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United States  
Department of  
Agriculture

**Soil  
Conservation  
Service**

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**National  
Watershed  
Manual**

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**Part 506**

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**Plan Modifications**



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# Part 506

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# Plan Modifications

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**Subpart 506A General****506.00 Introduction**

The approved watershed agreement and watershed plan are the official documents for carrying out a watershed project. Whenever the terms, conditions, and stipulations of a watershed agreement must be modified, approval of such changes will be made and the agreements documented by executing a revised watershed plan or executing a supplement to the watershed plan. Some modifications of the watershed plan may be documented by executing a project agreement or supplementing the watershed agreement by an exchange of correspondence with the Sponsoring Local Organizations (SLO).

If changes are needed, the state conservationist should review all parts of the plan to assure that all needed changes are included in the proposed modification. Appropriate regional foresters and the area director of the Forest Service (FS) should be notified where forestry is involved and given the same opportunity for review of the modification as provided in the original plan.

State-developed procedures for coordination of proposed Federal financial assistance should be followed when a revised watershed plan or supplement is to be prepared that results in the addition of any structural measure or deletion of a multiple-purpose structure. In addition, the public must be kept informed of any major changes in the plan and invited to participate when planning takes place.

Policies outlined in this manual will be the basis for the review of plan modifications. Preparation, review, and approval of Public Law 78-534 projects are the same as those for administratively approved Public Law 83-566 projects.

**506.01 Methods of modifying plans****(a) Revised watershed plan**

A revised plan replaces the existing plan, as supplemented. It should include all information needed to install a project without reference to the original plan or previous supplemental plans.

**(b) Supplemental watershed plan**

A supplemental plan is a document that changes part of an existing plan. The amount of detail included in a supplemental plan depends on the nature of the modifications and their effect on the overall project.

**(c) Project agreement**

A project agreement executed for the construction of works of improvement can also provide adequate documentation of an agreement for changes in cost, such as changes in the estimated Public Law 83-566 contribution to construction cost as a result of site adaptation or changing cost levels that do not modify the cost-sharing rate of Public Law 83-566 assistance for construction.

**(d) Exchange of correspondence**

Documentation of changes to the watershed agreement for modifications of the terms, conditions, and stipulations of approved plans, other than changes in purpose, scope, or major features, may be handled by an exchange of correspondence with each of the SLO. This method can be used to document a request by the SLO or the Soil Conservation Service (SCS) for a change to the approved plan. An example of the format for an exchange of correspondence is shown in exhibit 506-1. To report the completion of construction in a project, use the methods described in 507.21 of this manual.

### 506.02 Conditions requiring modification by revised watershed plan

The conditions requiring modification by a revised watershed plan include:

- Changes occur that require approval resolutions by Committees of Congress (see section 506.30(a) and (b) for more specific details), or
- New problems are identified that require Federal assistance, and numerous complex changes in the planned measures are required.

### 506.03 Conditions requiring modification by supplemental watershed plan

The conditions requiring modification by a supplemental watershed plan include:

- Changes in project purposes, scope, or major features or SLO responsibilities not significant enough to warrant a revised watershed plan (see 506.02) are to be documented in a supplemental watershed plan.
- Change in purpose—A change in purpose is defined as the addition to or deletion from an approved watershed project of one or more purposes for which it was formulated (see part 502).
- Change in scope—A change in scope is defined as a planned increase or decrease in the degree or extent of project development specifically to benefit either different beneficiaries or the same beneficiaries to a different degree.
- Change in major features—A change in major features is defined as:
  - Using different ways to achieve agreed upon objectives without planned changes in purpose or scope, by such means as significantly changing the number, location, extent, or capacity of project measures, substituting one type of structural measure for another, or substituting nonstructural measures for structural measures;
  - Adding provisions for Public Law 83-566 credit assistance; or
  - Changing the cost-sharing arrangements set forth in the watershed agreement.

