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PART III



DEPARTMENT OF DEFENSE

**Engineers Corps, Department
of the Army**



WATER RESOURCES

**Planning Assistance; Framework and
River Basin Study Programs;
Aquatic Plant Control**

DEPARTMENT OF DEFENSE
Corps of Engineers, Department of the Army

[33 CFR Part 265]

PLANNING ASSISTANCE TO STATES
Proposed Policies and Procedures

Notice is hereby given that the Secretary of the Army, acting through the Chief of Engineers, is proposing a regulation to provide policies and guidelines for the Corps of Engineers implementation of section 22, Pub. L. 93-251, which authorizes the Chief of Engineers to participate with States in the preparation of comprehensive plans for water and related resources.

Prior to adoption of the proposed regulation, consideration will be given to any comments submitted to the Chief of Engineers, Office of the Chief of Engineers, ATTN: DAEN-CWP-A, Washington, D.C. 20314, on or before March 24, 1975.

Until the final regulation is published in the FEDERAL REGISTER, elements of the Office of the Chief of Engineers and field operating agencies having Civil Works responsibilities will utilize this proposed regulation as interim guidance in the execution of studies conducted under the section 22 program.

Dated: January 14, 1975.

J. W. MORRIS,
Major General, USA,
Director of Civil Works.

PART 265—PLANNING ASSISTANCE TO STATES

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AUTHORITY: Sec. 22, Pub. L. 93-251, Water Resources Development Act of 1974, (88 Stat 20).

§ 265.10 Purpose.

This regulation provides basic policies and general guidelines for Corps of Engineers' participation in the program authorized by section 22 of the Water Resources Development Act of 1974 (Pub. L. 93-251).

§ 265.11 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 265.12 References.

- (a) Section 22, Public Law 93-251, 7 March 1974.
- (b) "Coastal Zone Management Act of 1972", Public Law 92-583, 27 October 1972.
- (c) Section 214, Public Law 89-298, 27 October 1965.
- (d) Section 204, Public Law 91-611, 31 December 1970.

§ 265.13 Legislative provisions.

- (a) Specifically, section 22 provides for the following:

(1) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization and conservation of the water and related resources of drainage basins located within the boundaries of such State and to submit to Congress reports and recommendations with respect to appropriate Federal Participation in carrying out such plans.

(2) There is authorized to be appropriated not to exceed \$2,000,000 annually to carry out the provisions of this section except that not more than \$200,000 shall be expended in any one year in any one State.

(b) Both Congressional Committees on Public Works reported to their respective bodies of Congress prior to enactment of the measure, that

"[I]n view of the success of the previous (section 214) program, the Committee feels that it is now desirable and proper to extend the same assistance to all of the States. This legislation is particularly desirable in view of the provisions of the Water Resources Planning Act of 1965 which provides for increased participation by the States in water resources planning and in the formulation of comprehensive river basin plans in connection with the River Basin Commissions established under that Act. The cooperative program authorized by this section will constitute a valuable compliment to the program being carried out under the Water Resources Planning Act." (House Report No. 93-541, p. 94 and Senate Report No. 93-615, p. 119).

(c) Stripped of connecting language sec. 22 provides authority for the Secretary of the Army, acting through the Chief of Engineers " * * * to cooperate with any State in the preparation of comprehensive plans for * * * drainage basins located within the boundaries of such State and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans."

§ 265.14 Basic policies.

(a) The first phrase "to cooperate with any State in the preparation of comprehensive plans" is taken to mean the following: (1) The State must have a planning program for the development, utilization or conservation of the water and related resources underway or laid out in sufficient detail so that the relationship of a State's request for Corps input for some particular aspect of the program may be appraised. All Corps input must be an integral part of the State program for developing their plans for water and related resources of drainage basins located in the State. (2) The input from the Corps is to be on an effort or service sharing basis in lieu of an outright grant basis. It is anticipated that such effort will normally be in the area of Corps' expertise such as comprehensive basin planning or other areas in which the Corps normally has legislative authority. However, other areas may be investigated on a case by case basis if they are necessary in the State's decision making process.

(b) "Drainage basins located within the boundaries of such State" does not mean that the drainage basin must fall entirely within the State. For the pur-

pose of this Act, Coastal zone areas may also be included in the general heading of "drainage basins."

(c) The third aspect of the authorizing language pertains to the reporting process. Under this process, upon completion of the pertinent portion of the State's planning effort and with the concurrence of the State, the Corps will prepare a report of survey type scope on those aspects of the study for which there is a Federal interest. The Corps' report will be processed to Congress following the customary survey report procedures including sponsorship requirements, cost-sharing, etc. and will include recommendations for authorization as appropriate. If no Federal interest is found to exist, no report is necessary. Funds for preparing the Corps report will come from sec. 22 funds.

(d) The term "State" means a State, the District of Columbia, Puerto Rico and the Virgin Islands. However, in the case of New York and Puerto Rico, specific legislative authorities have been previously provided, consistent with section 22. Funding requests for these States should be submitted under either the previous (section 214, PL 89-298 for New York State and section 204, PL 91-611 for Puerto Rico) authorities or section 22, but not both in the same year.

§ 265.15 General Guidelines.

(a) Mutually understood goals will be agreed upon with the State before the Corps enters into a cooperative planning effort.

(b) Duplication of effort must be avoided. This authority is not to be used to insert additional funds into ongoing or pending Federal programs such as comprehensive studies, regular surveys, flood plain information programs, small projects under continuing authorities or other specific authorizations. In determination of eligibility, the section 22 program is to furnish information to states for their planning purposes. An exception to this rule is Corps assistance under the Coastal Zone Management Act of 1972 (Pub. 92-583). Corps participation under section 22 may be used for these studies but must not offset the required state contribution to the National Oceanic and Atmospheric Administration (NOAA)-administered grant program. Under the NOAA program, the state must finance at least one-third of the annual costs. Guidelines and procedures to be implemented by the Corps pursuant to this Act will be furnished separately.

(c) Inter-agency disputes must be avoided, as for example, those which might arise from diversions of activities to section 22 from the comprehensive studies being handled under coordinated budget procedures with full state participation.

(d) Corps activities under section 22 within one State should not extend to areas which clearly involve the interests of other States, unless all States involved agree that the activities reflect coordinated response to the needs of those states.

(e) All Corps—State activities are to be conducted through the lead Corps Division for each state as noted in Appendix A. The responsibility may be delegated by the Division Engineer to a District office to act as lead Corps contact for that State. Division Engineers will insure the adequacy of support of the lead office in their coordinating role. For those states that fall within two or more Corps Districts or Divisions, extra effort will be required by the lead office. This is especially critical due to the nature of funding for the program. All affected Divisions and Districts should be regularly represented and be permitted to participate in activities concerning areas within their Division or District.

(f) The lead office will contact each state for which the office is responsible to advise them of the program and to obtain an expression of interest. If interest is expressed a meeting should be encouraged to discuss potential areas of assistance with the state representatives and appropriate representatives of other affected Corps Districts and Divisions. Based on these contacts and meetings, the State should submit a request for assistance to the lead office for transmittal through appropriate channels to OCE. Upon transmittal of the request to OCE, an information copy should be furnished to affected Divisions and/or Districts if different from the lead office. OCE will review and approve all requests and allocate funds to the lead Division with an information copy to all affected Divisions and Districts.

§ 265.16 Program Management.

Program management and funding will be the responsibility of the Planning Division, DAEN-CWP. Accordingly, all planning and funding matters, submitted in triplicate, in accordance with instructions contained herein, will be to HQDA (DAEN-CWP-E, C or W, as appropriate) WASH DC 20314. Division Engineers are to designate an individual within the Division Office to manage and coordinate the activities under this program. Overall OCE program coordination and selection of studies to be undertaken, when funding requests exceed available funds, will be by DAEN-CWP-A.

§ 265.17 Funding.

