION CONTACTS:

Regional or Local Office: Consult the local telephone directory where your land is located for location of the USDA service center.

Headquarters Office: Department of Agriculture, Farm Service Agency, STOP 0513, Washington, DC 20013. Telephone: (202) 720-6221.

RELATED PROGRAMS: 10.054, Emergency Conservation Program; 10.064, Forestry Incentives Program; 10.072, Wetlands Reserve Program; 10.070, Colorado River Basin Salinity Control Program; 10.764, Resource Conservation and Development Loans; 10.901, Resource Conservation and Development; 10.902, Soil and Water Conservation; 10.904, Watershed Protection and Flood Prevention.

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EXAMPLES OF FUNDED PROJECTS: Not applicable.

CRITERIA FOR SELECTING PROPOSALS: County FSA offices will provide producers the maximum acceptable rental rate for the acreage offered. All offers will be screened at both the local and national level to determine the suitability of the acreage and acceptability of the rental rate offered. In addition, offers will be evaluated in terms of cost for the environmental benefits obtained. Acres accepted will be limited to the Secretary's authority to maintain 36.4 million acres or less or amount determined by the Secretary.

revised May,1998

10.072 Wetlands Reserve Program *(WRP)*

Wetlands

USDA Natural Resources Conservation Service

AUTHORIZATION: Food Security Act of 1985, Title XII, Public Law 99-198, as amended; Food, Agriculture, Conservation, and Trade Act of 1990, Title XIV, Section 1237, Public Law 101-624, 104 Stat. 3584, 7 U.S.C. 3837, as amended; Omnibus Budget Reconciliation Act of 1993; Federal Agriculture Improvement and Reform Act of 1996; Agriculture Appropriations Act of 1997.

OBJECTIVES: To restore and protect farmed wetlands, prior converted wetlands, wetlands farmed under natural condition, riparian areas, and eligible buffer areas for landowners who have eligible land on which they agree to enter into a permanent or long-term easement or restoration agreement contract with the Secretary. The goal of WRP is to have 975,000 acres enrolled by the year 2000 with one-third as permanent easements, one-third as 30-year easements and one-third as restoration agreement acres.

TYPES OF ASSISTANCE: Direct Payments for Specified Use.

USES AND USE RESTRICTIONS: Eligible landowners may offer farmed wetlands, prior converted wetlands, wetlands farmed under natural condition, intensively managed pasture and hayland riparian areas, along with eligible buffer areas to be placed under a permanent or 30-year easement or restoration agreement. A deed restriction covering the land approved under easement must be recorded in the local land deeds office. The landowner will receive financial and technical assistance to install necessary restoration practices on the land under easement or the practice will be installed by the Secretary. Subject to the acceptance of an offer by the Federal Government, the landowner will receive in cash an amount specified in the WRP contract but not to exceed the fair agricultural market value of the land "as is" condition less the fair market value of such land encumbered by the permanent easement or 75% for a 30-year easement. The landowner shall ensure that the easement granted to Natural Resources Conservation Service (NRCS) is superior to the rights of all others and shall agree to implement a wetland restoration plan designed to restore and maintain the easement area. The plan will include a designated access route to be used as necessary for easement management and monitoring. The landowner shall agree to a permanent retirement of crop acreage bases, allotments, and quotas to the extent that the sum of the crop acreage bases and allotments will not exceed the remaining cropland of the present farm or subsequently reconstituted farm. In cases involving restoration agreements there is only on restoration cost-share and no land payment.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: An individual landowner, partnership, association, corporation, estate, trust, other business or other legal entities and, whenever applicable, a State, a political subdivision of a State, or any agency thereof owning private croplands.

Beneficiary Eligibility: An individual landowner, partnership, association, corporation, estate, trust, other business enterprises or other legal entities and, whenever applicable, a State, a political subdivision of a State, or any agency thereof owning private croplands will benefit.

Credentials/Documentation: The landowner must have owned the land offered for at least the preceding 12 months prior to the end of the period in which the intent to participate in an easement is declared unless the land was acquired by will or succession as a result of the death of the previous owner; or the Department determines that the new owner did not acquire such land for the purpose of placing it in the WRP. This program is excluded from coverage under OMB Circular No. A-87. The 12 month requirement is not applicable to restoration agreement.

revised May,1998

APPLICATION AND AWARD PROCESS:

Preapplication Coordination: An environmental impact assessment has been prepared for this program. This program is excluded from coverage under E.O. 12372.

Application Procedure: Submit an intention to enroll to the local NRCS office that serves the area in which the farm or ranch is located during the designated sign-up period. This program is excluded from coverage under OMB Circular Nos. A-102 and A-110.

Award Procedure: The States will provide a list of potential acceptable offers and request for allocation of funds. The Department will allocate funding in a manner designed to achieve cost effectiveness. The States will notify the landowners of the status of their intention. This process will be completed as soon as practical after funding becomes available. For all tentatively accepted intentions a market analysis or appraisal of agriculture value will be conducted. The market analysis will be conducted by NRCS personnel with the assistance of other Federal, State and private entities having knowledge of market conditions. Appraisals will be done by certified appraiser.

Deadlines: The intention to participate must be filed at the county ASCS office during the designated sign-up period. Currently there is an open continuous sign-up period.

Range of Approval/Disapproval Time: From 60 to 180 days after the end of the sign-up. Landowner application may remain on sign-up list for subsequent funding consideration.

Appeals: Landowner may appeal any determination to the National Appeals Division.

Renewals: The land offered may be reoffered in a future sign-up unless land or landowner is ineligible.

ASSISTANCE CONSIDERATIONS:

Formula and Matching Requirements: Lump sum payments are made for permanent easements. Cost-share payments 100 percent of the cost of implementing the Wetland Restoration Plan will be paid for a permanent easement from five to 30 annual payments of equal or unequal amount apply to 30-year easement payment with 75 percent of permanent easement amounts being paid.

Length and Time Phasing of Assistance: Cash easement payments for permanent easement will be made in a lump sum amount, at closing or in annual installments beginning at closing. Cost share payments for implementation of easement practices will be made when a specific practice has been implemented by either the landowner or contractor

POST ASSISTANCE REQUIREMENTS:

Reports: None.

Audits: Recipients are subject to audit by the Office of Inspector General, USDA.

Records: Records will be maintained in the county NRCS office, State NRCS office and Federal Record Centers for the length of the agreement. The easement (deed restriction) and applicable documents will be filed in the local land records office for the duration of the easement. Agreements are filed with the Agency.

FINANCIAL INFORMATION:

Account Identification: 12-1080-0-1-302.

Obligations: (Direct Payments) FY 96 $128,235,547; FY 97 est $188,000,000; and FY 98 est $0.

Range and Average of Financial Assistance: Not applicable.

PROGRAM ACCOMPLISHMENTS: Fiscal year 1997 funds will provide for the enrollment of an estimated 130,000 acres and the program will continue to be implemented nationwide.

REGULATIONS, GUIDELINES, AND LITERATURE: The program is announced through news media and in letters to agricultural landowners in the county. Regulations published in the Federal Register and 7 CFR XIV.

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INFORMATION CONTACTS:

Regional or Local Office: Consult the local telephone directory for location of the NRCS office.