### 506.04 Conditions requiring modification by project agreement or exchange of correspondence

The conditions requiring modification by project agreement or exchange of correspondence include:

- Agreement to a change of the terms, conditions, and stipulations of the approved plan that does not require the execution of a supplemental watershed plan may be documented by a project agreement or exchange of correspondence.
- Change in sponsors—A change in sponsors is defined as any change in the group of local organizations or their responsibilities. This may be documented by an exchange of correspondence. Where transfers of or changes in responsibilities result, a new supplemental agreement will be executed and signed by all parties. See exhibit 506-1.
- Any time an exchange of correspondence is executed, one conformed copy should be sent to the Watershed Projects Division (WPD) director and the NTC director.

### 506.05 Fund charges

All changes by revised plan or supplement should be charged to watershed operations funds WF-08. All changes to approved flood prevention (Public Law 78-534) subwatershed plans should be charged to WF-03 funds.

## Subpart 506B Preparation of supplements and revised plans

### 506.10 General

The state conservationist will obtain written approval from the director, WPD, before agreeing to modifying a plan to add a cost shared purpose or modifying a plan in which the Public Law 83-566 costs are increased by more than 20 percent.

#### (a) Plan formulation procedures

Modifications to authorized plans that meet the criteria in section 506.11 will be formulated using the procedures in effect at the time of the modification. All works of improvement in evaluation units significantly affected by the proposed modification will be reformulated and reevaluated. Procedures used to formulate and evaluate the approved plan may be used for all other modifications.

#### (b) Interest rates

Proposed changes in projects that meet the criteria in section 506.11 will be evaluated using current interest rates.

For works of improvement not significantly impacted by proposed changes, the interest rate used during plan formulation will be used for both installed works and remaining works of improvement to be installed.

For modifications that require preparation of an EIS, the remaining works of improvement will be evaluated using both interest rates. The results of using the current and plan interest rate will be displayed in the EIS.

#### (c) Engineering criteria

Current engineering criteria will be used for

- Any new structural measures,
- Measures that, if installed according to original criteria, would endanger the new or modified measures, and
- Measures where the hazard classification has changed since originally planned (National Engineering Manual, 210-510.04).

### 506.11 Changes requiring reevaluation and reformulation

Modifications to approved water resource plans will be considered significant enough to warrant reformulation and reevaluation, using P&G, when any of the following conditions occur:

- A change in type, number, scope, or size of project measures significantly increases Public Law 83-566 costs. The increase is considered significant if it exceeds the updated Public Law 83-566 costs by 20 percent or the changes require approval of a Congressional committee.
- An additional cost sharing purpose is added.

### 506.12 Environmental concerns

SCS procedures for compliance with NEPA and related environmental concerns (Part 410, Subpart A of the General Manual) must be adhered to when making modifications to approved plans. An evaluation of the environmental effects is to be made and documented in an Environmental Assessment (EA). If the proposed changes result in significant impacts, an Environmental Impact Statement (EIS) or revised plan-EIS should be prepared and circulated for the same reviews as the original plan. If the proposed changes are considered major but the impacts are not significant, a write-up in the supplemental plan explaining the situation will suffice. In the latter case, a Finding Of No Significant Impact (FONSI) should be filed, and a supplemental plan or revised plan is the document that is prepared and reviewed. If the proposed changes are not considered major, it is not necessary to file a FONSI.

### 506.13 Content of supplements

Supplemental plans should begin with a section entitled "Need for the Supplement." This section should describe why the plan is being supplemented and what changes are being made. This should be followed by those sections from the original plan that are appropriate to document the changes proposed. The amount of detail given should be in keeping with the complexity of the proposed changes.

If revised tables are needed to document the changes, current cost estimates for works of improvement remaining to be installed are to be used. As-built costs should be used for measures already installed and contract costs for those measures under construction. These values are to be indexed to current dollar values or the remaining works are to be evaluated as a separate remaining increment (see section 507.01(f)). The as-built costs for installed measures are shown in Tables 1 and 2 (figs. 504-8 & 504-9). The as-built cost should be indexed to current values (see Table 4, fig. 504-15). Any comparison of benefits and costs must have a consistent dollar value for benefits and costs. This adjustment may involve other changes that have developed since the approved plan was prepared.

