



Watershed Project Sponsor Responsibilities - Dams

Watershed project sponsors represent local interest in federally assisted watershed projects. Sponsors request assistance from the USDA Natural Resources Conservation Service and enter into agreements based upon a watershed plan. This includes an agreement with NRCS for operation and maintenance of installed practices.

The NRCS provides technical and financial assistance to watershed project sponsors in the planning and installation of flood control and other conservation measures in approved watershed projects. This assistance is provided through authorization in the Flood Control Act of 1944 (Public Law 78-534) and Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566).

Project sponsors agree to carry out specific parts of the project and are responsible for such things as:

- ◆ Obtaining land rights,
- ◆ Obtaining required permits,
- ◆ Operation and maintenance activities
- ◆ Monitoring easement encroachment,
- ◆ Meeting permitting requirements,
- ◆ Developing and updating emergency action plans,
- ◆ Conducting regular inspections of installed practices,
- ◆ Working with regulatory agencies (dam safety agency, etc.)

The following provides answers to frequently asked questions concerning watershed project sponsors' responsibilities in federally assisted projects. The questions and answers refer to watershed dams that include earthen embankments, inlet towers, principal spillway pipes and auxiliary earthen spillways.

Q. Watershed projects are sponsored by one or more local organizations. Who can serve as a sponsor and what powers do they need to receive federal assistance?

A. Project sponsors must be entities of state or local government or a tribe. Sponsors of a project that includes structural or non-structural measures or both must have the power of eminent domain so that they may acquire real property and water rights needed for the project. They must also have the authority to levy taxes or have an alternative means of financing their share of the cost of the project as well as the operation and maintenance expenses. They must assure NRCS that they will use these powers and authority to receive federal assistance.

Q. After the planned dams are constructed, what are the major responsibilities of the sponsors?

A. Sponsors are required to carry out operation and maintenance inspections and needed O&M work, monitor easement encroachment, comply with state regulatory requirements, perform emergency actions, and conduct surveillance during storm events.

Q. How long do sponsors need to comply with operation and maintenance requirements?

A. The operation and maintenance agreement requires O&M for the life of the flood control project which is usually the designed life or expected life span of the dams. But flood control dams will need to be maintained as long as they exist.

Q. What is the design life (or expected life span) of flood control projects?

A. It depends on the plan and design. Dams built for flood control usually have a life span of at least 50 years and no more than 100 years. Watershed work plans will have this information on each dam. Most dams, with adequate operation and maintenance, will continue to function well after the end of the designed life.

Q. What is an Operation and Maintenance Agreement?

A. It is a legally binding contract with the federal government in which the sponsors agree to operate and maintain installed measures in a watershed project such as dams, wetlands, irrigation measures and other conservation practices.

Q. What is Operation?

A. Operation is the administrative and management activities necessary to keep the dam safe and functioning as planned. **Example:** Releasing water downstream in compliance with a state water quality agency directive.

Q. What is Maintenance?

A. Maintenance is recurring activities necessary to keep a dam in a safe and functioning condition. **Examples:** Removal of trees on dam or in spillway; fertilization of vegetation; repair of failed components; and repair of damage caused by flooding or vandalism.

Q. What is Rehabilitation?

A. Rehabilitation is all necessary work to extend the service life of a dam and meet applicable safety and performance standards. **Example:** Rebuild a flood control dam with additional 50-100 year service life that meets current dam safety standards.

Q. What if there is a problem with a dam due to an error or misjudgment by NRCS during the installation of a measure or a result of latent site conditions unknown at the time of the installation?

A. After proper documentation, NRCS may correct such problems at the original cost-share rate. This is called remedial work.

Q. How often are sponsors required to inspect dams?

A. This is spelled out in the operation and maintenance agreement. In most cases it will require an annual inspection as a minimum. Inspections should also be conducted when heavy rains occur that might cause damage or spillway flow.

Q. Where do sponsors get training on how to properly inspect dams?

A. Requests can be made to NRCS for training. The National Watershed Coalition conducts workshops on inspection of dams and operation and maintenance. State dam safety agencies may also conduct training sessions.

Q. What if people move in downstream from a dam that was planned and designed as a low hazard dam and the state dam safety agency reclassifies it as a high hazard dam?

A. Sponsors can remove the dam, rehabilitate the dam relocate the homes, or do nothing. If they do nothing they must be aware of the consequences. NRCS and State dam safety agency should be contacted before actions are taken.

Q. What are the consequences of doing nothing in the above situation?

A. The state dam agency could issue an order to require the removal of the dam or upgrade it to meet current standards. If the dam failed there could be loss of property and lives and serious damage to the land and water resources downstream. Sponsors may be liable for damages if action is not taken. It would be important for sponsors to keep a good record of operation and maintenance and actions taken to ensure the safety of the dam and the area downstream.

Q. At the end of the period covered by the Operation and Maintenance agreement—what happens?

A. When the dam has reached the end of its evaluated life (as described in the O&M Agreement), the O&M agreement with NRCS expires, and the sponsor will receive notification in writing from the NRCS State Conservationist. The sponsor may have complete authority and responsibility for the dam.

Q. Can local sponsors modify or remove a dam before the end of the period covered by the operation and maintenance agreement?

A. Approval from NRCS and many times the state dam safety agency is required before any proposed modification or removal of a dam.

Q. Can local sponsors remove or modify a dam after the operation and maintenance agreement expires?

A. NRCS approval is not required; however state dam safety agencies or other agencies may have requirements that affect such a decision. Easements may also have constraints on what can be done.

Q. How can sponsors prevent homes and businesses from being constructed downstream from low hazard dams to avoid the cost of upgrading them when they are reclassified to high hazard?

A. Enact zoning ordinances that prevent development within breach inundation areas. The entity to enact ordinances could be municipal or county governments as allowed by state law. If zoning is not a viable option, making the breach inundation area maps public information can help discourage building in these areas. Sponsors could also purchase downstream easements to control future development.

Q. Do sponsors have to comply with dam safety requirements that may have been enacted since the dam was built?

A. Yes, many state dam safety regulations consider the project sponsors as “owner of record”. However, state regulations differ, so sponsors need to check their state rules.

Q. What are common actions needed to comply with dam safety requirements?

A. State regulations vary, however most have requirements for periodic inspections that are more intense than normal operation and maintenance. Some require inspections by a professional engineer. Most also require the development and annual review of an emergency action plan.

Q. What is an Emergency Action Plan (EAP)?

A. Project Sponsors are required to work with local officials to develop an EAP on each dam where failure may cause loss of life or as required by state and local regulations. This plan considers all potential emergency situations, both natural and man-made, and identifies appropriate responses. The EAP assigns critical roles including surveillance, notification, and evacuation as well as a map identifying the dam break flood zone, evacuation routes and critical contact list.

The National Watershed Coalition is a nonprofit coalition made up national, regional, state, and local organizations, associations and individuals that advocate using watersheds as the planning and implementation unit when dealing with natural resource problems and issues.
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