Funding requests submitted to OCE should list each study by state, study name, lead Corps District, priority of study state-wide, District capability and contain a brief description of the nature of the study. Division submissions must further list the state-wide priorities into Division-wide priorities. Budget requests for a 5-year program beginning with FY 77 will be submitted as required by appropriate budget circulars and regulations. Annual budget requests for purposes of Congressional justification will be contained under the general title of "Coordination Studies with Other Agencies", and will be the responsibility of OCE.

RUSSELL J. LAMP, -
Colonel, Corps of Engineers,
Executive.

APPENDIX A
LEAD COORDINATING DIVISIONS

1. By State.

- Alabama—SAD
- Alaska—NPD
- Arizona—SPD
- Arkansas—SWD
- California—SPD
- Colorado—MRD
- Connecticut—NED
- Delaware—NAD
- District of Columbia—Florida—SAD
- Georgia—SAD
- Hawaii—POD
- Idaho—NPD
- Illinois—NCD
- Indiana—ORD
- Iowa—NCD
- Kansas—SWD
- Kentucky—ORD
- Louisiana—LMV
- Maine—NED
- Maryland—NAD
- Massachusetts—NED
- Michigan—NCD
- Minnesota—NCD
- Mississippi—LMV
- Missouri—MRD
- Montana—MRD

- Nebraska—MRD
- Nevada—SPD
- New Hampshire—NEI
- New Jersey—NAD
- New Mexico—SWD
- New York—NAD
- North Carolina—SAD
- North Dakota—MRD
- Ohio—ORD
- Oklahoma—SWD
- Oregon—NPD
- Pennsylvania—NAD
- Puerto Rico—SAD
- Rhode Island—NED
- South Carolina—SAD
- South Dakota—MRD
- Tennessee—ORD
- Texas—SWD
- Utah—SPD
- Vermont—NED
- Virginia—NAD
- Virgin Islands—SAD
- Washington—NPD
- West Virginia—ORD
- Wisconsin—NCD
- Wyoming—MRD

2. By Division.

- NED: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
- NAD: Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia
- SAD: Alabama, Florida, Georgia, North Carolina, Puerto Rico, South Carolina, Virgin Islands
- ORD: Indiana, Kentucky, Ohio, Tennessee, West Virginia
- NCD: Illinois, Iowa
- Michigan, Minnesota, Wisconsin
- LMV: Louisiana, Mississippi
- MRD: Colorado, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wyoming
- SWD: Arkansas, Kansas, New Mexico, Oklahoma, Texas
- NPD: Alaska, Idaho, Oregon, Washington
- SPD: Arizona, California, Nevada, Utah
- POD: Hawaii

3. Key to Division Abbreviations.

- NED—Division Engineer, New England Division, 424 Trapelo Road, Waltham, Mass. 02154.
- NAD—Division Engineer, North Atlantic Division, 90 Church St., New York, N.Y. 10007.
- SAD—Division Engineer, South Atlantic Division, 510 Title Bldg., 30 Pryor St., S.W., Atlanta, Ga. 30303.
- ORD—Division Engineer, Ohio River Division, P.O. Box 1159, Cincinnati, Ohio.
- NCD—Division Engineer, North Central Division, 536 S. Clark St., Chicago, Ill. 60605.

- LMV—Division Engineer, Lower Mississippi River Division, P.O. Box 80, Vicksburg, Miss. 39180.
- MRD—Division Engineer, Missouri River Division, P.O. Box 103 Downtown Station, Omaha, Nebraska 68101.
- SWD—Division Engineer, Southwestern Division, 1114 McAllister St., Dallas, Tex. 75202.
- NPD—Division Engineer, North Pacific Division, Rm. 210, Custom House, Portland, Oregon 97209.
- SPD—Division Engineer, South Pacific Division, 630 Sansome St., Rm. 1216, San Francisco, Calif. 94111.
- POD—Division Engineer, Pacific Ocean Division, Bldg. 96, Ft. Armstrong, Honolulu, Hawaii 96813.

[FR Doc.75-3412 Filed 2-4-75;8:45 am]

[33 CFR Part 252]

FRAMEWORK AND RIVER BASIN STUDY PROGRAMS: LEVEL A AND LEVEL B STUDIES

Proposed Policies and Procedures

Notice is hereby given that the Secretary of the Army, acting through the Chief of Engineers, is proposing a regulation to provide general guidance for Corps of Engineers participation in multi-agency studies of Level A scope (Framework and Assessments) and Level B scope (Regional or River Basin) as defined by the Water Resources Council. Prior to adoption of the proposed regulation, consideration will be given to any comments submitted to the Chief of Engineers, Office of the Chief of Engineers, ATTN: DAEN-CWP-A, Washington, D.C. 20314, on or before March 24, 1975.

Until the regulation is adopted and so published in the FEDERAL REGISTER, elements of the Office of the Chief of Engineers and field operating agencies having Civil Works responsibilities will utilize the proposed regulation as interim guidance for Corps participation in Level A and Level B studies conducted under the general direction of the Water Resources Council.

Dated: February 1, 1975.

J. W. MORRIS,
Major General, USA,
Director of Civil Works.

PART 252—FRAMEWORK AND BASIN STUDY PROGRAMS

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- 252.18 Review of Level A and Level B study reports.
- 252.19 Program funding.

AUTHORITY: Pub. L. 89-80, Water Resources Planning Act, 22 July 1965 (42 U.S.C. 1962).

§ 252.10 Purpose.

This regulation provides general guidance for Corps of Engineers' participation in multi-agency studies of Level A scope (Framework and Assessment) and Level B scope (Regional or River Basin) as defined by the Water Resources Council (WRC).

§ 252.11 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 252.12 References.

(a) Section 209, Pub. L. 92-500, (86 Statute 843, 33 U.S.C. 1289), Federal Water Pollution Control Act Amendment of 1972, 18 October 1972.

(b) Public Law 89-80, Water Resources Planning Act, (79 Statute 244-254) 22 July 1965.

(c) Water Resources Council Policy Statement, Water and Related Land Resources Planning, 22 July 1970, (available from Water Resources Council, 2120 L Street NW., Washington, D.C. 20037).

(d) Water Resources Council, Statement of Purpose, Policy, and Objectives, 13 June 1974, (available from the Water Resources Council).

(e) Water Resources Council, The New Approach, 31 May 1974, contained in the Second Annual Report to the Congress of the United States on Level B planning (Appendix A).

(f) Water Resources Council, "75 Water Assessment, The Example," July 1974 (available from the Water Resources Council).

(g) ER 1105-2-10, "Intensive Management".

§ 252.13 Types of studies.

(a) *General.* There are generally three types of studies in the Federal water and related land planning programs. These are Level A Assessments and Framework Studies; Level B Regional or River Basin Studies; and Level C Implementation Studies. While the sequential lettering of these studies implies an order of procedure for those studies that are inter-related, studies are not restricted to that particular sequence. Level C or Implementation Studies may be undertaken in areas where the problems and potential solutions are well defined and the intermediate Level B study is not needed or has not yet been completed. In addition, Level C studies of a specific basin or area may be conducted prior to or concurrent with Level B Studies unless it is apparent that interrelationships require a broader analysis to avoid potentially adverse and irreversible decisions.

(b) *Level A Studies.* Assessments and Framework Studies are the broadest comparison of water and related land planning problems in major regions of the nation. Generally, the assessment will involve a continuing program with reports prepared at five year intervals to serve as a national guide to more detailed studies. Assessments are characterized by utilization of available data organized around major policy and broad socioeconomic trends to determine their im-

plications on more detailed planning studies. Required outputs of Level A Studies are identified in reference § 252.12(f).