Headquarters Office: Watersheds & Wetlands Division, Natural Resources Conservation Service, Department of Agriculture, P.O. Box 2890, Washington, DC 20013. Telephone: (202) 690-0848. Use the same number for FTS.

RELATED PROGRAMS: 10.069, Conservation Reserve Program; 10.904, Watershed Protection and Flood Prevention.

EXAMPLES OF FUNDED PROJECTS: Not applicable.

CRITERIA FOR SELECTING PROPOSALS: All offers are screened at both the local and State level to determine the acceptability of the intention to ensure that offers will not be accepted in excess of the value of agricultural land in its "as is" condition; and long-term costs for providing easement access route. Offers will be evaluated based on the environmental benefits and government expenditures on restoration and easement purchase and the requirement that wildlife benefits be materialized.

revised May,1998

Water Bank Program

Wetlands

USDA
Natural Resources Conservation Service

AUTHORIZATION: Water Bank Act, Public Law 91-559, Public Law 96-182.

OBJECTIVES: To conserve surface waters; preserve and improve the Nation's Wetlands; increase migratory waterfowl habitat in nesting, breeding and feeding areas in the U.S.; and secure environmental benefits for the Nation.

TYPES OF ASSISTANCE: Direct Payments for Specified Use.

USES AND USE RESTRICTIONS: Agreements are for 10 years with eligible landowners to help preserve important nesting, breeding, and feeding areas of migratory waterfowl. During the agreement, the participants agree in return for annual payments not to drain, burn, fill, or otherwise destroy the wetland character of such areas and not to use areas for agricultural purposes, as determined by the Secretary. The Secretary carries out the program in harmony with wetlands programs administered by the Secretary of the Interior and uses technical and related services of appropriate State, Federal, and private conservation agencies to assure proper coordination.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Landowners and operators of specified types of wetlands in designated important migratory waterfowl nesting, breeding and feeding areas.

Beneficiary Eligibility: Landowners and operators of specified types of wetlands in designated important migratory waterfowl nesting, breeding and feeding areas.

Credentials/Documentation: Identification as an owner and/or operator of eligible land; a conservation plan developed in cooperation with the local soil and water conservation district; and proof of required compliance. This program is excluded from coverage under OMB Circular No. A-87.

APPLICATION AND AWARD PROCESS:

Preapplication Coordination: None. This program is excluded from coverage under OMB Circular No. A-102 and E.O. 12372.

Application Procedure: Make application at the NRCS office for the county in which the land is located. Applicants must develop an approved conservation plan with local soil and water conservation district representatives. This program is excluded from coverage under OMB Circular Nos. A-102 and A-110.

Award Procedure: Not Available at printing

Deadlines: None.

Range of Approval/Disapproval Time: The period officially specified for the program year.

Appeals: Participants may appeal to the National Appeals Division.

Renewals: Subject to mutual agreement between the Secretary and the participants, within program provisions specified by the Secretary, for additional 10-year periods.

ASSISTANCE CONSIDERATIONS:

Formula and Matching Requirements: Annual payments may be made within the announced rate structures, for the eligible acreage. Participant must undertake needed land and water management measures.

Length and Time Phasing of Assistance: Annual payments will be made for 10 years, and may be continued for additional periods of 10 years if mutually agreed to at the rates offered by the Secretary.

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POST ASSISTANCE REQUIREMENTS:

Reports: Performance reports, if any annual payments are made in advance of performance. (statistical reports are made by administering offices.)

Audits: Recipients are subject to audit by Office of Inspector General, USDA.

Records: Maintained in the NRCS office and Federal record centers for a specified number of years.

FINANCIAL INFORMATION:

Account Identification: 12-3320-0-1-302.

Obligations: FY 96 $699,044; FY 97 est $0; and FY 98 est $0.

Range and Average of Financial Assistance: $7 to $75 per acre; $13.00.

PROGRAM ACCOMPLISHMENTS: From 1985 through September 1996, 7,335 agreements were signed covering 832,276 acres.

REGULATIONS, GUIDELINES, AND LITERATURE: Program regulations published in the Federal Register, 7 CFR Part 752. Program is announced through the news media and in letters to eligible participants in the county area designated by the Secretary of Agriculture as a participating county.

INFORMATION CONTACTS:

Regional or Local Office: For more information on this and other related programs, consult the local telephone directory for location of the NRCS office where your land is located.

Headquarters Office: Natural Resources Conservation Service, Department of Agriculture, P.O. Box 2890, Washington, DC 20013. Telephone: (202) 720-1870.

RELATED PROGRAMS: 10.900, Great Plains Conservation; 10.902, Soil and Water Conservation; 15.611, Wildlife Restoration.

EXAMPLES OF FUNDED PROJECTS: Not applicable.

CRITERIA FOR SELECTING PROPOSALS: Not applicable.

revised May,1998

Tribal Grants

AREAS OF CATEGORICAL (PROGRAM) FINANCIAL AND PROJECT ASSISTANCE AVAILABLE FROM EPA

Wetlands

For additional information and program limitations please contact the EPA Regional Office serving your area. They are listed at the end of this section.

CLEAN AIR ACT (CAA)

Major Objective: To Protect public health and welfare from harmful effects of air pollution.

Grants:
•Section 105 Air Quality Program Development Implementation •Section 103 R & D, Pilot Projects and
* Requires EPA approval of Tribal eligibility financial assistance and Special Studies application for financial assistance

CLEAN WATER ACT (CWA)

Major Objective: To restore and maintain the "chemical, physical and biological integrity of the nation's waters" , primarily through eliminating or controlling the discharge of pollutants into water systems (oceans, rivers, streams, lakes, estuaries, aquifers, & wetlands).

Grants
•Section 106 Water Quality Assessment and Planning
•Section 314 Clean Lakes
•Section 319(h) Non-Point Source Program
•Section 205 State Revolving Loan Program / Construction Wastewater Facilities
•Section 104(b) (3) R & D, Pilot Projects & Special
•Studies Wetlands
•Non-Point Source
•Water Quality Management
•(Sludge & Wastewater Discharge Management)

*Requires EPA approval of Tribal eligibility application for financial assistance

SAFE DRINKING WATER ACT (SDWA)

Major Objective: To assure that the Nation's drinking water supply is safe for human consumption by regulating both public water supply systems and ground water supplies.

Grants:
•Section 1443(a) Drinking Water Programs - Public Water Supply Supervision (PWSS) Program Development and Implementation
•Section 1443(b) Underground Injection Control Program Development and Implementation
•Section 1442(b)(2) R & D, Pilot Projects & Special Studies PWSS Wellhead Protection

*Requires financial EPA approval assistance of Tribal eligibility application for financial assistance.

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

Major Objective: To regulate the sale and use of pesticides to ensure the least risk possible to human health and the environment from pesticides.

Grants:
•Section 23(a)(1)
Pesticide Enforcement Program Development and Implementation including:
Endangered Species
Pesticides in Groundwater
Worker Protection & Safety
•Section 20 R & D, Pilot Projects & Special Studies

COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT (CERCLA - SUPERFUND)

Major Objective: To create a tax on the chemical and petroleum industries to support a trust fund to clean up abandoned or uncontrolled hazardous waste sites.