#### 506.14 Content of revised plans

A revised plan follows the same format and content as that of a new plan (see part 504 of this manual).

#### 506.15 Supplemental watershed agreements or revised watershed agreements

Supplemental watershed agreements or revised agreements shall be used with all supplements or revised plans. Place the agreement at the front of the document in back of the cover sheet. The amount of detail needed in the agreement is governed by the nature and scope of the change and should be conditioned on the amount of new information in the plan that is attached to and made part of the plan. The agreement should, in all cases, specify the nature of the plan modification, give the provisions of the original agreement (as supplemented, if appropriate) that are being modified by the new agreement, make changes resulting from new laws or policy, and specify those provisions in the original agreement that are not changed by the new agreement. Figure 506-1 shows a supplemental watershed agreement.

Revised watershed agreements shall be used with all revised watershed plans and placed at the front of the document right behind the cover sheet. Because the agreement is a revision, a special opening section is needed. However, after the introductory paragraphs, normal items are used as given in part 504 of this manual. Figure 506-2 shows a revised watershed agreement.



**Figure 506-1** Supplemental watershed agreement

**Supplemental Watershed Agreement No.**

**between the**

\_\_\_\_\_

**Local organization**

\_\_\_\_\_

**Local organization**

\_\_\_\_\_

**Local organization**  
**(Referred to herein as sponsors)**

**State of** \_\_\_\_\_

**and the**

**Soil Conservation Service**  
**United States Department of Agriculture**  
**(Referred to herein as SCS)**

Whereas, the watershed plan for \_\_\_\_\_ Watershed, State of \_\_\_\_\_, executed by the sponsors named therein and SCS, became effective on the \_\_\_ day of \_\_\_\_\_, 19\_\_\_; and

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**Note:** The effective date of a watershed plan is the date that Federal assistance for installing the project measure was authorized.

If another supplemental agreement has already been executed, this should be recognized by another “Whereas” statement similar to the following. Thereafter reference to the agreement should include the phrase, “as supplemented.”

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Whereas, a supplemental agreement(s) for said watershed, executed by the Sponsors named therein and the SCS became effective on the \_\_\_ day of \_\_\_\_\_, 19\_\_\_; and

Whereas, in order to carry out the watershed plan for said watershed, it has become necessary to modify said watershed agreement; and

Whereas, the responsibility for administration of the Watershed Protection and Flood Prevention Act, as amended, has been assigned by the Secretary of Agriculture to the SCS; and

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**Note:** Add “Whereas” clauses only if appropriate.

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**Figure 506-1** Supplemental watershed agreement—Continued

Whereas, a Supplemental Watershed Plan which modifies the watershed plan dated (date plan was authorized for operations) for said watershed has been developed through the cooperative efforts of the Sponsors and the SCS;

Now, therefore, the Secretary of Agriculture through the SCS and the Sponsors hereby agree upon the following modifications of the terms, conditions, and stipulations of said watershed agreement;

**Note:** Specify changes being made in the watershed agreement as follows:

(1) The \_\_\_\_\_ Watershed Conservancy District hereby agree to become one of the local organizations sponsoring said watershed project.

(2) The name of the \_\_\_\_\_ Department is hereby changed to \_\_\_\_\_ State Environmental Protection Agency.

(3) Multiple-purpose structure No. 12 is hereby deleted from the planned works of improvement.

(4) Municipal Water Supply is hereby deleted as a project purpose.

**Note:** The necessary paragraphs in the original agreement should be changed. Cost-sharing paragraphs should not be included unless a change in cost-sharing percentages is made.

(5) Paragraph number \_\_\_\_ is modified to read as follows:

The percentages of construction costs to be paid by the Sponsors and by SCS are as follows:

Works of improvement	Sponsors (or name of sponsor) (%)	SCS (%)	Estimated construction costs (\$)
Floodwater retarding structures, channel work, and floodways	None	100	Total

**Note:** The statement “paragraph numbered \_\_\_\_ is modified to read as follows:” completely cancels the paragraph in the original agreement. Therefore, the entire paragraph must be reproduced in its new form.

