

Item No. 10 - 04/14/08

United States Department of Agriculture



Natural Resources Conservation Service
 101 South Main Street
 Temple, Texas 76501-7602
 Telephone: 254-742-9800 Fax: 254-742-9819

January 16, 2008

TEXAS BULLETIN NO. TX120-08-04

SUBJECT: ADS – Project Dams O&M/Hazard Class Verification Initiative – 2008

Purpose: To provide instructions to meet O&M and hazard class verification requirements for project dams.

Expiration Date: September 30, 2008

Action Required by Dates Shown Below

Reviews of watershed operation and maintenance by the NRCS Oversight and Evaluation (O&E) staff in 1999 and 2006 revealed that some NRCS assisted dams built under the PL-534, PL-566, Pilot, and RC&D authorities have unsatisfactory operation and maintenance. In addition, the reports revealed a general lack of oversight and systematic follow-up by NRCS with sponsors on O&M. Also, our hazard classification reviews have been less than timely and in some cases inadequate.

The following action items have been included as a separate performance element in performance standards of all State Conservationists and are required to be completed in Fiscal Year 2008 for each dam in the Texas Project Dams (TPD) database:

1. Determine if the dam is compliant with the O&M agreement.
2. Notify all sponsors and the State Dam Safety Agency in writing if the dam is non-compliant with the O&M agreement.
3. Verify the dam hazard classification is accurate, per the cycle as defined in NRCS policy.

In order to successfully meet these requirements, all field and zone offices with project dams must complete the actions described below.

A listing (“Dams by County”) of all project dams (PL-534, PL-566, Pilot, and RC&D) in each county will be emailed to zone offices by January 18, 2008. Zone offices will forward the lists to appropriate field offices. If any data in the list does not agree with field office records, the District Conservationist must contact Brian Wenberg by **January 31, 2008**. Columns contain “NA” for dams that have exceeded evaluated life and a certification of O&M or hazard class is not required. However, DCs must still estimate O&M costs and collect data on repair needs for these dams.

Each District Conservationist with project dams must complete the following actions (with Zone/FO engineering assistance as needed) by the deadline date shown in **bold type**:

Helping People Help the Land

An Equal Opportunity Provider and Employer

Operation and Maintenance – Actions required by District Conservationists

1. Work with project sponsors to ensure that an O&M inspection has been completed for each dam during CY 2007. For dams lacking an inspection in 2007, perform an inspection by **February 29, 2008**. For each dam in the *Dams by County* spreadsheet, estimate O&M costs and complete assigned columns by **May 1, 2008**.
2. For dams that have identified maintenance needs, document the needs and estimated cost on the inspection form (**See Bulletin TX120-08-02**). Sponsors should provide the District Conservationist with a written plan to address maintenance needs, including planned schedule of completion and source of funding. If the plan is acceptable to NRCS, the sponsors will not be determined to be “non-compliant” with the O&M agreement. For dams with inadequate O&M that are determined to be in violation of the O&M agreement, Steven Bednarz, ASTC (Water Resources) will work with the District Conservationist and project sponsors to assure the needs are addressed in a timely manner. For serious deficiencies that would impact the proper functioning of the structure during a significant rainfall event, the District Conservationist will immediately notify the ASTC (Field Operations) for their Zone, who will forward the notification to John Mueller, SCE. The State Office will work with sponsors to rectify the deficiencies, and if deemed necessary, will notify the Texas Commission on Environmental Quality (TCEQ) Dam Safety Program of the serious deficiencies and the need for immediate corrective action.
3. Review O&M agreements with all watershed sponsors with O&M responsibilities as per the National Operation and Maintenance Manual 500.20C. If it is determined that O&M agreements need to be revised, and the sponsors agree to do so, forward recommended revisions to Steven Bednarz by **May 1, 2008**.
4. Complete the Repair Needs Worksheet and obtain one or two photos of each repair needed. O&M items are defined as those that represent normal wear and tear (fences, Pr.Sp.w. Inlet trash guard/slide gate, rodent guards, minor erosion, etc.). Repairs are defined as those items that exceed the scope of normal maintenance such as damage caused by major storms, major slope slides, principal spillway cracking/corrosion/instability, pipe support instability, wave damage, etc. **Regardless of how the work is classified, be sure to capture the cost under either maintenance or repair.** Email the *Repair Needs Worksheet* and photos to Steven.Bednarz@tx.usda.gov by **May 15, 2008**.
5. Submit the completed *Dams by County* spreadsheet (electronically) and hard copies of the certification form, sponsor’s plan of action, and sponsor’s meeting minutes documenting O&M agreement review to Zone Offices, certifying that the above actions were completed by **May 1, 2008**. Zone Offices will consolidate reports and submit all forms (electronic and hard copy) to Steven Bednarz by **May 15, 2008**. Copies of individual dam inspection reports do not need to be submitted to the State Office.