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Grants:
•Section 104(d) - Core Superfund Program and Response Activity
•Section 311 - R & D, Pilot Projects & Special Studies

*Requires EPA approval of Tribal eligibility application for financial assistance

SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT (SARA)
TITLE III: EMERGENCY PLANNING AND THE COMMUNITY. RIGHT-TO-KNOW ACT

Major Objectives: To prepare local communities for emergencies arising from spills and releases of hazardous materials.

Grants:
•Section 305(a) Training Grants for Chemical Emergency Planning and Response
•TSCA Section 10 - SARA Tile III Innovative Technical Assistance Grants for Chemical Emergency Planning.

Funding available on a limited basis through Federal Emergency Management Agency (FEMA)

INDIAN ENVIRONMENTAL GENERAL ASSISTANCE ACT

Major Objective: To provide funding for tribes to build tribal capacity to plan, develop and, establish environmental protection programs.

GRANTS AWARDED UNDER THIS ACT WILL BE SIMILAR TO THE MULTI-MEDIA ASSISTANCE WHICH EPA AWARDED IN FY91-93.

THIS ACT ALLOWS FOR:
- Congress can appropriate up to $15M per year.
- No assistance granted shall be for less than $75,000.
- Eligible recipients are Federally recognized tribes or consortia of two or more eligible tribes.

POLLUTION PREVENT ION ACT

Major Objective: To prevent or reduce pollution at the source whenever possible (i.e. source reduction, recycling, treatment to minimize human and environmental exposure).

Grants:
•Section 6005 Pollution Prevention Incentives for States (PPIS) (includes state universities and all federally recognizes Indian Tribes) •Also CWA-Section 104(b)(3); SDWA-Section 1442(b)(3); RCRA- Section 8001; CAA-Section 103(b)(3); TSCA- Section 10(a); FIFRA-Section 20(a); CERC!LA-Section 111(c) (1O)

NATIONAL ENVIRONMENTAL EDUCATION ACT

Major Objective: To support the design and implementation of environmental education programs that enhance critical thinking and problem solving skills to ensure informed responsible decisions are made to protect the environment.

Grants:
•Section 6 Environmental Education Grant Program

POINTS OF CONTACT:

EPA Region 6 (serves New Mexico, Texas, Oklahoma, Arkansas and Louisiana)

EPA Region 6 Main Office
1445 Ross Avenue
Suite 1200
Dallas, Texas 75202
(214) 665-2200

EPA Region 7 (serves Nebraska, Kansas, Iowa, and Missouri)

EPA Region 7 Main Office
726 Minnesota Avenue
Kansas City, Kansas 66101
(800) 223-0425
(913) 551-7003

EPA Region 8 (serves Montana, North Dakota, South Dakota, Wyoming, Utah, and Colorado)

EPA Region 8 Main Office
999-18th Street, Suite 500
Denver, Colorado 80202-2466
(800) 227-8917 (Region 8 states only)
(303) 312-6312

revised May,1998

SELF DETERMINATION GRANTS-INDIAN TRIBAL GOVERNMENTS

Wetlands

AUTHORIZATION: Public Law 93-638, Section 103, as amended, 88 Stat. 2203.

OBJECTIVES: To provide financial assistance to tribal governments so that they can improve their capacity to: (1) plan, conduct and administer Federal programs with special emphasis on improving their ability to contract; and (2) put special emphasis on strengthening and improving tribal governments with respect to their fiscal and managerial capabilities. This special program emphasis is intended to complement the Aid to Tribal Government Program.

TYPES OF ASSISTANCE: Project Grants.

USES AND USE RESTRICTIONS: Strengthen and improve administration of tribal government, planning, training, evaluation or other activities designed to improve the capacity of a tribe to enter into contracts; acquisition of land for these purposes; planning, designing, monitoring, and evaluating Federal programs serving the Indian tribes. Projects primarily for tribal economic development or enterprises or tribal profit making activities are not considered consistent with Section 103(a) of the Act (i.e., a grant for the purpose of determining the feasibility or subsidizing tribally owned construction company). Projects involving the funding of tribal scholarships or charitable programs are normally not consistent with the purposes for which grants are authorized.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Only governing bodies of federally recognized Indian tribes are eligible to apply for self-determination grants.

Beneficiary Eligibility: Federally recognized Indian tribes.

Credentials/Documentation: The Bureau of Indian Affairs will not make a grant unless specifically and officially requested to do so by a tribal governing body. This request may be in the form of a resolution, or such other forms as the tribal constitution or current practices require. Costs will be determined in accordance with OMB Circular No. A-87, except as noted in appendix A of the regulations.

APPLICATION AND AWARD PROCESS:

Preapplication Coordination: Informal preapplication conference is recommended. The standard application forms as furnished by the Federal agency and required by OMB Circular No. A-102 must be used for this program. Assistance is available from the Bureau to aid in preparation of the application. This program is excluded from coverage under E.O. 12372.

Application Procedure: Submit the following to BIA Agency Superintendent: (1) Part I - Public Law 93-638 Grant Application, (2) Part II - Narrative Statement; (3) Part III - Budget Data; (4) Part IV (Construction Program Only); (5) Must be accompanied by Tribal Resolution. (Contact Agency Office for forms and instructions.) This program is excluded from coverage under OMB Circular No. A-110.

Award Procedure: Grant application approved or disapproved by Area Director within 60 days. Notification in writing to tribal governing body, followed by final grant agreement negotiation and approval.

Deadlines: Announced annually by the Bureau of Indian Affairs.

Range of Approval/Disapproval Time: 60 days.

Appeals: In accordance with 25 CFR Part 2.

Renewals: Subject to availability of funds.

revised May,1998

ASSISTANCE CONSIDERATIONS:

Formula and Matching Requirements: Not applicable; grants awarded on competitive basis.

Length and Time Phasing of Assistance: 1 year renewals. Small grants may be awarded in lump sum, larger grants use Treasury advance, cost reimbursement or a Letter of Credit.

POST ASSISTANCE REQUIREMENTS:

Reports: (1) Report of Federal Cash Transactions due within 15 days following the end of each quarter unless otherwise specified in grant agreement; (2) Performance report required along with Financial Status report; and, (3) Final Expenditure report due 90 days after end of grant period.

Audits: In accordance with the provisions of OMB Circular No. A-128, "Audits of State and Local Governments," State and local governments that receive financial assistance of $100,000 or more within the State's fiscal year shall have an audit made for that year. State and local governments that receive between $25,000 and $100,000 within the State's fiscal year shall have an audit made in accordance with Circular No. A-128, or in accordance with Federal laws and regulations governing the program in which they participate.

Records: Records to be maintained for a period of 3 years after completion of grant assistance.

FINANCIAL INFORMATION:

Account Identification: 14-2100-0-1-452.

Obligations: (Grants) FY 95 $0; FY 96 are $0; and FY 97 est $0.

Range and Average of Financial Assistance: Up to $35,000 per grant.

PROGRAM ACCOMPLISHMENTS: Tribes have accomplished a variety of projects to provide orientation and training of tribal leaders in the implementation of Public Law 93-638. Tribes have provided specialized technical assistance to tribal managers, program directors, accountants and other administrative staff, and have provided specialized assistance to aid tribes in contracting and for related purposes essential to tribal self-detemination. This program received no funding during fiscal year 1995.