**Figure 506-1** Supplemental watershed agreement—Continued

(6) Paragraph numbered \_\_\_\_ is hereby added as follows:

(7) Paragraphs numbered \_\_\_\_, \_\_\_\_, and \_\_\_\_ are hereby deleted from the agreement.

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**Note:** After all changes, deletions, and additions are complete, the following statement should be included as an unnumbered item before the signature page:

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The Sponsors and SCS further agree to all other terms, conditions, and stipulations of said watershed agreement not modified herein.

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**Note:** Provisions for signatures should be provided as in standard agreement format.

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**Figure 506-2** Revised watershed agreement**Revised Watershed Agreement No.**

between the

\_\_\_\_\_  
**Local organization**\_\_\_\_\_  
**Local organization****(Referred to herein as sponsors)**

State of \_\_\_\_\_

and the

**Soil Conservation Service  
United States Department of Agriculture  
(Referred to herein as SCS)**

Whereas, the watershed plan for \_\_\_\_\_ Watershed, State of \_\_\_\_\_, executed by the sponsors named therein and SCS, became effective on the \_\_\_ day of \_\_\_\_\_, 19\_\_\_; and

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**Note:** If a supplemental agreement has been executed, this should be recognized by another "Whereas" statement similar to the foregoing. Thereafter, reference to the agreement should include the phrase, "as supplemented."

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Whereas, the responsibility for administration of the Watershed Protection and Flood Prevention Act, as amended, has been assigned by the Secretary of Agriculture to the SCS; and

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**Note:** For Public Law 78-534 projects change the Act in the above clause to Flood Control Act.

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Whereas, in order to carry out the watershed plan for said watershed, it has become necessary to revise and supersede said watershed agreement; and

Whereas, a revised plan-EIS which modifies the watershed plan dated \_\_\_\_\_ for said watershed has been developed through the cooperative efforts of the Sponsors and the SCS;

Now, therefore, the Secretary of Agriculture, through the SCS, and the Sponsors hereby agree on the revised watershed plan-EIS.

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**Note:** Use standard paragraphs found in Part 504 of this manual.

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## Subpart 506C Review of plan modifications

### 506.20 General

Subpart 506C provides guidance for the review of proposed modifications of watershed plans. The review will be commensurate with the magnitude of the changes being proposed. Input by the public and concerned groups, as well as local, State, and Federal agencies should be obtained as appropriate.

### 506.21 Review procedures

#### (a) General

The required review is based on the approval level of the proposed modification (see subpart 506D). The review procedure outlined in part 505 will be followed for all revised plans and supplements that require preparation of an EA or an EIS. The needed review of other modifications will be determined by the state conservationist on a case-by-case situation.

#### (b) State responsibilities

The state conservationist will assure that the proposed modification has been properly reviewed before the modification is approved. It is the state conservationist's responsibility to ensure that the document is ready for review.

#### (c) NTC responsibilities

The NTC will conduct a technical review of the draft documents and supporting data submitted by the state conservationist for review.

The NTC director will either write a letter of technical concurrence or a letter outlining changes that are needed to obtain NTC concurrence. Comments will include appropriate recommendations for resolving policy, administrative, or technical deficiencies or approval as appropriate.

### 506.22 Notification

#### (a) Congressionally approved revised plans

Procedures to be followed for revised plan-EIS are the same as those set forth in subpart 505D.

#### (b) All others

The state conservationist will transmit one manually signed copy and two conformed copies of the supplement or revised plan to the director, WPD. The SLO, the NTC, and field offices of all participating agencies and groups will be advised of the approval of a supplement or revised plan and furnished with such copies of the material as are necessary for their participation in the modified project. Where part of the local share of the costs is being financed with a watershed loan, the RDA regional office will be furnished copies of all supplements or revised plans.

