

provement of land and water resources, and quality of the environment.

#### SHORT TITLE

Act Aug. 4, 1954, ch. 656, §11, formerly §9, 68 Stat. 668, as renumbered by act Aug. 7, 1956, ch. 1027, §1(g), 70 Stat. 1090, provided that: "This Act [enacting this chapter, amending section 701b of Title 33, Navigation and Navigable Waters, and enacting provisions set out as notes under this section and section 701b of Title 33] may be cited as the 'Watershed Protection and Flood Prevention Act'."

#### WATERSHED PROTECTION AND FLOOD PREVENTION PROJECTS EXEMPT FROM REQUIREMENTS FOR INDEPENDENT WATER PROJECT REVIEW

For exemption of projects under this chapter from independent water project review requirements of Ex. Ords. No. 12113 and 12141, see Pub. L. 96-528, title VI, §622, Dec. 15, 1980, 94 Stat. 3118, set out as a note under section 1962 of Title 42, The Public Health and Welfare.

#### EXTENSION OF BENEFITS TO PROJECTS AUTHORIZED BEFORE AUG. 7, 1956

Act Aug. 7, 1956, ch. 1027, §2, 70 Stat. 1090, provided that sections 1006a and 1006b of this title and the amendments made by act Aug. 7, 1956 to sections 1002 to 1005 of this title should be applicable to all works of improvement and plans for such works under the provisions of this chapter and that any plans for works of improvement with respect to which the Secretary of Agriculture was authorized prior to Aug. 7, 1956 to participate in the installation of works of improvement in accordance with such plan, or any plan for works of improvement which had received prior to Aug. 7, 1956 the approval of congressional committees, need not be submitted to the congressional committees as required by this chapter.

#### § 1002. Definitions

For the purposes of this chapter, the following terms shall mean:

The "Secretary"—the Secretary of Agriculture of the United States.

"Works of improvement"—any undertaking for—

- (1) flood prevention (including structural and land treatment measures),
- (2) the conservation, development, utilization, and disposal of water, or
- (3) the conservation and proper utilization of land,

in watershed or subwatershed area not exceeding two hundred and fifty thousand acres and not including any single structure which provides more than twelve thousand five hundred acre-feet of floodwater detention capacity, and more than twenty-five thousand acre-feet of total capacity. No appropriation shall be made for any plan involving an estimated Federal contribution to construction costs in excess of \$5,000,000, or which includes any structure which provides more than twenty-five hundred acre-feet of total capacity unless such plan has been approved by resolutions adopted by the appropriate committees of the Senate and House of Representatives: *Provided*, That in the case of any plan involving no single structure providing more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives and in the case of any plan involving any single structure of more than

4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives, respectively. Each project must contain benefits directly related to agriculture, including rural communities, that account for at least 20 percent of the total benefits of the project. A number of such subwatersheds when they are component parts of a larger watershed may be planned together when the local sponsoring organizations so desire.

"Local organization"—any State, political subdivision thereof, soil or water conservation district, flood prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out, maintain and operate the works of improvement; or any irrigation or reservoir company, water users' association, or similar organization having such authority and not being operated for profit that may be approved by the Secretary; or any Indian tribe or tribal organization, as defined in section 450b of title 25, having authority under Federal, State, or Indian tribal law to carry out, maintain, and operate the works of improvement.

(Aug. 4, 1954, ch. 656, §2, 68 Stat. 666; Aug. 7, 1956, ch. 1027, §1(a), 70 Stat. 1088; Pub. L. 87-170, Aug. 30, 1961, 75 Stat. 408; Pub. L. 89-337, Nov. 8, 1965, 79 Stat. 1300; Pub. L. 92-419, title II, §201(b), Aug. 30, 1972, 86 Stat. 667; Pub. L. 95-113, title XV, §1506(a), Sept. 29, 1977, 91 Stat. 1022; Pub. L. 97-98, title XV, §1512(a), (b), Dec. 22, 1981, 95 Stat. 1332, 1333; Pub. L. 99-662, title IX, §929, Nov. 17, 1986, 100 Stat. 4196; Pub. L. 101-624, title XIV, §1461, Nov. 28, 1990, 104 Stat. 3615; Pub. L. 103-437, §6(v), Nov. 2, 1994, 108 Stat. 4587.)

#### AMENDMENTS

1994—Pub. L. 103-437 in closing provisions of par. defining "Works of improvement" substituted "Committee on Agriculture, Nutrition, and Forestry" for "Committee on Agriculture and Forestry" and "Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House" for "Committee on Public Works of the Senate and the Committee on Public Works of the House".