(c) *Level B Studies.* (1) Level B studies are made at the Regional or River Basin level for water and related land resources where problems are of a complex, interdisciplinary nature necessitating an intermediate planning step between Level A and Level C studies. Level B studies are designed to resolve long range problems identified in a Level A study, by focusing on mid-term problems and solutions and recommending plans and programs to be pursued by appropriate Federal, State, or local entities. Water quality, water quantity and land management problems are the focus for integration. The primary characteristic of Level B Studies is that they are largely based on judgemental planning, no new data collection, strong public involvement, and increased participation and leadership by the states.

(2) Level B plans provide for an interpretation of national and regional projections; identify alternative plans (methods) and programs; and identify alternative programs for management and use of water and related resources by including multiobjective and multipurpose considerations in each plan or program. The measures or programs included in each Level B plan must recognize and be based on reasonable assumptions of investment capabilities of agencies designated to carry out such programs or plans, whether the agencies are Federal, State, or local. Alternative levels of investment and their impacts may be shown where appropriate.

(3) The required outputs of a Level B study have not been clearly defined by WRC. However, Level B planning will generally result in programs, plans, and implementation studies needed within a 15-25 year time frame, a statement of long-term and unresolved issues, and recommendations for new policies or changes in existing policies.

§ 252.14 Program legislative and executive authorities.

(a) Title I of the Water Resources Planning Act, Pub. L. 89-80 encourages the conservation, development, and utilization of water and related land resources of the Nation on a comprehensive and coordinated basis by all levels of government and non-governmental entities and individuals. This Act applies to both Level A and Level B studies. Title II, section 201(b) of the Act provides the general authority for River Basin Commissions, including Federal and State members, to participate in preparing assessments and river basin plans.

(b) The WRC Policy Statement (reference § 252.12(c)) further states that multi-agency water and related land resources planning shall be performed under guidance of the Water Resources Council. Study leaders shall be designated by river basin commissions in their areas or by the Water Resources Council in other areas. Federal agencies, including the Corps of Engineers, engaged in

this type of planning are participants in multi-agency studies.

§ 252.15 Program policy.

As a member of the Water Resources Council, the Department of the Army endorses the policies and procedures established by the Council for Level A and Level B studies. A summary of these policies, with appropriate references, is provided below. In addition, policies on the management aspects of Corps participation in Level A and Level B studies are contained in § 252.16.

(a) The WRC Statement of Purpose, Policy and Objectives (reference § 252.12(d)) will guide the Council's development and implementation of policies, programs and activities in the future. The Statement of Purpose defines the broad framework and legislative basis for the Council's functions and activities; the Statement of Policy is a summary of the criteria, assumptions and activities that will guide and carry out implementation of the purpose of the Water Resources Council; and the Statement of Objectives sets out a schedule of specific, desired accomplishments for the relative near-term future (12-18 months).

(b) The WRC Second Annual Report to Congress on Level B Planning outlines the new approach to Level B studies adopted in 1973, (Appendix A). The new approach stresses the importance of Level B planning, the issues to be addressed, the study participants, funding and the relationships between water and land management problems including land use, coastal zones management, and rural area development. It also advanced some study limitations on time, funds and data input. Although primarily directed toward section 209, Pub. L. 92-500, the new approach is generally applicable for all Level B planning.

(c) The Corps of Engineers' role in Level A and Level B studies will usually be that of a participant but in some cases the coordinating field entity may request the Corps to assume the role of study leadership. In areas of the nation where there is no coordinating entity, the Corps may be directly named as study sponsor by the Water Resources Council. All Level A regional sponsors operate under a Regional Work Agreement which is an agreement between the sponsor and the Water Resources Council. When there is no organized regional entity, the current WRC approach is to delegate a strong leadership role to the affected State or States. Although the Corps role in Level A and Level B studies will generally be as a participant, the level of responsibility will vary on a case-by-case basis.

§ 252.16 Program management.

The Water Resources Council has the primary responsibility for managing and coordinating Level A and Level B studies nationwide. The Council assigns particular studies to appropriate regional entities, such as River Basin Commissions. When the Corps participates in a Level A or Level B study, the following management responsibilities are to be exercised:

(a) *Office, Chief of Engineers.* OCE will not normally be involved in the management and coordination of Corps participation in specific Level A and Level B Studies (see § 252.17). However, OCE will be involved as a participant through the Water Resources Council in the selection of Level A and Level B studies, the development of criteria for study, and selection and formulation of budget recommendations. The primary responsibility to effect the above coordination rests with the Army Representative to the Water Resources Council, designated by the Secretary of the Army.

(b) *Division Engineers.* (1) Division Engineers are responsible for intensive management of Corps participation in Level A and Level B studies conducted within respective Division boundaries (ref ER 1105-2-10). This responsibility includes, but is not limited to insuring that appropriate Division and District personnel are assigned to work with the regional entity designated by the Water Resources Council as the study leader, to assist the study leader, as requested, in developing study schedules, funding requirements, areas of responsibility and to assist in the conduct of the study generally in accordance with the guidelines provided by the Water Resources Council. Division Engineers are also to monitor fiscal and physical progress of Corps effort, with appropriate use of milestones, and are to assure that Corps responsibilities are fulfilled.

(2) In cases where the Corps is assigned a leadership role in a Level A or Level B study, Division Engineers are to be personally and directly involved in the study, and are to insure that the Army Representative to the Water Resources Council is kept apprised of significant activities and actions (see § 252.17).

(c) *District Engineers.* District Engineers are responsible for accomplishing assignments made by their Division Engineers, insuring that appropriate personnel are designated to represent the Corps in Level A and Level B studies. For the most part, work assignments given to the Corps by the study leader will be delegated to District Engineers based on capability, location, and available expertise in the particular areas of required effort.

§ 252.17 Reporting requirements.

There are no recurring report requirements for field operating agencies prescribed by this regulation. However, through their intensive management, Division Engineers are to keep the Chief of Engineers informed, in accordance with the following guidelines:

(a) Letters containing information warranting the personal attention of the Army Representative to the Water Resources Council or the Director of Civil Works are to be sent to HQDA (DAEN-CWZ-A) WASH DC 20314.

(b) Letters outlining problems or significant actions concerning policy matters should be sent to HQDA (DAEN-CWR-W) WASH DC 20314. In all cases where an OCE position is de-

sired, the Division Engineer should present his recommended course of action.

(c) Letters outlining problems or significant actions concerning planning procedures and application of Federal planning criteria are to be addressed to HQDA (DAEN-CWP-P) WASH DC 20314.

§ 252.18 Review of Level A and B Study Reports.

The Chief of Engineers will review Level A and Level B study reports as requested by the Water Resources Council. The review will be conducted by various elements of OCE, including BERH, as deemed appropriate by DAEN-CWR-W. When Division Engineers review or prepare draft reports as input to a Level A or Level B study, informal OCE review may be requested on particular aspects as deemed appropriate, based on interfaces identified with Corps programs. Review of selected portions of draft reports should be requested through DAEN-CWR-W.

§ 252.19 Program funding.

At this time, funding procedures for Level A and Level B studies are being revised. Information pertaining to budgetary submissions to OCE is contained in ER 11-2-101 and annual Engineer Circulars. Further guidance on funding requests will be furnished when available.

For the Chief of Engineers.

RUSSELL J. LAMP,
Colonel, Corps of Engineers,
Executive.

APPENDIX A

SECOND ANNUAL REPORT TO THE CONGRESS OF THE UNITED STATES ON LEVEL B (SECTION 209) PLANNING

United States Water Resources Council
Washington, D.C. 20037

HONORABLE GERALD R. FORD,
President of the Senate
Washington, D.C. 20510.

MAY 31, 1974.

DEAR MR. PRESIDENT: On behalf of the President, I am pleased to transmit the second annual report required by section 209 of the Federal Water Pollution Control Act Amendments of 1972. Section 209 directs the President, acting through the Water Resources Council, to prepare a Level B plan for all basins in the United States and to report annually to the Congress on progress.