REGULATIONS, GUIDELINES, AND LITERATURE: 25 CFR 272, 278; Procedural Guidelines for the Self-Determination Grants Program; Handbook for Decision Makers.

INFORMATION CONTACTS:

Regional or Local Office: Contact Superintendent at nearest BIA Agency Office.

Headquarters Office: Division Chief, James J. Thomas, Office of Indian Services, Code 480, Division of Self-Determination Services, 1849 C Street, NW, Washington, DC 20240. Telephone: (202) 208-5727. Use the same number for FTS.

RELATED PROGRAMS: None.

EXAMPLES OF FUNDED PROJECTS: A tribe commences a youth counseling service to reduce delinquency and improve its law and other programs. A tribe revises its constitution and by-laws to improve its government structure. A tribe updates its membership rules as basis for service. A tribe conducts service and evaluation of BIA programs in order to prepare program modifications.

CRITERIA FOR SELECTING PROPOSALS: All eligible proposals funded for an amount not exceeding the tribe's program allocation.

revised May,1998

TRAINING AND TECHNICAL ASSISTANCE - INDIAN TRIBAL GOVERNMENTS

(Self-Determination Training and Technical Assistance)

Wetlands

AUTHORIZATION: Public Law 93-638, Section 103, as amended, 88 Stat. 2203.

OBJECTIVES: To aid Indian Tribes to exercise self-determination in accord with Public Law 93-638.

TYPES OF ASSISTANCE: Project Grants (Contracts); Advisory Services and Counseling; Provision of Specialized Services; Training.

USES AND USE RESTRICTIONS: Use is restricted to activities which further Indian Self-Determination according to Public Law 93-638 and implementing regulations: Provide training and technical assistance options; enhance tribes' understanding of the Act; help develop skills needed to utilize options; enhance capability to contract for Bureau and other Federal programs; strengthen tribal government; utilize Personnel use options; and improve capabilities to direct Bureau and other Federal programs. The Bureau is obligated to offer a tribe training and technical assistance to overcome grounds for declining to contract with a tribe. Also, regulations mandate other instances in the contracting and grant process where technical assistance is offered to tribes. In all instances, tribes are free to accept or reject such offers. Counseling and advisory services are dependent upon availability of Bureau/Federal personnel. Financial assistance is dependent upon funds available within each Area and establishment of tribal priority needs within the Area.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Governing body of any federally recognized Indian tribe.

Beneficiary Eligibility: Federally recognized Indian tribes.

Credentials/Documentation: A tribal request in the form of a resolution or some other form in accord with the tribal constitution or current practice shall accompany the request. For construction contracts, Federal Acquisition Regulations or Contract procedures of Public Law 93-638 may apply; for grants, costs will be determined in accordance with OMB Circular No. A-87, except as noted in Appendix A of 25 CFR.

APPLICATION AND AWARD PROCESS:

Preapplication Coordination: Informal preapplication conference is recommended. The standard application forms, as furnished by the Federal agency and required by OMB Circular No. A-102, must be used for this program. This program is excluded from coverage under E.O. 12372.

Application Procedure: Submit the following to BIA Agency Superintendent: (1) Part I - Public Law 93-638 Grant Application; (2) Part II - Narrative Statement; (3) Part III - Budget Data; (4) Part IV-(Construction Program Only): (5) Must be accompanied by Tribal Resolution. (Contact Agency Office for forms and instructions. This program is excluded from coverage under OMB Circutar No. A-110.

Award Procedure: Grant application approved or disapproved by Area Director within 60 days. Notification in writing to tribal governing body, followed by final grant agreement negotiation and approval.

Deadlines: Announced annually by the Bureau of Indian Affairs.

Range of Approval/Disapproval Time: 60 days.

Appeals: In accordance with 25 CFR Part 2.

Renewals: Subject to availability of funds.

revised May,1998

ASSISTANCE CONSIDERATIONS:

Formula and Matching Requirements: Not applicable; grants awarded on a competitive basis.

Length and Time Phasing of Assistance: 1 year renewals. Small grants may be awarded in lump sum, larger grants use treasury advance, cost reimbursement or a Letter of Credit.

POST ASSISTANCE REQUIREMENTS:

Reports: 1) Report of Federal Cash Transactions due within 15 days following the end of each quarter unless otherwise specified in grant agreement; (2) Performance report required along with Financial Status report; and, (3) Final Expenditure report due 90 days after end of grant period.

Audits: In accordance with the provisions of OMB Circular No. A-128, "Audits of State and Local Governments," State and local governments that receive financial assistance of $100,000 or more within the State's fiscal year shall have an audit made for that year. State and local governments that receive between $25,000 and $100,000 within the State's fiscal year shall have an audit made in accordance with Circular No. A-128, or in accordance with Federal laws and regulations governing the program in which they participate.

Records: Records to be maintained for 3 years after completion of project activity.

FINANCIAL INFORMATION:

Account Identification: 14-2100-0-1-452.

Obligation: (Grants) FY 95 $O; FY 96 est $O; and FY 97 est $O.

Range and Average of Financial Assistance: Up to $35,000 per grant.

PROGRAM ACCOMPLISHMENTS: Tribes have accomplished a variety of projects to provide orientation and training of tribal leaders in the implementation of Public Law 93-638; tribes have provided specialized technical assistance to tribal managers, program directors, accountants and other administrative staff, and provided specialized assistance to aid tribes in contracting and for related purposes essential to tribal self-detemination. This program received no funding during FY 1995.

REGULATIONS, GUIDELINES, AND LITERATURE: 25 CFR 272, 278; Procedural Guidelines for the Self-Determination Grants Program; Handbook for Decision Makers.

]INFORMATION CONTACTS:

Regional or Local Office: Contact Superintendent at nearest BIA Agency Office.

Headquarters Office: Division Chief, James J. Thomas, Office of Indian Services, Code 480, Division of Self-Detemination Services, 1849 C Street, NW, Washington, DC 20240. Telephone: (202) 208-5727. Use the same number for FTS.

RELATED PROGRAMS: None.

EXAMPLES OF FUNDED PROJECTS: A tribe commences a youth counseling service to reduce delinquency and improve its law and other programs. A tribe revises in constitution and by-laws to improve its government structure. A tribe updates its membership rules as basis for service. A tribe conducts service and evaluation of BIA programs in order to prepare program modifications.

CRITERIA FOR SELECTING PROPOSALS: Eligible proposal, funded up to the allocated program amount for each tribal government.

revised May,1998

REIMBURSABLE SUPPORT

Wetlands

US Army Corps of Engineers

OVERVIEW:

The U.S. Army Corps of Engineers is authorized by Congress to provide reimbursable assistance to Native American governments as well as other Federal agencies, state/local/territorial governments, private firms and international organizations. Under this program the Corps manages approximately $700,000,000 of work each year by providing quality engineering, environmental, construction management, real estate, research and development and related services.

Customers or sponsors provide full funding for the effort, and retain control and legal responsibility for their program. The Corps executes within the terms of a mutually agreed scope of work, while helping to ensure timely project completion within budget.