1990—Pub. L. 101-624, which directed amendment of third sentence by substituting "Each project" for "Each such project submitted to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives after July 1, 1987," and inserting "including rural communities," after "agriculture", was executed to third sentence of par. defining "Works of improvement" to reflect the probable intent of Congress.

1986—Pub. L. 99-662 inserted in definition of "Works of improvement" provision requiring that projects submitted after July 1, 1987, contain benefits directly related to agriculture accounting for at least 20 percent of the total benefits of the project.

1981—Pub. L. 97-98 substituted "\$5,000,000" for "\$1,000,000" in definition of "Works of improvement" and expanded definition of "Local organization" to include any Indian tribe or tribal organization having authority under Federal, State, or Indian tribal law to carry out, maintain, and operate works of improvement.

1977—Pub. L. 95-113 substituted "\$1,000,000" for "\$250,000".

1972—Pub. L. 92-419 defined “Works of improvement” to include any undertaking for the conservation and proper utilization of land.

1965—Pub. L. 89-337 substituted “more than twelve thousand five hundred acre-feet of floodwater detention capacity” for “more than five thousand acre-feet of floodwater detention capacity”.

1961—Pub. L. 87-170 included irrigation or reservoir companies, water users’ associations and similar organizations not operated for profit in the definition of local organization.

1956—Act Aug. 7, 1956, struck out provisions which limited works of improvement to agriculture phases of conservation, development, utilization, and disposal of water, increased the limits of total capacity of any single structure from 5,000 acre-feet to 25,000 acre-feet, exclude single structures which provide more than 5,000 acre-feet of floodwater detention capacity, required approval of plans involving an estimated Federal contribution to construction costs of more than \$250,000, and specified the Congressional committees that must approve the plans where structures are under and over 4,000 acre-feet of total capacity.

#### CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of Title 7, Agriculture.

#### EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of Title 7, Agriculture.

#### TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with this chapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

#### EXTENSION OF BENEFITS TO PROJECTS AUTHORIZED BEFORE AUG. 7, 1956

Amendment by act Aug. 7, 1956, as applicable to all works of improvements and plans for such works under the provisions of this chapter, see Extension of Benefits note set out under section 1001 of this title.

### § 1003. Assistance to local organizations

In order to assist local organizations in preparing and carrying out plans for works of improvement, the Secretary is authorized, upon

application of local organizations if such application has been submitted to, and not disapproved within 45 days by, the State agency having supervisory responsibility over programs provided for in this chapter, or by the Governor if there is no State agency having such responsibility—

(1) to conduct such investigations and surveys as may be necessary to prepare plans for works of improvement;

(2) to prepare plans and estimates required for adequate engineering evaluation;

(3) to make allocations of costs to the various purposes to show the basis of such allocations and to determine whether benefits exceed costs;

(4) to cooperate and enter into agreements with and to furnish financial and other assistance to local organizations: *Provided*, That, for the land-treatment measures, the Federal assistance shall not exceed the rate of assistance for similar practices under existing national programs;

(5) to obtain the cooperation and assistance of other Federal agencies in carrying out the purposes of this section;

(6) to enter into agreements with landowners, operators, and occupiers, individually or collectively, based on conservation plans of such landowners, operators, and occupiers which are developed in cooperation with and approved by the soil and water conservation district in which the land described in the agreement is situated, to be carried out on such land during a period of not to exceed ten years, providing for changes in cropping systems and land uses and for the installation of soil and water conservation practices and measures needed to conserve and develop the soil, water, woodland, wildlife, energy, and recreation resources of and enhance the water quality of lands within the area included in plans for works of improvement, as provided for in such plans, including watershed or sub-watershed work plans in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented. Applications for assistance in developing such conservation plans shall be made in writing to the soil and water conservation district involved, and the proposed agreement shall be reviewed by such district. In return for such agreements by landowners, operators, and occupiers the Secretary shall agree to share the costs of carrying out those practices and measures set forth in the agreement for which he determines that cost sharing is appropriate and in the public interest. The portion of such costs, including labor, to be shared shall be that part which the Secretary determines is appropriate and in the public interest for the carrying out of the practices and measures set forth in the agreement, except that the Federal assistance shall not exceed the rate of assistance for similar practices and measures under existing national programs. The Secretary may terminate any agreement with a landowner, operator, or occupier by mutual agreement if the Secretary determines that such termination would be in the public