During the past year considerable effort was expended by the Council in developing a position on implementing section 209. Representatives of Member Departments and Agencies of the Council, the States, and the River Basin Commissions cooperated effectively with each other in evolving a new approach to Level B planning. The new approach is based largely on judgmental planning; strong compact central management; immediate and iterative plan formulation (involving public review and feedback); no new original data collection; and increased emphasis on participation and leadership of the States. As a result, Level B study time periods and costs will be substantially lower than those of river basin studies of prior years. We are presently testing this new approach. The results of these tests will greatly influence future activities under the section 209 program.

The enclosed report provides background information on Council activities in connection with Level B planning during the past year.

Sincerely,

JACK HORTON,
Acting Chairman.

Identical letter to Carl Albert, Speaker of the House.

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The 209 Program

INTRODUCTION

The first annual report to the Congress in response to section 209 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) was submitted to the Senate and to the House of Representatives by letter from the Chairman of the Water Resources Council (WRC), dated May 15, 1973.

In response to a letter inquiry from the Chairman, House Committee on Public Works, the Chairman, WRC, by letter of July 12, 1973, stated: "As you know, the Environmental Protection Agency and other Federal agencies are working closely to establish the coordination and program design for the implementation of Pub. L. 92-500. The results of this review will be reflected in next year's report."

Because of this commitment and in response to a directive of September 21, 1973, from the Chairman, WRC, the Director of WRC organized a Task Committee to develop a position on implementing section 209. Membership of that Committee consisted of the Director as Chairman and representatives of the Departments of Interior, Agriculture, and Army, the Environmental Protection Agency, and the River Basin Commissions (RBC's). Four Work Groups, which included State representatives, provided the basis for the Task Committee's proposed section 209 implementation program.

Section 209 provides for development of Level B plans for all river basins or regions in the United States by January 1, 1980. \$200 million have been authorized in the Act for this purpose. This impetus, together with the proliferation of interrelated programs, dictates the necessity of utilizing Level B planning as an important and essential vehicle for integrating the many water and land programs.

The tremendous changes of the last ten years or so have engendered the current criticism that the results of the comprehensive planning program, based on concepts and methodology of the 1960's, are overly expensive and of limited value to decision-makers. Changes are needed because of very fast-moving events affecting public desires and preferences. It was with this background that the Task Committee developed the new approach to Level B planning, which was adopted by the Council on October 17, 1973.

THE NEW APPROACH

Task Committee's report. The Task Committee's proposed program, as adopted by the Council, for the new Level B planning approach, has the following main characteristics:

Section 209 is recognized as an important and essential vehicle for integrating all related land and water planning programs. A Level B study, conducted under the mandates of the Water Resources Planning Act of 1965 (Pub. L. 89-80) and section 209 of the Federal Water Pollution Control Act

Amendments of 1972 (Pub. L. 92-500) and organized and funded to guarantee the participation of key entities with natural resource responsibilities and capabilities, is the most effective device for achieving the integration of a wide range of natural resource planning programs.

Studies are to address major Federal and non-Federal issues requiring near and mid-term (15 to 25 years) solutions and are to identify major data gaps, unmet needs, and requirements for additional studies by others (both Federal and non-Federal) in implementation of Level B plans.

A strong participating and leadership role by the States is essential for effective Level B planning. It is the policy of both the President and the Congress to strengthen the role of the States in natural resource decision-making.

The need for minimal Federal funding to the States is acknowledged and provided for in the proposed program in order to insure timely State planning inputs.

Commitments by the States to address critical State issues and to delineate components of the study objectives that relate to State needs and opportunities are required.

It is recognized that water quality problems are inseparable from water quantity and land management problems and that local, State, and Federal commitments on water and land resources should not be made without jointly concurrent consideration.

An accelerated Level B program would contribute to integrated and balanced water quality programs (a) by emphasizing and defining, on a river basin or regional basis, abatement programs to be implemented by the States and appropriate Federal agencies; and (b) by supplementing and thereby increasing the effectiveness of pollution abatement measures outlined in Areawide Waste Treatment Management Plans prepared under section 208 and section 303(e) of Pub. L. 92-500.

A Level B planning program will support land use, coastal zone management, and rural area development planning efforts. It is believed to be the only program sufficiently developed at this time (or in the immediate future) to integrate existing programs.

A 2-year limitation is placed on each Level B study.

A typical section 209 study is estimated to cost approximately \$750,000 to \$1,000,000.

The program looks to RBC's for leadership in areas where RBC's are organized and to other WRC designated persons or entities for leadership in areas where RBC's do not exist. In all cases, however, the States concerned would be expected to be partners in Level B planning and would provide leadership in predetermined geographical and functional areas.

To hold costs and study time down, a Level B study is to be based largely on judgmental planning; strong central management; immediate and iterative plan formulation (involving public review and feedback); no new original data collection; and increased emphasis on participation and leadership of the States.

The comparatively vast amount of relevant information, plans, analyses, etc., now available, as a result of comprehensive basin and other planning, permits the exercise of a higher degree of judgment than was possible—say 10 years ago. Accordingly, despite continuing gaps in information and data, it should be possible at the start of a Level B study for a compact study team, under a study manager, to formulate an immediate or initial plan and/or alternatives based upon thorough review and use of

available material. The objective is to progress quickly to the planning process as such, which—as explained in the first annual report—is an iterative process.

The States, in particular, must be major participants and leaders and must have a major role in the initiation, coordination, and conduct of Level B studies, because, if nothing else, this will facilitate the acceptance of the resulting, jointly-developed plans. Funding requirements for all participants in a Level B study must be recognized and provided for on a timely basis.

All needs of a Level B study area cannot be addressed because of the constraints on time and funds. Further, some needs can be met more effectively through Level C and other planning. These items will be specifically identified as recommended actions in the study report.

PTS-POS process. Experience of the last ten years, particularly in basin planning, has revealed that proposals to study (PTS) and plans of study (POS) need to be separately financed to achieve the most effective Level B planning at minimum costs. The PTS-POS process requires that funds be made available to the Council in advance for funding the preparation of those PTS in detail that are specifically authorized by the Council. Authorizations will be given only when it appears that the completed PTS will have an excellent chance of approval as a basis for actual conduct of a new study start in the proposed Level B study area.

The end product. Each Level B study will produce a total report that consists of four types of documents: (1) study report; (2) environmental impact statement (EIS); (3) technical (backup) papers; and (4) a brochure.

Current thinking is that the study report is to be limited to 100 pages, including tables, figures, illustrations, etc., in order to induce reading thereof by busy top-level decisionmakers in the Administration and in the Congress. It is to be written so that there will be little demand by reviewers for backup documents. The EIS is not included in the 100 pages of the study report. Planning in connection with environmental quality and the other objective, national economic development, of the recently adopted principles and standards should be very helpful in preparing the EIS.

Technical papers are to serve as backup in the detail files of individual study participants; no general distribution will be made but they will be available for review on loan. In order to conserve limited Level B funds for actual planning, there is to be no printing of expensive reports, such as the shelf-length appendices of past basin studies.

The executive summary in the form of a brochure is intended for easy understanding by the public. Its form may be that of a

folded highway map and will, among other things, show where additional information and backup data are available for examination on site or on loan.

The end product will have substantial intrinsic value for many users because the recommended Basin or Regional Plan should:

Show which programs and projects are to be recommended for detailed (Level C) planning and sequences.

Minimize duplication of future efforts and land use conflicts.

Maximize multipurpose opportunities.

Save money because of coordinated efforts.

Serve to crystallize public opinion as to desired alternative futures.

Application to ongoing Level B Studies. On the basis that ongoing studies should embody the concepts and methodology of the new approach to Level B (Section 209) planning as nearly as feasible, a meeting was held in December 1973, among the Study Managers of the nine ongoing studies, RBC Chairmen and personnel, State representatives, and WRC staff to discuss application of the new approach. Possible modifications in the various plans of study were suggested and are now being explored in the field. Obviously, the more advanced the study, the less the opportunity for modification. Some examples of possible changes are described below.

