

# Guide to Dam Rehabilitation Utilizing the USDA Natural Resources Conservation Service Watershed Rehabilitation Program

The following provides a brief description of the major steps in a watershed dam rehabilitation project.

The Watershed Rehabilitation Amendments to the Watershed Protection and Flood Prevention Act (PL 83-566) authorizes the USDA Natural Resources Conservation Service (NRCS) to work with local communities and watershed project sponsors to address public health and safety concerns and potential adverse environmental impacts of aging dams. The following provides the major steps included in the rehabilitation process.

- 1. Rehabilitation Assessment** – Sponsors request NRCS to conduct an assessment of dams to determine if they are eligible for rehabilitation. This also helps to identify the highest priority needs for rehabilitation.
- 2. Application and request for funding** – Sponsors request technical and financial assistance from NRCS utilizing a form provided by NRCS.
- 3. Rehabilitation Planning** – Sponsors will be notified if their request for rehabilitation is approved. If the request is approved the NRCS and project sponsors will prepare a rehabilitation plan and sign a memorandum of understanding. The process usually includes a supplement or revision to the current watershed project plan. Sponsors will be asked to provide a statement that the operation and maintenance is current on the dam. A draft plan will be prepared and reviewed with sponsors and then a final rehabilitation plan will be developed.
- 4. Design** - The NRCS will conduct surveys and prepare a design for the rehabilitation project. During this period sponsors will work to obtain any new land rights and easements needed for the project, develop or update the emergency action plan and work with affected landowners.
- 5. Construction** – Bids are taken for the construction part of the project. In some cases NRCS manages the contract process and in other cases the sponsors or state conservation agency may manage the contract. NRCS can provide inspectors and engineers to assist with the construction part of the project. NRCS provides up to 65% of the cost and sponsors provide 35% which can include cash or “in-kind” costs for the value of land rights, project administration, and other planning and implementation costs associated with the project.

## Commonly Asked Questions about Rehabilitation of NRCS – Assisted Dams

### **Q. Are all dams eligible for rehabilitation under this legislation?**

**A.** Only dams that were constructed under the following USDA assisted water resource programs qualify for rehabilitation assistance:

- Watershed Program (PL-534 Flood Control Act of 1944 and PL-566 Watershed Protection and Flood Prevention Act),
- Pilot Watershed Program (1952-1954), and
- Resource Conservation and Development Program.

### **Q. What is meant by "rehabilitation"?**

**A.** The authorization defines rehabilitation as all work necessary to extend the life of the dam and meet applicable safety and performance standards.

Rehabilitation can include:

- Extending the life of the dam.
- Addressing deterioration of components of the dam.
- Repairs from catastrophic storms.
- Upgrades needed to meet state dam safety laws.
- Decommissioning (removal of the dam).

### **Q. What alternatives are considered during the planning of a rehabilitation project?**

**A.** Planning is completed using established procedures for watershed planning. Minimum alternatives to be considered include: no action, decommissioning, rehabilitation to meet current criteria, and the National Economic Development Plan. Also, nonstructural alternatives will be considered (relocation of residences, easements or other controls on downstream development, etc.). Economic, social, and environmental impacts are evaluated.

### **Q. Who is responsible for operation and maintenance of the rehabilitated dam?**

**A.** The watershed project sponsors are required to sign an agreement committing them to operate and maintain the rehabilitated dam for the evaluated life of the project (usually 50 to 100 years).

### **Q. Can federal funds pay for operation and maintenance of a dam?**

**A.** Federal funds cannot be used for operation and maintenance activities. The statute specifically states that sponsors will continue to be responsible for operation and maintenance of the dam. Note: If the dam needs rehabilitating because of inadequate operation and maintenance, the local sponsors are ineligible for rehabilitation funds.

### **Q. Are there requirements for designing a rehabilitated dam?**

**A.** The dam must meet current NRCS design standards, applicable state dam safety requirements, and other applicable state and local laws. Rehabilitation projects must meet the requirements of the National Environmental Policy Act. Cultural resources, historic preservation, and threatened or endangered species issues must be considered in the planning process.

### **Q. Can a dam be decommissioned or removed as part of a rehabilitation project?**

**A.** Yes, in fact decommissioning must be an alternative considered in evaluation of each rehabilitation plan.