Hazard Class Verification – Actions required by District Conservationists and Zone/Field Office Engineers

1. To be in compliance with the 5-year cycle required by NRCS policy, the hazard classification of 541 project dams need to be verified in Texas in 2008. This will be accomplished with minimal direct impact to field office operations as outlined below:
 - Level 1: District conservationists, with assistance of Zone and FO engineers will review aerial photography and local knowledge of sites. No field visits will be required, as this level is designed to handle only the most obvious situations. Document *Dams by County* spreadsheet for dams which do not have a change in hazard classification. Zone engineers will report dams that need field review and surveys for levels 2 and 3 to Brian Wenberg as soon as they become aware of the need, but not later than **March 31, 2008**. District Conservationists will submit *Dams by County* spreadsheet to the Zone Office by **May 1, 2008**.
 - Level 2: Zone and FO engineers will perform on-site evaluations and collect minor additional survey data. Other FO personnel may be requested to assist with surveys or provide access to dams. Level 2 evaluations will be completed and submitted to John Mueller by **May 31, 2008**.
 - Level 3: Detailed breach evaluations will be conducted by State Office engineers. Some assistance on surveys or access to dams may be requested from FO personnel. Level 3 evaluations must be completed by **August 1, 2008**.

Funding for these actions is provided in our CTA allocation. All time charges will be charged in WebTCAS to US-CTA-GENRL. Activity codes "Technical Consultation" will be used for field office time, and "Program Management and Support" for state office time.

Project sponsors will be notified of all hazard classification changes and O&M agreement violations by a letter from the State Conservationist.

District Conservationists shall review the contents of this bulletin, the status of O&M inspections/needs, and hazard classification verification of project dams in their county with SWCD directors at their next scheduled meeting.

If NRCS employees or sponsors need training on maintenance inspections, videos for training are available from the State Office Water Resources Staff. Training materials are also available on the Texas Watershed Web (<http://www.tx.nrcs.usda.gov/programs/watersheds>), and the National Watershed Coalition (<http://www.watershedcoalition.org>).

If there are any questions concerning O&M actions, contact Steven Bednarz, ASTC-Water Resources (254-742-9871). For questions regarding hazard class verifications, contact Brian Wenberg, Dam Safety Engineer (254-742-9916).



DONALD W. GOHMERT
State Conservationist

Attachments:

Repair Needs Worksheet

District Conservationist Certification

WATERSHED STRUCTURE REPAIR NEEDS WORKSHEET

Watershed: _____

Site #: _____

Type of Damage:

Embankment:

- Slope Stability
- Sinkholes/Cracks
- Wave Erosion
- Seepage
- Excessive Settlement

Principal Spillway (PSW):

- Riser Damage
- Pipe Separation/Cracks
- Tail Pipe Deterioration
- Plunge Pool Erosion

Auxiliary Spillway (ASW):

- ASW Erosion/Damage

Other:

- Unauthorized Modification

Brief Description of Damage (Include dimensions, severity, history, etc):

Brief Description of Recommended Repair:

Cost Estimate: \$ _____

Sponsoring Local Organization(s) Representative(s):

- 1) _____
- 2) _____
- 3) _____
- 4) _____

Name	Organization	Date
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NRCS Representative:

Name	Title	Date
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Submit this worksheet along with photographs to USDA-NRCS, Water Resources Staff, 101 South Main Street, Temple, TX 76501 or via electronic mail to steven.bednarz@tx.usda.gov.