With reference to Table I, scheduled early-completion dates of the Connecticut, Long Island Sound, and Southeastern New England (SENE) studies make changes difficult at this stage. This is so because the nature of study results and the basin plans have been generally determined. However, the end products of these studies will conform with the new approach. In particular, the study report format will be changed accordingly and a brochure will be produced for each study with the aim of expediting review and decisionmaking. Level B funds will not be spent for printing many volumes of material whose use as a basis for reaching decisions is limited. Of course, this approach will apply to all Level B studies, including new starts.

While the Pacific Northwest is not typical—especially in geographic extent of the study area—this study has already been rescope to reduce total study costs by about 50 percent. This was accomplished by focusing only on major problems and priority areas. In other words, all needs will not be addressed in what amounts to eleven Level B studies going on concurrently over most of a vast area of over 274,000 square miles.

Eighty percent of the estimated total cost for the Platte study has been budgeted through FY 1974. Reduction in costs seem unlikely, but the new approach may be feasible in some subdivisions of the Platte River Basin where plan formulation has not been initiated.

TABLE I.—Ongoing level B studies

Study	Drainage area	Start ¹	Complete	Estimated Federal cost (thousands)
Connecticut.....	11,250	July 1973.....	Fiscal year 1975.....	\$854
Hawaii.....	6,450	Fiscal year 1973.....	Fiscal year 1976.....	1,200
Long Island Sound.....	2,000	Fiscal year 1972.....	Fiscal year 1975.....	3,613
Minneapolis-St. Paul.....	2,820	Fiscal year 1974.....	Fiscal year 1976.....	970
Maumee.....	6,500	do.....	do.....	1,562
Monongahela.....	7,280	do.....	do.....	2,208
Platte.....	40,800	Fiscal year 1972.....	do.....	2,675
Pacific Northwest.....	274,400	do.....	Fiscal year 1977.....	3,104
Southeastern New England.....	4,407	do.....	Fiscal year 1975.....	3,594

¹ The dates shown are those when organization for study was established and work actually began. In some cases e.g., the Connecticut study, funds were made available in advance of the dates shown.

² The estimated amount needed by the Ohio River Basin Commission for coordination of many ongoing studies by other Federal and non-Federal entities, costing in the range of \$3.5 to \$4.0 million, in order to produce a study report of the level B scope.

³ \$6,080 originally.

The ongoing effort in the Monongahela is designed to coordinate the many planning activities now underway by various State and Federal agencies. The organization and methodology being employed in the Monongahela study are considered to be fully consistent with the new approach to Level B planning.

It would be possible to apply the new approach to other studies that were started in FY 1974 that is, to the Minneapolis-St. Paul, Maumee, and Hawaii studies. The current POS of the Minneapolis-St. Paul study largely conforms, but rescoping of recreation and fish and wildlife studies might be followed up in subsequent Level C or implementation studies.

Early formulation of an "Initial" or "Sketch" Plan in the Maumee study may permit substantial reductions in the large sum presently budgeted for Plan Formulation. The initial plan will then be progressively refined and narrowed down through the iterative process, as previously explained. However, it should be noted that the study costs increase with increasing number of iterations. Tentatively, it is expected that an Initial Plan for the Maumee will be put together by mid-summer of 1974.

The current POS for the Hawaii study generally conforms to the new approach but some streamlining in the organization for study may be effected by substantially reducing the number of functional Task Forces. It should be recognized that the State of Hawaii has appropriated \$580,000 for the study as compared with the estimated Federal cost of \$1.2 million.

THE 209 PROGRAM

The President's Fiscal Year 1975 budget request reflects the application of \$500,000 in additional funds to improve and demonstrate the value of Level B planning (includes \$100,000 of redirected FY 1974 funds). A major part of these total funds will be utilized to achieve improvements in some of the ongoing Level B studies through possible changes, previously discussed, and through reorientation of plans, programs, and recommendations that more nearly conform to the public priorities and preferences that have evolved over the last few years. The remaining funds will be utilized to evolve five to seven proposals to study (PTS) for national, high-priority areas in advance of actual authorizations for the conduct of studies in those areas. The idea is that it is worth spending a relatively small amount in advance to develop the best possible proposals (for purposes of comparative evaluations and establishing priorities on a national basis) before committing large sums for full-blown studies. By this approach, emphasis and focus will be placed on where it belongs—on major problems and priorities of a complex, multidisciplinary nature involving many Federal and non-Federal agencies and interests. To achieve this will require that the PTS be as complete as practicable. Among other things, a particular proposal will be required to quantify and explain in sufficient detail why a Level B scope rather than another type of study, such as a Level C, is necessary.

Designations by the Governors under section 208 (Pub. L. 92-500) as well as other sources of recommendations, particularly from the River Basin Commissions, will be considered in the selection of the initial five to seven study areas for which PTS will be developed under the new approach. In accordance with published EPA guidelines and AWTM planning under section 208, the Governors have until the middle of March 1974 to designate the high priority areas. However, many tentative designations of high priority areas are already on hand, as reported last year. The Governors have indi-

cated considerable interest in the 209 program by their responses to recent letters notifying them that the Council is accepting proposals from them for Level B planning in connection with the formulation of the FY 1976 budget request.

It is anticipated that the five to seven study areas for which the initial set of PTS will be developed will be identified and approved by the Council shortly after April 1, 1974. After identification of the initial five to seven study areas, compact study teams in the field, composed of a limited number of Federal and non-Federal representatives, will evolve the PTS for those areas through firmly coordinated efforts, including consultations with many relevant interests, under the River Commissions and the Council. These teams will be required to do considerable "homework" on the studies by thorough review and best use of the large amount of relevant information and material now presumed to be available in each study area. Conflicts of interest and major problems will be highlighted for each area of study. In preparing the PTS, commitments will be sought—and made whenever practicable—from all proposed study participants, particularly from the proposed non-Federal partners on estimates of manpower and funding requirements. In comparative evaluations of the PTS that are evolved, lack of or weak commitments in a particular study area will weigh heavily against that area in preparing follow-up recommendations for the authorizations and actual conduct of Level B studies. The experience gained from the efforts of improving processes and results of the ongoing Level B studies and from evolving the initial set of five to seven PTS will be of great value and will be utilized in formulating the Level B (section 209) Planning Program for Fiscal Year 1976.

The firm, Wendell Associates, Consultants on Governmental Affairs, was employed in late 1973 to provide advice concerning the Council's responsibilities and activities under section 209 and the interrelationships with and among the several other current and pending statutes and programs that require or relate to water and land resources planning.

The consultants concluded that " . . . even if the land use planning programs contemplated by pending legislation can get underway within the next year or two, the first usable results from them cannot be available until 1980 or thereafter . . . Accordingly, the Water Resources Council, both through its specific charge under section 209 of the FWPCA to produce basin plans by 1980, and more broadly through its statutory mandate under the Water Resources Planning Act, is the only agency equipped and directed to coordinate the planning required under the many far-reaching programs of the several agencies which involve or affect water resources. The accomplishment of this task will not detract from the performance of their separate missions by each Federal agency. Instead it should enhance the planning activities under each such program by providing a common basis pursuant to which the work of each agency will be effective. In the absence of the coordination which the Water Resources Council must give, the end product of specific planning programs could be made impossible of realization for lack of the resources which a particular plan presumes to be available, or because incompatible action has already been taken under a plan that was developed on other premises."

In their report the consultants made the following recommendations:

In order to perform its statutory responsibilities of coordination and to assist in avoiding the conflicts and waste which could otherwise result, the Water Resources Coun-

cil should proceed as soon as possible to identify the interrelationships and points of contact among water and other resources planning processes and requirements and among water and other resources plans and programs. It should analyze these interrelationships. Then it should proceed to develop guidelines, principles and standards by which the several agencies can prosecute their planning activities in a coordinated fashion. In addition, the Water Resources Council itself will have need of these same guidelines, principles and standards in the basin planning authorized by section 209 of the Water Pollution Control Act.