Supporting others enables the Corps to maintain and enhance its capabilities. The diversity of work allows us to apply design and construction expertise in new and innovative ways.

The Office of Management and Budget (OMB) recognizes the value of the work performed by the Corps and supports the program by providing full-time-equivalent (FTE) resourcing specifically for this mission. The Administration considers this program an example of a business-like practice and supports it in the National Performance Review with the recommendation to "maximize the use of the Corps planning, engineering and contract management capabilities in support of other Federal agency programs."

GOALS:

The goal of the program is to apply Corps capabilities to assist others in the execution of their missions, not to take away their work. Many agencies do not possess technical expertise to fulfill the in-house engineering needs of their programs. Furthermore, many do not have the staff to effectively manage environmental, engineering or construction work being conducted by private firms under contract. The Corps can fill that void.

The Corps commits to support a customer only after making certain that adequate resources and technical skills are available to ensure absolute customer satisfaction.

The Corps negotiates an interagency agreement (IA) or memorandum of agreement (MOA) with the customer before starting work. Customer's needs are the main focus in developing and tailoring the agreements and executing the work. Additionally, customers have no obligation to provide work to the Corps. The customer decides whether or not to use the Corps and to what extent. This provides extra incentive for the Corps to provide quality service.

One of the main goals is to conduct this program in partnership, not in competition, with the private sector. The Corps relies heavily on the talents of private firms to execute this mission. While relying on the private sector for technical expertise, the Corps functions as an extension of the agency's staff providing expert government presence and oversight to protect the customer's interests. This capability relieves the agency of the burden of hiring and training specialists to perform these functions. As a result, the customer gains the Corps proven contract management experience and effectiveness in the execution of their missions while saving them money and work force.

More information about this program is available from the regional Corps District office.

revised May,1998

INDIVIDUALLY AUTHORIZED STUDIES AND PROJECTS

Wetlands

US Army Corps of Engineers

PLANNING AND AUTHORIZATION PROCESS FOR WATER RESOURCES PROJECTS:

Water resources activities are initiated by local interests, authorized by Congress, funded by Federal and non-Federal sources, and constructed by the Corps under the Civil Works Program. The Water Resources Development Act of 1986 made numerous changes in the way potential new water resource projects are studied, evaluated, and funded.

When governments believe a need exists for improved navigation, flood protection, or other water resources development, they may petition their representatives in Congress. A Congressional committee resolution or an Act of Congress may then authorize the Corps of Engineers to investigate the problems and submit a report. Water resources studies, except those concerning the inland waterway navigation system, are conducted in partnership with a non-Federal sponsor, with the Corps and the sponsor jointly funding and managing the study.

For inland navigation and waterway projects, which are by their nature not "local," Congress established, in the Water Resources Development Act of 1986, an Inland Waterway Users Board comprised of waterway transportation companies and shippers of major commodities. This Board advises the Secretary of the Army and makes recommendations on priorities for new navigation projects (e.g., locks and dams, channel improvements, etc.). Such projects are funded in part from the Inland Waterway Trust Fund, which in turn is fed by waterway fuel taxes.

Normally, the study process for a water resource problem will include public meetings to determine the views of local interests on the extent and type of improvements believed necessary. The desires of local interests and the views of Federal, State, Tribal, and other agencies receive full consideration during the planning process.

Considerations that enter into recommendations to Congress for project authorization include determinations that (1) the benefits will exceed costs and (2)the engineering design of the project is sound, best serves the needs of the people concerned and makes the wisest possible use of the natural resources involved. A report, along with a final National Environmental Policy Act (NEPA) document is then submitted to higher authority for review and recommendations. After review and coordination with all interested Federal agencies and Governors of affected States and Tribes, the Chief of Engineers forwards the report and environmental statement to the Secretary of the Army, who obtains the views of the Office of Management and Budget before transmitting these documents to Congress.

If Congress includes the project in an authorization bill, enactment of the bill constitutes authorization of the project. Before construction can get under-way, however, both the Federal government and the local project sponsor must provide funds and meet other requirements of local cooperation. Budget recommendations are based on evidence of support by the State and by the ability and willingness of non-Federal sponsors to provide their share of the project cost.

Appropriation of money to build a particular project is usually included in the annual Energy and Water Development Appropriation Bill which must be approved by both Houses of the Congress and the President.

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CONTINUING AUTHORITIES

Wetlands

US Army Corps of Engineers

OVERVIEW:

Congress has provided the Corps with six standing authorities to study and build water resource projects for specific purposes and with specified limits on how much Federal money can be spent for a project. The process and rules, such as cost sharing, that apply to individually authorized studies and projects also apply to this Program, except that individual Congressional authorizations are not needed. This saves development and approval time, and permits quicker responses.

Emergency Streambank and Shoreline Erosion: Authorized by Section 14 of the 1946 Flood Control Act, as amended; the Federal share may not exceed $1,000,000 for each project. This authority allows emergency streambank and shoreline protection for public facilities, such as roads, bridges, hospitals, schools, and water/sewage treatment plants, that are in imminent danger of failing.

revised May,1998

PLANNING ASSISTANCE TO THE STATES AND INDIAN TRIBES

Wetlands

US Army Corps of Engineers

OVERVIEW:

The Planning Assistance to States (and Indian Tribes) Program, also known as the Section 22 Program, is authorized by Section 22 of the 1974 Water Resources Development Act. This program authorizes the Corps to use its technical expertise in management of water and related land resources to help States and Indian Tribes deal with their water resource problems. Upon request, the Corps of Engineers will cooperate with States and Indian Tribes in the preparation of plans for the development, utilization, and conservation of water and related land resources located within the boundaries of the State or reservation. Assistance is given within the limits of available appropriations, however, $500,000 is the maximum available annually to any State or Indian Tribe. Studies must be cost shared 50-50 with one (or more) non-Federal sponsor and are usually completed within 12 months from the initiation of the study (or sooner if negotiated with the sponsor(s). Larger studies may be divided into phases, with each phase completed within 12 months or less.

OBJECTIVES:

The objective of the Planning Assistance to States (and Indian Tribes) Program is to support the states and tribes in their comprehensive planning for the development, utilization and conservation of water and related land resources. The program can also be used to assist States and Tribes in developing or revising a State or Tribal Water Plan. The State's or Tribe's annual request for assistance in addressing these resource problems is used to develop the Corps study program for that year. A State's or Tribe's eligibility for planning assistance is determined by comparing the requested work items to the State's or Tribe's water and related land resources plan.

TYPES OF ACTIVITIES:

Typical activities studied under this Program are flood damage reduction, flood warning plans, water quality, water supply, erosion, hydropower, backwater restoration, wetlands analysis, recreation, and navigation. Studies vary in scope from environmental investigations for an individual reservoir to a comprehensive study to establish a State or Tribal Water Budget.

STUDY PROCEDURES:

1. Mutually understood goals for a work item and conformance to State or Tribal plan are agreed upon before the Corps begins planning assistance. The State or Tribe participates in developing the scope of work, cost estimate, and coordinates state and local agency involvement in accomplishing work items.

2. A State or Tribal work request should be regional and comprehensive in scope or be a part of a larger study being performed by the State or Tribe.