Certification of Completion

Project Dam O&M Initiative
(See Texas Bulletin TX120-XXX, Dated January 16, 2008)

To be signed and submitted no later than May 1, 2008

I certify that the following items have been completed:

- All 2007 O&M inspections for project dams in _____ County have been completed.
- All O&M needs have been identified and prioritized, costs have been estimated, source of funding for these needs has been identified, and a planned schedule of completion has been prepared and signed by sponsors (Attach copy).
- All Watershed O&M Agreements have been reviewed with all Watershed Project Sponsors who have O&M responsibilities (Attach copy of meeting minutes).
- Repair Needs Worksheet has been completed (with photos) for each dam that needs repair.

District Conservationist

Date

Return this signed form and attachments to the ASTC (Field Operations) for your Zone.
Email the Dams by County spreadsheet to your zone office.

Email Repair Needs Worksheet with photos to Steven.Bednarz@tx.usda.gov

WATERSHED PROTECTION OPERATION AND MAINTENANCE AGREEMENT
Wise County Portion of Upper Trinity River Watershed.

THIS AGREEMENT, made and entered into the 10th day of March, 1959, by and between the Soil Conservation Service, United States Department of Agriculture, hereinafter referred to as the "Service" and the Denton-Wise, Upper West Fork Soil Conservation Districts, hereinafter referred to as the "Districts" and the Wise County Commissioners Court, cooperating with the Service and the Districts, hereinafter referred to as the "County", relates to the operation and maintenance of the following described Works of Improvement:

All works of improvement that have been constructed or are planned for construction in the Denton Creek and Big Sandy Creek Watersheds in Wise County, Texas.

1. OPERATION

The parties hereto agree as follows to the operation of the above described Works of Improvement:

A. The Service will:

1. Provide to the Districts technical assistance in the proper operation of the Works of Improvements.

B. The Districts will:

1. Be responsible for operation of the structures simultaneously with acceptance of the work from the contractor and assume responsibility of vegetated areas after satisfactory establishment and promotion of growth. In carrying out this responsibility, the Districts will:

a. Prohibit grazing except as needed for proper maintenance.

b. Prohibit the installation of gates or other obstruction of any kind being placed in any portion of the principal or emergency spillway(s) or embankment without prior approval of the Service.

c. Prohibit the closing of portholes in the principal spillways and prohibit any works to raise any portion of the spillways above the planned elevation or to deflect or decrease the planned flow through the spillways in any manner without prior approval of the Service.

d. Prohibit the installation of dikes or other structures which may decrease the capacity of the flood channel or deflect the flow from the constructed channel bottom.

- e. Take all other necessary steps to insure that the structures are permitted to function in the manner for which they were designed.

II. MAINTENANCE: The parties hereto agree as follows to the maintenance of the above works of Improvement.

A. The Service will:

1. Inspect the described Works of Improvement at least annually.
2. Prepare a report of inspection findings, recommending maintenance work needed and indicating when such work should be completed. A copy of this report will be furnished the County and the Districts.
3. Provide such technical services as are needed and available for preparing plans, designs and specifications for maintenance items requiring this service.

B The District will:

Be responsible for arranging with the County for maintenance of the structure(s) simultaneously with acceptance of the work from the contractor(s) and for the vegetated areas after satisfactory establishment and promotion of growth. In carrying out this responsibility the Districts will:

1. Inspect the Works of Improvement, with representatives of the Service and the County at least annually and after every major storm or the occurrence of any other unusual condition that might adversely affect the Works of Improvement to insure proper functioning of the structure(s) and to check for possible damage or deterioration. Items to be checked at time of inspection will include, but not be limited to, the following:

a. Principal spillways:

- (1) Damage or obstructions.
- (2) Condition of outlet and riser.
 - (a) Signs of seepage or leakage.
 - (b) Separation of joints.
 - (c) Cracks or breaks.
 - (d) Brush, logs and trash around outlet works.
- (3) Sediment level in relation to top of riser.

b. Emergency spillways - drainage ways.

- (1) Erosion
- (2) Sedimentation

- (3) Weeds, logs and other obstructions or accumulations reducing channel capacity.
- (4) Conformity with original design (deposition or sloughing).
- (5) Condition of vegetative cover.

c. Reservoir area.

- (1) Undesirable vegetative growth.
- (2) Cut or fallen trees.
- (3) Slash and other debris.

d. Embankments

- (1) Settlement or cracking.
- (2) Erosion.
- (3) Leakage or seepage.
- (4) Rodent, wildlife or livestock damage.
- (5) Condition of vegetative cover. Need for weed control, fertilizer, etc.
- (6) Brush, logs and trash on embankment.
- (7) Functioning of relief wells.

e. Flood Channel.