In this connection, considerable work has been done or is underway. Additional work will be made during calendar 1974 of consultant services to delineate more clearly program responsibilities and interrelationships as a basis for improving section 209 program guidance and execution.

[33 CFR Part 273]

AQUATIC PLANT CONTROL PROGRAM

Proposed Policies and Procedures

Notice is hereby given that the Secretary of the Army, acting through the Chief of Engineers, is proposing a regulation to provide revised policies, procedures and guidelines to implement section 302 of the Rivers and Harbors Act of 1965. This legislative authority authorizes the Corps of Engineers to conduct a comprehensive program for the control and progressive eradication of obnoxious aquatic plants from the nations waters.

Prior to adoption of the proposed regulation, consideration will be given to any comments submitted to the Chief of Engineers, Office of the Chief of Engineers, ATTN: DAEN-CWP-A, Washington, D.C. 20314, on or before March 24, 1975.

Until the regulation is adopted and so published in the FEDERAL REGISTER, elements of the Office of the Chief of Engineers and field operating agencies having civil works responsibilities will utilize the proposed regulation as interim guidance in the implementation of the Aquatic Plant Control Program.

Dated: February 1, 1975.

J. W. MORRIS,
Major General, USA,
Director of Civil Works.

PART 273—AQUATIC PLANT CONTROL PROGRAM

- Sec.
- 273.10 Purpose.
- 273.11 Applicability.
- 273.12 References.
- 273.13 Program policy.
- 273.14 Planning procedures.
- 273.15 Annual work plans.
- 273.16 Operations.
- 273.17 Annual budget request.

AUTHORITY: Section 302, Title III, Pub. L. 89-298, River and Harbor Act of 1965, (33 U.S.C. 610), October 27, 1965.

§ 273.10 Purpose.

This regulation prescribes policies, procedures and guidelines for research, planning and operations for the Aquatic Plant Control Program under authority of section 302 of the Rivers and Harbors Act of 1965.

§ 273.11 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having civil works responsibilities.

§ 273.12 References.

(a) Section 302, Pub. L. 89-298, (79 Stat. 1092), Rivers and Harbors Act of 1965, (Appendix A).

(b) Pub. L. 92-516, Federal Insecticide, Fungicide and Rodenticide Act of 1972, (86 Stat. 973), 21 October 1972.

(c) 40 CFR 165.1, Pesticide and Pesticide Containers, FEDERAL REGISTER Vol. 39, No. 85, 1 May 1974.

(e) Pub. L. 91-596, Occupational Safety and Health Act of 1970, (84 Stat. 1609, 29 U.S.C. 668), 29 December 1970.

(f) 29 CFR 1960, Safety and Health Provisions for Federal Employees, FEDERAL REGISTER, Vol. 39, No. 9, 9 October 1974.

(g) ER 11-2-240, "Civil Works Activities, Construction and Design."

(h) ER 70-2-3, "Civil Works Research and Development Management System."

(i) ER 1105-2-507, "Preparation and Coordination of Environmental Statements." (33 CFR 209.410)

§ 273.13 Program policy.

(a) *Program orientation.* The Aquatic Plant Control Program is designed to deal primarily with weed infestations of major economic significance including those that have reached that stage (such as water-hyacinth) and those that have that potential (such as alligatorweed and Eurasian watermilfoil) in navigable waters, tributaries, streams, connecting channels and allied waters. This does not imply that the infestation must have countrywide distribution. However, the infestation should constitute a known problem of economic importance in the area involved. Initial planning should constitute investigation of a specific problem weed or weed complex, not generalized surveys of aquatic vegetation. The common submersed aquatics and floating or emergent, wetland, marsh, and swamp vegetation do not generally meet those criteria for special problems merely because they may qualify as "obnoxious aquatic plants" under the language of the legislation authorizing the program.

(b) *Work not eligible under this program.* Weed control for operation and maintenance of reservoirs, channels, harbors, or other water areas of authorized projects under jurisdiction of the Corps of Engineers or other Federal agencies will not be undertaken as a part of the Aquatic Plant Control Program, except as such areas may be used for experimental purposes in research performed for the program.

(c) *Applied research.* Applied research developed by OCE with the assistance of the Interagency Aquatic Plant Control Research Advisory Committee and the appropriate Division Engineer will be an all Federal cost. This research will be accomplished through contracts with Federal, State and private research institutions. A research planning meeting will be held the last quarter of each cal-

endar year to provide professional presentation of current research projects, review of current operation activities, and review new research proposals. Requested programs, estimated cost, and other information will be developed in the field and submitted to HQDA (DAEN-CWP-V) Washington, DC 20314, for approval and financing as prescribed by ER 70-2-3.

(d) *Planning.* Planning will be an all Federal cost item, will be developed by reporting officers in accordance with their needs and will be fully justified for funds requested. Normally, the program will be initiated with a reconnaissance report (§ 273.14(a)) and will be accomplished under a State design memorandum (§ 273.14(b)). Supplement design memorandums will be used to implement changes in the program. These memorandums will establish a continuing program and will be used to enable the Chief of Engineers to allot available funds on a priority basis in accordance with the urgency of the needs of each area.

(e) *Criteria for recommending a Federal project.* (1) A recommendation favorable to adoption of the project under the authority provided by section 302, as amended, will be warranted when the following conditions exist:

(i) The problem and practical measures of improvement are of such nature that there is a clear and definite Federal interest warranting Federal participation under the purview of this special authority.

(ii) The proposed work will result in an independent and complete-within-itself project.

(iii) Analysis based on sound economic principles clearly demonstrates that the project will provide information and/or control of aquatic plants.

(iv) Each separable element of the project, as well as the entire project, is economically justified.

(v) Local interests are legally and financially able and willing to meet fully all requirements of local cooperation.

(2) Recommendations for preparation of a detailed planning report for new work on a new problem in a District or Division where control of other aquatic plant problems is currently underway should consider whether such new work represents an equal or higher priority of need for allocation of funds in the same State.

§ 273.14 Planning procedures.

Investigation of new problems and/or additional control operations not covered by previously approved plans will begin with preparation of a preliminary report based on reconnaissance-type investigations. If it is determined that further planning of a more detailed nature is warranted, approval of a reconnaissance report by HQDA (DAEN-CWP-V) Washington, D.C. 20314 will be followed by further investigations. Normally, a detailed State design memorandum encompassing all aspects of the problem and a proposed plan of action for dealing with it will be prepared.

(a) *Reconnaissance reports.* Investigations for reconnaissance reports will be limited to readily available data and information. Field surveys and office studies should be limited to minimum essentials for further detailed planning. The reconnaissance report will be used for the overall program planning and should contain adequate information for these purposes.

(1) *Authorization.* Preparation of a reconnaissance report will be authorized by OCE granting of work allowances and allotment of funds based on requests submitted by reporting officers. Funds for such reports may be requested in annual submissions of budget requests and subsequently to DAEN-CWP-V as required to meet unanticipated needs. Since the program is proceeding under a limited budget, costs should be limited to minimum requirements. Only in exceptional cases will more than \$3,000 be made available for a reconnaissance report on a problem in any one district.

(2) *Content of reports.* Where findings and conclusions are unfavorable to undertaking further detailed planning, a brief letter report summarizing the problem and findings should be submitted to OCE to provide a basis for answering outstanding inquiries. Where findings and conclusions are favorable, a more detailed report should include, but not be limited to, the information contained in Appendix B.

(b) *State design memorandum.* When authorized to prepare a detailed planning report, the reporting officer will proceed with necessary investigations and develop plans and data in sufficient detail to assure a complete and fully operable aquatic plant control operation. The report will be in the form of a State design memorandum (SDM). The SDM will be prepared by the District, reviewed by the Division, then forwarded to DAEN-CWP-V for review and approval. The data presented will be used to set priorities and request funds to finance activities on various projects. Fund requirements are divided into four categories: applied research; planning; control operations; and development.