3. Planning assistance may include review and update of information from authorized studies not currently funded, provided the assistance conforms to the State or Tribal plan. The assistance may not be used to further ongoing or pending Corps programs, such as comprehensive studies, feasibility studies, or small projects under continuing authorities. If a study identifies a potential construction project with Federal interest, the study will be transferred to the appropriate Corps program.

4. The Planning Assistance To States and Indian Tribes Program may help States or Tribes in support of the Coastal Zone Management Act or the Flood Plain Management Services Program when the primary purpose is to supplement basin-wide or regional State or Tribal planning for the coastal zone or flood plains.

REQUEST FOR PLANNING ASSISTANCE:

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Local and regional officials who are interested in assistance for their communities and who are willing to share the study costs should contact their State or Tribal water resources agency. All requests must be requested through the State or Tribal coordinator for the program. The coordinator compiles the requests in accordance with Corps guidance for the yearly submission. The Corps District then accommodates as many studies as possible within the funding allotment and negotiates agreements including arrangements for 50 percent of the study cost with the non-Federal sponsors requesting the assistance.

ECOSYSTEM RESTORATION PROGRAM

Wetlands

US Army Corps of Engineers

AUTHORITIES:

Section 1135: Project Modifications for Improvement of the Environment, Section 1135 of the Water Resources Development Act of 1986, as amended. This authority allows the Corps to make modifications in the structures and operations of water resources projects constructed by the Corps of Engineers to improve the quality of the environment. It also allows the Corps to undertake measures for ecosystem restoration in areas where a Corps project has contributed to the degradation. A non-Federal sponsor is required to contribute 25 percent of the total project cost. Each separate project is limited to a Federal cost of not more than $5 million, including studies, plans and specifications, and construction.

Section 206: Aquatic Ecosystem Restoration, Section 206 of the Water Resources Development Act of 1996. This authority allows the Corps to carry out aquatic ecosystem restoration projects that will improve the quality of the environment, are in the public interest, and are cost-effective. A non-Federal sponsor is required to contribute 35 percent of the total project cost. Each separate project is limited to a Federal cost of not more than $5 million.

QUALIFYING CRITERIA COMMON TO BOTH PROGRAMS:

Projects must be justified - that is, the monetary and non-monetary benefits resulting from constructing the project must justify the cost of the project. The project also must be environmentally acceptable and complete within itself. The goal of these projects is ecosystem restoration.

STUDY PROCESS:

The study process is identical for both programs. The Corps regional district prepares a Preliminary Restoration Plan which describes the basic project features, justification and cost. Upon approval of this plan a feasibility study is initiated. This study phase involves all of the planning and engineering activities required to reach a conclusion on Federal participation in construction of the restoration project. The report produced is the basis for project construction approval. For projects with a Federal cost of $300,000 or less, a report is not required. Instead the district may combine planning, including environmental compliance documentation, with preparation of plans and specifications.

The feasibility study and preparation of plans and specifications are initially Federally funded. Prior to advertisement of the first construction contract, the non-Federal sponsor and the Corps will sign a Project Cooperation Agreement (PCA) which specifies all of the non-Federal responsibilities and estimated costs. The non-Federal sponsor may receive credit for required real estate.

The non-Federal sponsor may also receive credit for work-in-kind for work accomplished after signing the PCA. The work of volunteers will reduce the total project cost and will not be credited solely to the non-Federal sponsor's share of the cost.

LOCAL RESPONSIBILITIES:

Before a project is implemented a PCA is signed which provides formal assurances of local cooperation by the non-Federal sponsor empowered with sufficient legal and financial authority to comply with all assurance items. Typically, the non-Federal sponsor must agree to the following:

1. Provide all lands, easements, rights-of-way, relocations, and suitable borrow and dredged or excavated material disposal areas required for the project modification.

2. Hold and save the United States free from damages due to the construction works, not including damages

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during construction, operation and maintenance that are due to the fault or negligence of the United States or its contractors.

3. Maintain, operate, repair, replace and rehabilitate the project after completion in accordance with procedures prescribed by the U.S. Army Corps of Engineers.

4. Provide the appropriate non-Federal share of the total project costs as required by the authority being used. This includes reimbursement for 25 percent of the study and design costs.

HOW TO REQUEST A STUDY:

The district may initiate a study at any time. The interested non-Federal sponsor should present its ideas to the district for consideration. If a Preliminary Restoration Plan is prepared the non-Federal sponsor will be requested to provide a letter of intent indicating that it understands the cost sharing requirements, the estimated cost of the project, and is willing and able to meet these potential commitments.

revised May,1998

BENEFICIAL USES OF DREDGED MATERIAL

Wetlands

US Army Corps of Engineers

OVERVIEW:

Section 204 of the Water Resources Development Act of 1992, as amended, gives the Secretary of the Army the authority to enter into cooperative projects with non-Federal sponsors to use dredged material from new or existing Federal navigation projects for the protection, restoration and creation of aquatic and ecologically related habitats, including wetlands. The environmental, economic, and social benefits, monetary and non-monetary, must justify the costs, and the project must not result in environmental degradation.

For example, the section 204 authority could be used for projects that use dredge material to create productive shallow water areas, artificial reefs or wetland habitat. This authority would be applied when the beneficial use project is not the least cost way of disposing of the dredged material consistent with engineering and environmental criteria. The additional costs for the beneficial use project would be shared 75 percent Federal and 25 percent non-Federal with the non-Federal sponsor also being responsible for any operation and maintenance cost for the completed project.

STUDY PROCESS:

The Corps district prepares an Initial Appraisal Report which describes the basic project features, justification and cost. Upon approval of this plan a feasibility study is initiated. This study phase involves all of the planning and engineering activities required to reach a conclusion on Federal participation in construction of the restoration project. The report produced is the basis for project construction approval. For projects with a Federal cost of $200,000 or less, a report is not required. Instead the district may combine planning, including environmental compliance documentation, with preparation of plans and specifications.

The feasibility study and preparation of plans and specifications are initially Federally funded. Prior to advertisement of the first construction contract, the non-Federal sponsor and the Corps will sign a Project Cooperation Agreement (PCA) which specifies all of the non-Federal responsibilities and estimated costs. The non-Federal sponsor may receive credit for required real estate.

HOW TO REQUEST A STUDY:

The district may initiate a study at any time. The interested non-Federal sponsor should present its ideas to the district for consideration. If an Initial Appraisal Report is prepared the non-Federal sponsor will be requested to provide a letter of intent indicating that it understands the cost sharing requirements, the estimated cost of the project, and is willing and able to meet these potential commitments.

revised May,1998

FLOOD PLAIN MANAGEMENT SERVICES PROGRAM

Wetlands

US Army Corps of Engineers

OVERVIEW:

The Corps of Engineers through its Flood Plain Management Services Program uses its technical expertise in flood plain management to help those outside the Corps to deal with floods and flood plain related matters. Section 206 of the Flood Control Act of 1960, as amended, provides the authority for this program. Upon request and without charge, the Corps of Engineers will furnish to States, Federally recognized Indian Tribes, counties, and cities the flood plain information and technical assistance that they need to plan for prudent use of land subject to flooding from streams, lakes, and oceans. Assistance is given within the limits of available appropriations, which have averaged around $8 million annually over the last five years. Assistance is also available to Federal agencies and private persons on a fully reimbursable basis.