- (1) Sedimentation.
- (2) Bank cutting.
- (3) Debris accumulation.
- (4) Brush and trees in channel.
- (5) Condition of riprap and other works.
 - (a) Undermining.
 - (b) Damage or deterioration.
 - (c) Adjacent channel scouring.
- (6) Adjacent property damage.

f. Fences and gates.

- (1) General condition - repairs needed.
 - (a) Loose or damaged posts.
 - (b) Loose or broken wires.
 - (c) Removed or changed fences.
 - (d) Open, damaged or changed gates.
 - (e) Vegetated areas grazed in excess of proper maintenance needs.

2. Assume aggressive leadership in accelerating the land treatment program in the watersheds.

3. Encourage landowners and operators within the watershed to adopt and carry out soil and water conservation plans with emphasis on those practices which will reduce floodwater and sediment damage.
4. Make periodic inspections of land treatment measures to determine maintenance needs and encourage performance of maintenance of such measures.
5. Make District owned equipment available to landowners and operators for maintenance of practices.

C. The County will:

1. Perform all maintenance needs indicated by Districts or Service inspection reports promptly and in such manner as not to damage the structure(s) in any way.
2. Maintain a record of all maintenance work performed and make such records available for review by the Districts or the Service.
3. Perform maintenance by force account or contract. Major repairs will be made according to plans furnished by the Districts which have been approved by the Service.
4. When all Works of Improvement have been completed, it is estimated that the annual cost of operating and maintaining the Works of Improvement herein described will be approximately \$200 per structure based on present construction costs.

The County is in good financial condition and sufficient funds shall be budgeted annually to carry out the maintenance of these structures.

III. IT IS MUTUALLY AGREED THAT:

- A. Government representatives shall have the right of free access to inspect the Works of Improvement at any time.
- B. Whenever possible the parties to this agreement will make their annual inspections of the Works of Improvement jointly. Annual inspections will be made during the month(s) of July and August. Any supplemental inspections when determined necessary will be scheduled and agreed to at this time.
- C. In the event any of the structures become severely damaged during storms of extreme intensity to the extent that repairs would approach cost of replacement and the damage is not due to lack of adequate maintenance by the Districts or the County, as determined by the Service, the parties will mutually determine whether the structure(s) will be replaced or abandoned.

No member of or Delegate to Congress, or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit to arise therefrom. This provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

The signing of this agreement was authorized at an official meeting of Denton-Wise S.C.D. on 12 day of March, 1959 at Denton, Texas State of Texas

Denton-Wise Soil Conservation Distr:
BY Jacob A. Fought
Date 3-12-59

Attest Tom P. Miller

The signing of this agreement was authorized at an official meeting of Upper West Fork S.C.D. on 14 day of March, 1959. at Jacksboro State of Texas

Upper West Fork Soil Conservation Di
BY Rolland Hill
Date 3-14-59

Attest Geo. Curran

This action authorized at an official meeting of Wise County Comm. Court on 10th day of March, 1959 at Decatur, Texas State of Texas

Wise County Commissioners Court
By John A. Kinder
County Judge
Date March 10, 1959

Attest K. Kling, Clerk
County Commissioners Court
Wise County

Soil Conservation Service
United States Department of Agriculture
By A. N. Smith
State Conservationist

Date 3-31-59

OPERATION AND MAINTENANCE AGREEMENT
BIG SANDY CREEK WATERSHED

WHEREAS the Denton-Wise Soil and Water Conservation District, the Upper West Fork Soil and Water Conservation District, and the Wise County Commissioners Court as sponsoring local organizations; and the Soil Conservation Service, Department of Agriculture, has entered into an operation and maintenance agreement for all works of improvement constructed or to be planned for construction in the Denton Creek and Big Sandy Creek Watersheds in Wise County, Texas.

WHEREAS the Wise Soil and Water Conservation District has assumed all responsibilities of the Denton-Wise Soil and Water Conservation District and the Upper West Fork Soil and Water Conservation District in Wise County.