(c) *Review of the proposed design Memoranda.* Review of State design memoranda should insure that:

(1) The work involved is not the type normally provided by local entities or private interests as a local responsibility.

(2) The cost of control operation will be shared between the Federal Government (70 percent) and the State receiving the benefit (30 percent).

(3) The actual control operation can be done by Federal, State, and/or private company facilities, under agreements specifying the details and standards of work to be performed.

(d) *Environmental impact statement requirements.* Programs which involve pest control operations, such as aquatic plant control, and affect either man's health or his environment (soil, flora, fauna, aesthetics, water resources), are candidates for review and possible preparation of an environmental impact statement (EIS) under the National En-

Environmental Policy Act. (The information outlined in Appendix C should be included in the analysis section of an EIS in addition to the treatment prescribed by 33 CFR 209.410.)

§ 273.15 Annual work plans.

Reporting officers will prepare and submit to DAEN-CWP-V a detailed description of anticipated Aquatic Plant Control projects for the next calendar year. Submissions must reach OCE by 15 December of the preceding calendar year, in the format prescribed by Appendix D.

§ 273.16 Operations.

Operational activities will be conducted by reporting officers in accordance with approved annual work plans and State design memoranda. Questions should be referred to HQDA (DAEN-CWO-M) WASH DC 20314.

(a) *Certification of pesticide applicators.* Activities will be subject to the provisions of the Federal Insecticide, Fungicide and Rodenticide Act of 1972, (reference § 273.12(b) and (c)), regarding the training and certification of pesticide supervisors and/or applicators.

(b) *Safety in use of herbicides.* Use of herbicides will be in accordance with the Occupational Safety and Health Act of 1970, reference § 273.12(d) and (e). Some herbicides are toxic chemicals and must be used with utmost care. Operators and applicators are required to use respiratory protective devices to prevent inhalation of toxic dusts, vapors, or gases; protective clothing to protect the skin; and eye protection. Some of the primary precautions which must be observed in handling herbicides are listed in Appendix E. Questions concerning safety should be referred to HQDA (DAEN-SO) Washington, D.C. 20314.

§ 273.17 Annual budget request.

The Aquatic Plant Control Program is a continuing activity funded under Construction, General, subject to monetary limitations of \$5,000,000 on annual appropriations authorized for the program. Recommendations and supporting data will be submitted in accordance with ER 11-2-240. The amounts requested should be the minimum requirements for the purpose of the authorized program to meet essential needs and should be within the Division's capability to utilize within the budget year taking into account the foreseeable availability of local funds to meet cost-sharing requirements for control operations.

For the Chief of Engineers.

RUSSELL J. LAMP,
Colonel, Corps of Engineers,
Executive.

APPENDIX A

AQUATIC PLANT CONTROL PROGRAM LEGISLATIVE AUTHORITY

Section 104 of the Rivers and Harbors Act, approved 3 July 1958 (72 Stat. 297, 300), as amended by section 104 of the Rivers and Harbors Act of 1962 (76 Stat. 1173, 1180), and as amended by section 302 of the Rivers and Harbors Act, approved 27 October 1965 (79 Stat. 1092) states as follows:

Sec. 302. (a) There is hereby authorized a comprehensive program to provide for control and progressive eradication of waterhyacinth, alligatorweed, Eurasian watermilfoil, and other obnoxious aquatic plant growths, from the navigable waters, tributary streams, connecting channels, and other allied waters of the United States, in the combined interest of navigation, flood control, drainage, agriculture, fish and wildlife conservation, public health, and related purposes, including continued research for development of the most effective and economic control measures, to be administered by the Chief of Engineers, under the direction of the Secretary of the Army, in cooperation with other Federal and State agencies. Local interests shall agree to hold and save the United States free from claims that may occur from control operations and to participate to the extent of 30 per centum of the cost of such operations. Costs for research and planning undertaken pursuant to the authorities of this section shall be borne fully by the Federal Government.

(b) There are authorized to be appropriated such amounts not in excess of \$5,000,000 annually, as may be necessary to carry out the provisions of this section. Any such funds employed for control operations shall be allocated by the Chief of Engineers on a priority basis, based upon the urgency and need of each area, and the availability of local funds.

APPENDIX B

INFORMATION REQUIREMENTS FOR AQUATIC PLANT CONTROL PROGRAM REPORTS

1. Location and brief description of problem area if necessary for understanding environmental factors, including a suitable map (appendix).

2. Statement of problem with brief description of physical factors pertaining thereto, including identification of common and scientific name of the plant or plants concerned, origin of infestation and likely source of reinfestation; extent of infestation including estimated surface area, depth or density; nature of physical and economic damages occasioned by presence of the infestation; and other information clarifying the nature and magnitude of the problem. Explanation should be given of how and why the infestation meets the principal criteria governing the program.

3. Preliminary plan of procedure, if any, for control operations or engineering works, including control methods, materials, equipment and procedures that may be employed. If sufficient information is not available to outline a preliminary plan for operation control, the report should include a brief statement of the special problems in control methods that need to be resolved before detailed planning can be undertaken.

4. Preliminary project cost estimates broken down into planning and operation costs for Federal and non-Federal budgeting. The report should present sufficient data concerning cost estimates for review by item and unit price.

5. Preliminary economic evaluation with approximation of benefits and brief summary of supporting data classified as general or local.

6. Discussion of availability of authority for State participation in the program, the interest of State agencies in such participation, and the likelihood of State funds being available for cost-sharing required for any control operations.

7. Cost estimate for subsequent preparation of a detailed planning report, and estimated length of time to complete after receipt of funds, and schedule of funding by fiscal years.

APPENDIX C

INFORMATION REQUIREMENTS FOR AQUATIC PLANT CONTROL PROGRAM ENVIRONMENTAL IMPACT STATEMENTS

1. Description of the problem.

a. *Pests.* Identify the pest to be controlled by common name. Be as specific as possible.

b. *Location and size of infestation.* Describe the target area as specifically as possible.

c. *Severity of infestation.* Discuss the degree and importance of the pest problem.

d. *History of infestation.* Discuss obvious development as established.

e. *Criteria for identification of the treatment areas.* Include technical details as established.

f. Possible cumulative effects of the proposed action in relation to other Federal or non-Federal pesticides application in the treatment area.

g. *Relationship to environmental situation.* Non-target organisms and integrated pest management programs.

2. Program Accomplishments:

a. *Goals.* Discuss practical control levels.

b. *Monitoring accomplishment level.*

3. Identification of each chemical:

a. *Name.* Use common or coined names, and/or chemical name.

b. *Active ingredient.* Give name and percentage.

c. *Status of Federal registration.* Give registration number.

4. Application:

a. *Form applied.* Dust, granule, emulsion, bait solution, gas, etc.

b. *Choice of equipment and techniques.* Discuss general details of method of application.

c. *Use Strength.* Give concentration of the active ingredient as applied.

d. *Rate.* Give rate of application in pounds per acre or other rate.

e. *Frequency.* Discuss probable frequency of application.

f. *Acreage or other descriptive unit.* Discuss area of proposed control.

g. *Site description.* Lake, river, drainage canal, irrigation canal, etc.

h. *Sensitive areas.* Discuss areas of potential contamination.

i. *Container disposal.* Discuss disposal requirements.

j. *Safety precautions.* Discuss hazards of exposure.

5. *Alternative measures:* Discuss details of alternative methods of control.

APPENDIX D

ANNUAL WORK PLAN

Aquatic Plant Control Program

(Example)

District: Vicksburg. Year Ending: 1 December 1974.

Division: Lower Mississippi Valley. Date Submitted: 15 December 1974.

