



# Managing Operation and Maintenance (O&M) Agreements on Watershed Dams

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## Overview: \*\*

Flood control dams constructed under the Watershed Protection and Flood Prevention Act of 1954 (P. L. 83-566) and the Flood Control Act of 1944 (P. L. Law 78-534), require Operation and Maintenance Agreements to ensure that the dams and associated measures will be properly operated and maintained.

The O&M agreement is prepared and signed before the Natural Resources Conservation Service (NRCS) executes fund obligating documents for real property acquisition, relocation assistance, or installation of practices.

The O&M agreement is to be reviewed by the sponsors and the NRCS district conservationist at least every five years. In this review, discussion will include: sponsor responsibilities, status of financial needs, availability of funds, unforeseeable developments, and potential need for revision of the O&M agreement. The O&M agreement may only be revised by mutual consent of all the signatories of the original agreement.

## O&M Agreements include:

- ◆ The practice covered by the agreement.
- ◆ The sponsor(s) who will be responsible for inspecting, performing, and financing the O&M of the dam.
- ◆ The duration of the agreement.
- ◆ A schedule for performing inspections.
- ◆ A financial plan.
- ◆ Provisions for preparations and review of an Emergency Action Plan, if applicable.
- ◆ Provisions that the sponsor will be responsible for O&M at the completion of the installation of each practice.

- ◆ All terms and conditions of easements and other land rights documents that may impact O&M of the dam.
- ◆ A list of the records that the sponsors will provide to NRCS.
- ◆ Provisions for review of the O&M Agreement and associated O&M plans at least every five years.
- ◆ A statement that the O&M is a legally binding contract which will be enforced to protect the interests of the government and the general public. If the NRCS State Conservationist determines that the sponsor/land user has not complied with the terms and conditions of the O&M Agreement and O&M Plan, consequences may include reimbursement for all financial assistance provided by NRCS as well as taking further action NRCS deems necessary.
- ◆ The O&M Agreement shall be signed by a duly authorized official of each sponsor and the NRCS State Conservationist.
- ◆ The O&M Agreement will include a financial plan that will include sources of financing for O&M requirements during the life of the project practice, provisions to assure the State Conservationist that the sponsor will have adequate resources available, and an estimate of costs to operate a project or practice, and provision for periodically updating costs to account for inflation.

*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.*  
[www.watershedcoalition.org](http://www.watershedcoalition.org)

The Natural Resources Conservation Service (NRCS) shall assure that sufficient information is provided to the sponsor to enable them to complete inspections.

If requested by the sponsor, NRCS may participate in inspections; provide training to ensure that the sponsor understands inspection techniques and the importance of completing corrective action; and provide technical assistance to address specific O&M needs.

\*\* Information on the front page and above paragraphs came from the Natural Resources Conservation Service National Operation and Maintenance Manual.

## **Managing O&M Agreements:**

**Sponsors need to read and understand the responsibilities contained in the O&M Agreement.**

Some agreements are many years old and have often not be reviewed on a regular basis.

### **Review Agreements on a regular basis**

Sponsors should review their O&M agreements and O&M related work accomplishments on a frequent and regular basis with other cosponsors and federal partners.

### **Update financial plan for carrying out O&M.**

As dams age they require more maintenance and the cost of O&M continues to increase. Some project sponsors, such as conservation districts, often do not have adequate income to provide for O&M without assistance from other sources.

Sponsors should seek out assistance from such sources as: city, county, and state governments, Indian tribes, and others.

### **Prioritize needs**

If project sponsors have several dams, they should prioritize the O&M needs and take care of the most critical needs first.

**Conduct regular and detailed inspections.** Conducting inspections will help sponsors keep current on any maintenance needs and identify problems early on which can reduce the cost of making repairs.

### **Keep good records.**

Keeping good records of O&M needs and completed work not only helps in managing work load and funds, but may also serve as important documentation if a dam were to fail.

### **Utilize technical resources.**

Some state conservation agencies have technical and financial assistance that is available to sponsors.