WHEREAS the Wise County Water Control and Improvement District Number One will benefit from the installation of the works of improvement in the Big Sandy Watershed through the reduction of sedimentation, through the reduction of flooding and through the reduction of damage to roads and bridges in the flood plain.

Now therefore, for and in consideration of such benefits to be received by the Wise County Water Control and Improvement District Number One the said Wise County Water Control and Improvement District Number One does hereby agree and covenant with the Wise Soil and Water Conservation District and the Wise County Commissioners Court to share with them equally in the responsibility for the operation and maintenance of the installed works of improvement in the Big Sandy Watershed in Wise County, such maintenance to be performed according to the terms and conditions set forth in the operation and maintenance agreement dated 10th day of March, 1959, with amendments thereto heretofore entered into between the parties hereto.

The signing of this agreement was authorized at an official meeting of the Wise County Water Control and Improvement District Number One on 30 day of JULY, 1979, at Bridgeport, State of Texas.

Wise County Water Control and Improvement District Number One

By: [Signature]

Date: July 3, 1979

Attest: [Signature]

The signing of this agreement was authorized at an official meeting of the Wise Soil and Water Conservation District on 13 day of JULY, 1979 at Decatur, State of Texas.

Wise Soil and Water Conservation District,

By: [Signature]

Date: July 13, 1979

Attest: [Signature]

This action authorized at an official meeting of the Wise County Commissioners Court on 29 day of JUNE, 1979 at Decatur, State of Texas.

Wise County Commissioners Court

By: [Signature]

Date: JUNE 29, 1979

Attest: [Signature]

AMENDMENT NO. 4
TO
OPERATION AND MAINTENANCE AGREEMENT
BIG SANDY CREEK WATERSHED
(Wise County Portion)

The provisions of the Watershed Protection Operation and Maintenance Agreement for the Wise County Portion of the Upper Trinity River Watershed of Texas, executed on the 10th day of March 1959, as amended in February 1978, July 1979, and on February 10, 1983, are further amended as follows:

In the introductory section, second paragraph, a second sentence is added as follows:

All compensatory mitigation areas that have been installed or that may be planned for installation in the above described watershed in Wise County, Texas will be covered by this agreement.

Under Section I. OPERATION, Item A.2. is added to read as follows:

2. Provide technical assistance to the Sponsors throughout the mitigation permitting process.

Under Section I. OPERATION, Items C., C.1., C.2., C.2.a., C.2.b. and C.2.c. are added to read as follows:

C. The Wise County Water Control and Improvement District (WCID) No. 1 will:

1. Be responsible for the acquisition of land, easements, permits and rights-of way as may be needed for the establishment, construction, operation and maintenance of measures to enhance, or mitigate damage to the environment (resulting from installation of structural measures within the Big Sandy Creek Watershed). Mitigation permits, authorized pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), will be issued and maintained by the Regulatory Office of the U.S. Army Corps of Engineers, Fort Worth District.
2. Operation and maintenance of mitigation measures will be the responsibility of the WCID as specified in such permits issued and/or modified by the U.S. Army Corps of Engineers (Corps). In carrying out this responsibility the WCID will:
 - a. Monitor the mitigation areas for the length of time specified in the final mitigation plan or until the Corps determines that the mitigation areas are functioning as intended.
 - b. Submit written compliance report to the Corps at least once per year as specified in authorizing permit.

- c. Take other necessary steps to insure that all required provisions of any issued permits are fulfilled.

Under Section II. MAINTENANCE, Item A.4. is added to read as follows:

4. Provide such technical services as are needed and available for items requiring this service including maintenance of mitigation areas.

Under Section II. MAINTENANCE, Item D., D.1., and D.2. are added to read as follows:

D. The Wise County WCID No. 1 will:

1. Be responsible for maintenance of any mitigation areas as indicated in applicable permits issued by the Corps.
2. Inspect mitigation areas in accordance with authorizing permits issued by the Corps. Items to be checked at time of inspections will include, but not be limited to: tree plantings and survival rates, herbaceous plantings and survival rates, and vegetative plantings and per cent ground cover. Long-term monitoring and maintenance needs will include fences, livestock exclusion, trash removal, and control of non-native, invasive, or noxious vegetation.

Under Section III. IT IS MUTUALLY AGREED THAT, Item A. is modified to add a second sentence to read as follows:

A. Government Representatives shall also have the right of free access to inspect the mitigation areas at any reasonable time.