1. *Status of contracts scheduled for award in current fiscal year.*

Contract	Scheduled award date	Actual award date
Plant control operations....	July 1973....	July 31, 1973

2. *Comparison of scheduled and actual current FY obligations and expenditures to date.*

	Approved Mar. 28, 1974	Actual	Difference
Obligations.....	\$4.7	\$3.2	-\$1.5
Expenditures.....	4.1	2.9	-1.2

3. *Explanation of difference.* Not applicable.

4. *Outlook for meeting programmed objectives.*

a. *Programmed objectives.* Full utilization of work allowance.

b. *Outlook.* We expect to meet our programmed objectives.

5. *Problems and corrective action taken or proposed action.* Not applicable.

6. *Status of over-all program progress.* Contract for plant control operations was awarded in July 1973 to take advantage of last part of plant growing season. Plant control operations began in October 1973 and have been completed for this fiscal year. Surplus funds in the amount of \$21,700 will be revoked.

APPENDIX E

PREVENTIVE SAFETY MEASURES IN HANDLING OF HERBICIDES

1. Follow the label on each container before using the contents. The manufacturers are required by law to list recommendations and precautions.

2. Weather conditions are important. Winds could carry toxic sprays and dusts to areas not under your control, causing accidental poisoning to the public or domestic animals.

3. Smoking is not permitted while herbicides are being handled.

4. All herbicides must be handled in well ventilated areas to minimize inhalation of toxic vapors.

5. Shower and washing facilities must be near herbicides mixing areas.

6. Any contamination of the skin, particularly with liquid concentrations or solu-

tions, must be immediately washed off with detergent and water.

7. Protective clothing is used in conjunction with respiratory protective devices to prevent skin contact and inhalation of herbicides. Recommended articles of protective clothing are rubber aprons, coveralls, chemical splash goggles, safety shoes and hard hats. A lightweight water and chemical resistant throw away type protective clothing that is impervious to herbicides is now available. In warm geographical areas this type of lightweight protective clothing would be beneficial in reducing physical stress to applicators. Additional protection is afforded by protective skin cream.

8. Clothing contaminated by spillage must be removed immediately and thoroughly laundered before wearing. Special care is required to prevent contamination of the inside of gloves.

9. Approved respirators must be worn while herbicides are being mixed, and when dusts or liquids are being handled or sprayed. Care should be exercised when selecting the respirator type to insure that it is designated specifically for the substance to be used. Each canister must be labeled and approved by the Bureau of Mines or HEW (NIOSH). Filters or canisters must be changed after 8 hours use and more often if odor of the herbicide is detected. (Always have extra cartridges available when needed.)

10. Herbicide storage, mixing and formulation facilities.

a. All herbicides must be stored in a dry, well ventilated, separate room, building or covered area not accessible to authorized personnel or the public and placed under lock and key.

b. Identification signs should be placed on rooms, buildings, and fences to advise of the contents and warn of their hazardous nature.

c. Where applicable, label the outside of each storage with the "Danger," "Poison", and "Pesticide Storage" signs.

d. Fire extinguishers must be installed near door of material storage room. Diluted oil based herbicides are flammable and must be stored separate from other materials.

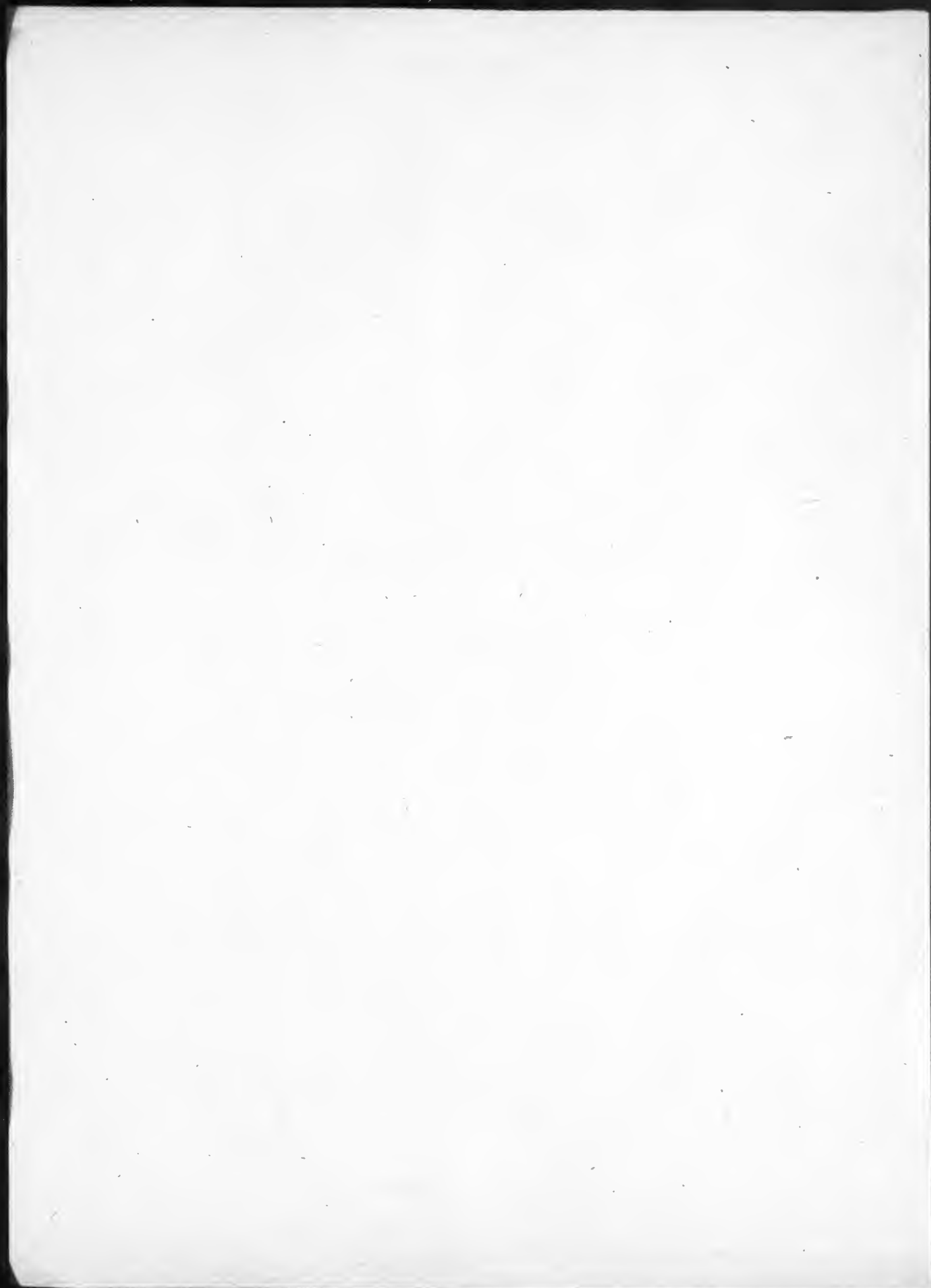
e. All herbicide storage, mixing and formulation areas must have adequate ventilation in order to reduce inhalation of toxic vapors. Sparkproof lighting fixtures should be installed in closed storage areas to eliminate ignition hazards.

11. Empty herbicide containers must be disposed of properly. Do not burn them. When herbicides or defoliant volatize, the resulting vapors may be poisonous to humans, and they may damage nearby plants, crops or shrubbery; also, herbicides or defoliant containing chlorates may be a serious fire hazard when heated.

12. Glass herbicide containers should be disposed of by breaking. Chop holes in top, bottom, and sides of metal containers or crush them so they cannot collect water or be reused. After breaking or puncturing them, bury the containers at least 18 inches deep in an isolated area provided for this purpose, away from water supplies or high water tables. Records to locate such buried herbicides within the landfill site should be maintained. Post warning signs.

13. Safety programs developed for the safe handling and mixing of toxic chemicals should be coordinated with the Safety Office prior to implementation.

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