## Subpart 506D Approval authority for modifications

### 506.30 Approval by Congress

Approval resolutions by committees of Congress are required for all significant changes to approved Public Law 83-566 projects. Changes are considered significant where any of the following conditions are met:

#### (a) Plans originally approved by Congress

Cumulative change in scope is considered significant if it causes:

- An increase of more than \$5.0 million in the estimated Public Law 83-566 contribution to costs for items other than technical assistance, engineering services, and project administration (increases are to be computed as the sum of all increases whether made at one time or at different times) or
- \* An increase in the total capacity of a structure that requires approval of the change by a Congressional committee other than the one that approved the original plan.

#### (b) Plans originally approved administratively

A change is considered significant if it causes:

- The estimated Public Law 83-566 costs, other than technical assistance, engineering services, and project administration, to exceed \$5 million or
- The total capacity of any structure to exceed 2,500 acre-feet.

### 506.31 Approval by the Chief

All revisions or supplements to plans previously approved by Congress, or the Chief, shall be approved by the Chief before signing by the state conservationist or the SLO except where delegated by the Chief to the state conservationist.

The Chief must also approve all modifications to plans that will require a Secretarial exception under the P&G.

### 506.32 Approval by the state conservationist

The state conservationist may approve all modifications by project agreement, or exchange of correspondence as defined in section 506.01, regardless of the level of approval or authority required for the original plan.

Revised plans or supplements to plans previously approved by the state conservationist may be approved by the state conservationist if the change does not cause the total project Public Law 83-566 financial assistance cost to exceed \$2 million.

### 506.33 Delegated approval authority

State conservationists who have, or have with NTC technical concurrence, delegated approval authority to approve plans for operations can also approve modifications to plans

- Where the modification proposed will not increase financial assistance cost of the project by 10 percent or more after adjustment for inflation or
- Where no additional cost shared purposes are added to the project.

The state conservationists will request authorization for funding from the director, WPD, for plan modifications that increase the cost of the project by 10 percent or more after adjustments for inflation or that add a cost shared purpose.

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## Subpart 506E Public Law 78-534 projects

### 506.40 General

Preparation, review, and approval of Public Law 78-534 projects are the same as those for Public Law 83-566 projects with one exception. If revisions and supplements to a subwatershed plan involve Federal financial or credit assistance from flood prevention funds for purposes other than flood prevention, the Chief will transmit one informational copy of the supplemental subwatershed plan to the Office of Management and Budget. The Chief will authorize the state conservationist to execute the revised or supplemental plan.





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## Subpart 506F Exhibits



**Exhibit 506-1** Sample exchange of correspondence

**Supplemental Watershed Agreement No.**

for \_\_\_\_\_ **Watershed, (State)**

by

**Exchange of Correspondence**

Since the original watershed agreement was signed on \_\_\_\_\_, it has become necessary to modify that agreement to carry out the installation of the plan. As a result of the environmental evaluation, some mitigation is found to be needed.

Structure No. 6 will inundate 25 acres of type 7 wetland and convert it to a type 5 wetland, resulting in a net loss of 200 habitat units. Through the construction of a small dike across a 15-acre draw, 1.2 miles upstream from structure No. 6, a type 3 wetland can be created.

This dike will result in an increase of 190 habitat units, thus limiting the adverse effects to a loss of 10 units, which is not considered significant. There was no way that habitat-in-kind could be developed, and an agreement was reached with fish and wildlife agencies that this tradeoff would be acceptable. Construction costs are estimated to be \$9,200 and all are paid by SCS since Site 6 is a single-purpose flood control structure. The sponsors will obtain the land rights needed in connection with the mitigation measure.

Paragraph 3 of the watershed agreement is changed to read:

Works of improvement	Sponsors (%)	SCS (%)	Estimated construction cost (\$)
Multiple-purpose structure 3	50	50	723,000
Floodwater-retarding structures 1, 2, 6, 10, 12, & 15	0	100	3,256,700
Mitigation measure	0	100	9,200

All other terms, conditions and stipulations of the watershed agreement not modified herein remain the same and are agreed to:

_____	Green County SWCD	_____
Chairman	Sponsor	Date
_____	Green County Commissioners	_____
Chairman	Sponsor	Date
_____	Whitlow Drainage District	_____
Executive Director	Sponsor	Date
_____	Soil Conservation Service	_____
State Conservationist	USDA	Date