Under Section III. IT IS MUTUALLY AGREED THAT, Item C. is modified to add a second sentence at the end of the existing statement as follows:

C. Compensatory mitigation areas must be maintained as specified in the permit issued by the Corps even if the structure is abandoned, unless prior authorization is issued by the Corps.

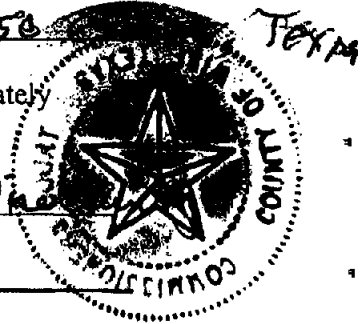
All other provisions of the original operation and maintenance agreement as previously amended remain unchanged.

Name of Sponsor: Wise County

By: Bill McElhenny Title: County Judge, Wise

This action was authorized at an official meeting of the sponsor named immediately above on February 12, 2007

Attest Sherry Parker-Lemon Title County Clerk, Wise



Name of Sponsor: Wise County Water Control and Improvement District #1

By: Lou V. Bridges Title: President

This action was authorized at an official meeting of the sponsor named immediately above on 2-06-07

Attest Jeff McSinger Title SEC

Name of Sponsor: Wise Soil and Water Conservation District

By: Cody Phillips Title: Chairman

This action was authorized at an official meeting of the sponsor named immediately above on 2-13-07

Attest Merlin Remmelde Title Vic Chairman

Natural Resources Conservation Service
United States Department of Agriculture

By: [Signature]

Title: State Conservationist Acting

Date: FEB 21 2007

Supplemental Watershed Agreement No. V

For Big Sandy Creek Watershed
Of the Trinity River Watershed
Clay, Jack, Montague, Tarrant, and Wise Counties, Texas

By

Exchange of Correspondence

Since the original watershed agreement was signed on March 7, 1956, it has become necessary to modify that agreement.

The Tarrant Regional Water District will benefit from the reduction in sedimentation of Eagle Mountain Lake, a public water supply for Tarrant County and the City of Fort Worth. The Tarrant Regional Water District agrees to become a sponsor of the watershed project. The Denton-Wise and the Upper West Fork Soil and Water Conservation Districts have been renamed and realigned. The following Soil and Water Conservation Districts are now sponsors:

- Little Wichita Soil and Water Conservation District
- Wise Soil and Water Conservation District
- Upper Elm-Red Soil and Water Conservation District

Operation and Maintenance agreements were previously executed and are currently in force between the Sponsors and the Natural Resources Conservation Service (Formerly the Soil Conservation Service), and do not need to be changed.

The sponsors hereby agree to add the Tarrant Regional Water District as a sponsor of the watershed.

All other terms, conditions, and stipulations of the Watershed Work Plan Agreement, as supplemented, and of the Operation and Maintenance Agreement remain the same and are agreed to.

W. B. Gault
Signature

Little Wichita Soil and Water Conservation District
Sponsor

Member
Title

4-6-05
Date

Cody Bellisic
Signature

Wise Soil and Water Conservation District
Sponsor

Chairman
Title

3-1-05
Date

C. William Thomas
Signature

Upper Elm-Red Soil and Water Conservation District
Sponsor

Chairman
Title

4-11-05
Date

Kenneth Liggett
Signature

Clay County Commissioners Court
Sponsor

County Judge
Title

March 14, 2005
Date

James R. Kitt
Signature

Montague County Commissioners Court
Sponsor

County Judge
Title

3-28-05
Date

R. P. Chase
Signature

Wise County Commissioners Court
Sponsor

County Judge
Title

3-7-05
Date

Compton City of Bowie, Texas
 Signature _____ Sponsor
Mayor
 Title _____
04-05-05
 Date _____

Lou D. Bridges Wise County Water Control and Improvement
 Signature _____ District No. 1
President Sponsor
 Title _____
3-1-05
 Date _____

George W. Shannon Tarrant Regional Water District
 Signature _____ Sponsor
President
 Title _____
5/10/05
 Date _____

Larry D. Buth Natural Resources Conservation Service
 Signature _____ USDA
State Conservationist
 Title _____
MAY 27 2005
 Date _____