OBJECTIVES:

The objective of the Flood Plain Management Services (FPMS) Program is to support comprehensive flood plain management planning with technical services and planning guidance at all appropriate Tribal, State, regional, and local governmental levels; and thereby, to encourage and to guide them toward prudent use of the Nation's flood plains for the benefit of the national economy and welfare. Adjustment of land use based on proper planning and employment of a variety of techniques for reducing flood damage potential constitutes a rational means by which the locational advantages and natural resources of flood plains can be balanced with the inevitable hazards which floods pose.

TYPES OF ACTIVITIES:

Upon request, the FPMS Program provides a full range of technical services and planning guidance on floods and flood plain issues within the broad umbrella of flood plain management. Involvement of requestors is encouraged. They may furnish field survey data, maps, historical flood information and the like. Such participation by requestors can help to reduce costs to the general public, to set work priorities, and to assure continued community interest. Activities under the Corps FPMS Program are described in the following paragraphs.

GENERAL TECHNICAL SERVICES:

Flood and flood plain related data are obtained or developed and interpreted. Topics include: flood formation and timing, flood depth or stage, flood-water velocity, extent of flooding, duration of flooding, flood frequency, obstruction to flood flows, "regulatory floodways," natural and cultural resource values of note, and flood loss potentials before and after employment of flood plain management measures.

GENERAL PLANNING GUIDANCE:

Planning assistance and guidance is provided for implementing or meeting requirements of: flood plain regulations; flood warning and flood emergency preparedness; hurricane evacuation planning; flood proofing measures (e.g., elevation, closures and seals, and anchorage); permanent evacuation and relocation; and the National Flood Insurance Program. The Corps assists in all aspects of flood plain management planning. This can range from helping a community identify the future of the flood plain and related problems (present or future), to a broad assessment of remedial measures (of both the flood modifying and occupance modifying varieties) that may be appropriate. Included are the possible impacts of off-flood plain land use changes on the physical, socio-economic and environmental conditions of the flood plain.

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GUIDANCE, PAMPHLETS AND SUPPORTING STUDIES:

The Program includes studies to improve methods and procedures for mitigating flood damages and the preparation of guides and pamphlets on topics such as flood proofing, flood plain regulations, flood plain occupance, economics of flood plain regulations, and important natural flood plain resources. Guides and pamphlets are prepared for use by tribal, state and local governments in planning and in taking action to reduce flood damages or damage potentials as part of a flood plain management program.

TYPES OF STUDIES/ACTIVITIES CONDUCTED UNDER THE FPMS PROGRAM:

* Dam Break Analyses
* Flood Warning/Preparedness ans Forecast Studies
* Floodway and Floodway Impact Studies
* Flood Plain Delineation /Flood Hazard Evaluation Studies
* Flood Damage Reduction Studies (Local Implementation)
* Alluvial Fan Studies
* Stormwater Management Studies
* Flood Proofing Alternatives Studies
* Comprehensive Flood Plain Management Studies
* Computer Automated Flood Hazard Data

revised May,1998

OTHER ENVIRONMENTAL SUPPORT PROGRAMS

Wetlands

US Army Corps of Engineers

The U.S. Army Corps of Engineers cleans up sites contaminated with hazardous waste, or ordnance; complies with Federal, state, and local environmental laws and regulations; strives to minimize Corps use of hazardous materials; and conserves natural and cultural resources. The Corps serves the nation through superior management, design, and execution of a full range of cleanup and protection activities.

CLEANUP OF FORMERLY USED DEFENSE SITES (FUDS):

The Department of Defense (DoD) is responsible for cleaning up contamination of properties that it or one of its components formerly owned or leased. As the Execution Agent for DoD, the Corps manages the cleanup of such sites. Cleaning up FUDS is a major undertaking, with 9,029 potentially contaminated sites ranging from military training sites containing ordnance, to industrial operations and production facilities containing solvents, organic materials, and, petroleum contamination.

ARMY, AIR FORCE, AND DEFENSE LOGISTICS AGENCY INSTALLATION RESTORATION PROGRAM (IRP):

The Corps districts clean up active installations in support of the Army's IRP by performing studies, developing designs, and conducting remedial actions. The Army has more than 10,000 sites that may be contaminated with ordnance and explosive wastes; solvents; heavy metals; pesticides; plating wastes; petroleum, oil, and lubricants (POL); or other hazardous wastes. Those contaminants are located in landfills, underground storage tanks, soils and fill materials, and aquifers. In support of the Air Force IRP, the Corps has been cleaning up environmental contamination at more than 25 Air Force bases nationwide. In Support of the Defense Logistics Agency, the Corps is cleaning up environmental contamination at Defense Logistics Agency sites.

BASE REALIGNMENT AND CLOSURE - ENVIRONMENTAL RESTORATION (BRAC):

The Corps performs environmental restoration services at Army and Air Force installations affected by the Base Realignment and Closure program. Working closely with Army and Air Force commands and installations in this complex program, the Corps responds to frequently changing requirements while maintaining demanding schedules for cleanup and property transfer.

MANAGEMENT OF DEFENSE & STATE MEMORANDUM OF AGREEMENTS (DSMOA):

The Corps manages and serves as the Department of Defense (DoD) execution agent for the DSMOA program, which funds states and territories for the technical services they provide to support the cleanup of active and closing Department of Defense facilities and Formerly Used Defense Sites (FUDS). This program has helped expedite the cleanup process and has fostered improved communications and cooperation between the states and DoD, providing a way for the state and DoD to resolve problems and thus reduce or avoid costs.

ENVIRONMENTAL QUALITY PROGRAM:

The Corps environmental quality program encompasses a variety of compliance, prevention and conservation projects. Under this program, the Corps has been supporting Army installations for more than 20 years. That support includes developing procedures and managing construction projects and ongoing operations to comply with air, drinking water, wastewater, and solid waste laws and regulations. The Corps works with the installations to preserve and restore natural and cultural resources, as well as to find ways to recycle hazardous materials and to avoid creating wastes.

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SUPPORT of EPA SUPERFUND:

The Corps provides design, construction, real estate services, and technical assistance to the EPA for the Superfund program. EPA was the Corps' first customer, and this partnership has continued for more than a decade. The Superfund program and EPA's support were instrumental in the development of the Corps environmental remediation expertise and mission.

ENVIRONMENTAL SUPPORT FOR OTHERS (ESFO):

Through the ESFO program, the Corps provides high-quality engineering and environmental services to federal agencies, as well as to state and local government agencies. Any agency that lacks the in-house capability to manage such services can engage the Corps, on a cost-reimbursable basis, to act as an extension of its staff.

Partnership is the key. The Corps helps an agency comply with environmental regulations within the constraints of time and budget. The Corps oversees progress and the allocation of appropriate staffing and funding, conducts budget reviews, and issues guidance. Throughout, the customer agency retains legal responsibility and control over its program.

The ESFO program is fully funded by the agencies receiving the Corps assistance. The funding is provided in accordance with a Memorandum of Agreement (MOA) or an Interagency Agreement (IAG) between the Corps and each agency.

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Reclamation Programs

Wetlands

ENVIRONMENTAL AREA: The Bureau of Reclamation (Reclamation) has technical programs in two main areas: Resource Management and Resource Development. The primary authorization for Reclamation's programs is the Reclamation Act of 1902, as amended, though there are a large number of other laws that authorize specific programs and activities. Many of the programs under Reclamation are constrained by the need to seek specific Congressional authorizations and appropriations for individual projects and activities. It should be understood that though many Reclamation programs are already authorized, Congress does not always appropriate funds for them.

Under Resource Management, Reclamation has a number of programs that provide technical assistance to and/or partnership activities with State, Tribal, and local entities and with other Federal agencies. These programs are in keeping with Reclamation's mission as a major Federal water management agency.

RANGE AND TYPES OF ASSISTANCE: The main program specific to Tribal entities is the Native American Affairs Program (NAAP). This program has two primary activities - the Department of Interior (DOI) Water Rights Settlement Federal Teams, and Reclamation's Technical Assistance to Tribes. Reclamation participates on DOI's water rights settlement teams in both a technical and leadership capacity. Also within NAAP, technical assistance is provided to tribes to facilitate their water and water-related resources management efforts on reservations and in communities. A wide range of technical assistance activities have been accomplished in support of tribes, many of which will be covered in more detail later in this (text). One of the main activity areas has been providing technical assistance to tribes in assessing their water supply and treatment needs and then identifying potential solutions to those needs. Planning studies and investigations, such as Needs Assessments and Appraisal and Technical Studies, are accomplished through partnerships with the tribe. On-site water and wastewater infrastructure assessments are also accomplished by Reclamation technical specialists in concert with tribal resource managers.

Reclamation has a group of programs known as Water Management and Conservation Programs (WM&C). Within this group, the following types of assistance are available:

- Challenge Grants program
- Technical Assistance
- Workshops
- Assessments and Evaluations

Reclamation provides drought assistance, per P.L. 102-250, to rural and urban communities and other entities to help them with planning and implementation of drought mitigation measures. This is accomplished through grants and loans and through direct technical assistance by Reclamation technical specialists. This program is not funded on a permanent basis and funding may not be available in a given fiscal year.

The Reclamation Wastewater and Groundwater Studies Act (Title XVI, P.L. 102-575), authorizes Reclamation to perform Appraisal and Feasibility Studies for communities pertaining to application of water recycling technology to recycle wastewater and thereby extend use of limited surface and ground water supplies. Identified solutions may include treatment of wastewater for later use as water supply for industrial and other uses. Identified treatment technology may range from use of constructed wetlands to advanced physical/chemical treatment of the wastewater. Funding must be pursued on an individual study and/or project basis.

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OBJECTIVES: One of Reclamation's historic missions has been the operations and maintenance (O&M) of its many natural resources and existing facilities. These include: water storage and distribution facilities, hydropower facilities, recreational facilities, lands and natural habitats. The Reclamation Act of 1902, as amended, provides the original authority for its O&M Programs. Congress also directs Reclamation to provide O&M of specific facilities through passage of water project authorization legislation. Reclamation can only act on those authorities after Congress has appropriated funds for those O&M activities.

Reclamation's O&M of its facilities and resources are accomplished in two ways. Either Reclamation personnel accomplish the work or through contract/agreement with water districts and/or other entities for their personnel to perform the work.

Reclamation also provides technical assistance and training to other agencies and entities in the O&M area. This includes O&M of: hydropower generation and transmission facilities; water storage and distribution facilities; water treatment facilities; and water-related recreation facilities.

In order for Reclamation to ensure that its facilities are operated and maintained at a high level of structural and operational safety, regular technical reviews are conducted by Reclamation specialists of Reclamation's facilities. As authorized by P.L. 95-578, Reclamation conducts safety evaluations of existing dams (SEED program) and accomplishes corrections of identified safety deficiencies through its Safety of Dams (SOD) program. Because of its expertise in these areas, Reclamation is also DOI's lead bureau for these activities, and through funding from BIA conducts these activities on many dams on tribal lands.

Being a Federal agency, Reclamation is also active in meeting the requirements set forth by Congress for all Federal agencies. In the cultural resources management area, under the guidance of such laws as the National Historic Preservation Act, the American Indian Religious Freedom Act, the Archaeological Resources Protection Act, and the Native American Graves Protection and Repatriation Act, Reclamation has been active in managing cultural resources on its lands and facilitating the management of cultural resources on other lands. Though Reclamation is primarily concerned with its own lands, technical assistance can be given to other agencies and entities in their own efforts.

The National Environmental Policy Act (NEPA) and Fish and Wildlife Coordination Act (FWCA) also require Federal agencies to comply with certain environmental and coordination requirements. Reclamation accomplishes NEPA compliance activities for a wide range of Federal actions, and can assist other agencies and entities with their NEPA compliance activities.

The other main program area for Reclamation, Resource Development, is associated with construction and development of resources activities. One program, the Wetlands Development Program is accomplished in response to the North American Wetlands Conservation Act and Fish and Wildlife Coordination Act. This program includes wetlands/riparian habitat restoration, enhancement and development, and wetlands/riparian habitat evaluation and management. Reclamation has provided technical assistance to many other agencies and entities in these areas and currently works in partnership with others as well.

Reclamation's original mission, as directed by the Reclamation Act of 1902, was the development of water resources in the arid West, which effectively translated into construction of water storage dams, diversion dams, and water distribution systems for agricultural and domestic water supplies. Reclamation is recognized around the world for its expertise in development and construction of these kinds of facilities.

Though Reclamation's main mission is now resources management, rather than resources development, it still has several major construction projects going on today. The Mni Wiconi Project in South Dakota and on the Pine Ridge Reservation is currently being constructed, and there are distribution facilities (municipal, rural and industrial) being constructed on the Standing Rock Sioux Reservation. The Animas-La Plata Project in Colorado and the Navajo Indian Irrigation Projects in the Four Corners area are also in various stages of construction. An example of an already constructed and operating water supply project is the WEB project in north-central South Dakota.

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Prior to actual construction of water projects, adequate planning and then feasibility analyses must be accomplished to the satisfaction of Congress before it will authorize a project. Once construction is authorized by specific legislation of Congress, construction still can not begin until Congress appropriates funds. Funds are appropriated on a yearly basis and are not guaranteed.

Reclamation is also involved in the planning and construction of municipal water recycling facilities, per Title XVI of P.L. 102-575. Construction of temporary technology demonstration projects is authorized under Title XVI and Reclamation is currently involved with several municipal and state partners in the planning and construction of these facilities.

As part of Reclamation's early development of water resources in the arid West, and because of increased demands for electricity by an rapidly expanding population, Reclamation has also constructed a large number of hydropower generation facilities on a number of its dams.. Some regional examples include Yellowtail Dam (Wyoming and Montana) and Boysen Dam (Wyoming).

This construction experience has enabled Reclamation to provide technical assistance, project construction management and oversight in those areas to other agencies and entities, including other countries around the world.

CONTACT: Additional Reclamation program information specific to tribes is available in the Reclamation Resource Manual issued in cooperation with the Mni Sose Intertribal Water Rights Coalition. Local office contacts and the areas they serve can also be found in the Reclamation Resource Manual or can be obtained from:

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