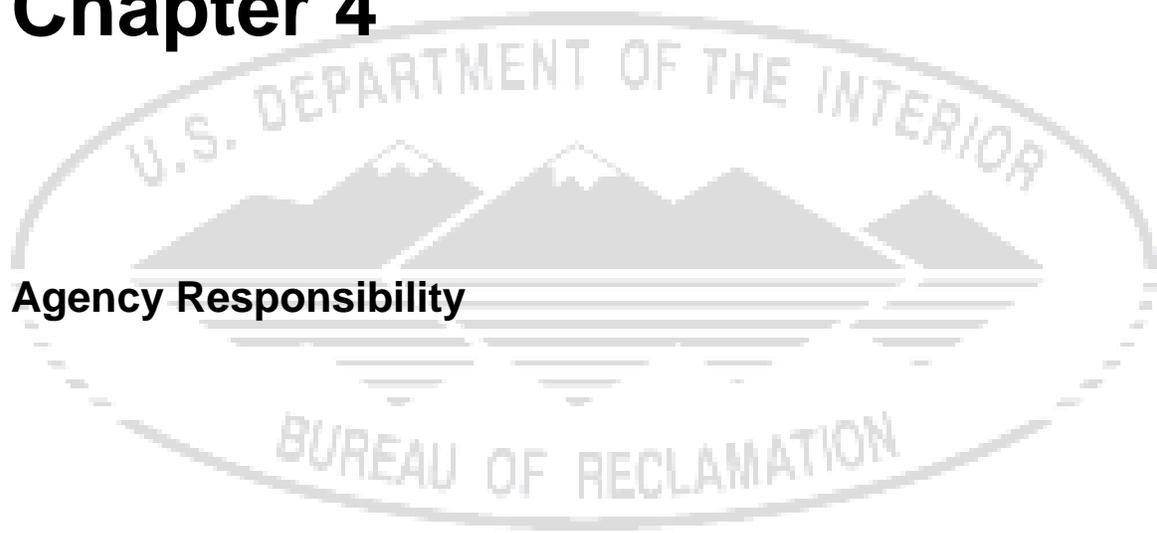


Chapter 4



Agency Responsibility

CHAPTER 4 - AGENCY RESPONSIBILITY

This chapter is concerned with the lands and waters under jurisdiction of Reclamation and being managed for recreation and fish and wildlife by the Department.

Agreements

One document, Lease (Contract No. 14-06-700-6324) between the United States and the State of Kansas dated May 31, 1967, and Amendment No. 1 dated April 15, 1999, formalizes the administration and management of Webster Reservoir, and surrounding lands. This document is included in Appendix A1.

Responsibilities

This section contains excerpts from the lease between the United States and the Department.

Maintenance

Facilities

The Department will employ good management practices. The Department will also operate and maintain the leased premises, including all improvements of Reclamation facilities and those constructed by the Department in a good and reasonable state of repair (reasonable wear and tear accepted) at its own cost and expense as may be supplemented by Reclamation funds, when available.

Fencing

Reclamation is responsible for initial boundary fence construction around reservoir lands. The Department is thereafter responsible for maintaining boundary fences in a good and reasonable state of repair (reasonable wear and tear accepted). The Department is responsible to construct and maintain any interior fences needed for wildlife and/or recreation purposes. Reclamation may provide fencing materials, when funding allows, as well as planning assistance to improve conditions.

Signing

The Department will install and maintain boundary signs on lands. Wildlife Management Area (WMA) boundary signs are placed at most property corners to identify public lands. There may be a need for placement of property boundary signs at some remote corners of the WMA. Reclamation may provide signing

materials when funding allows. Reclamation and the Department will work cooperatively to ensure all public lands have signs. The main entrance sign should reflect the collaborative management effort between Reclamation and the Department.

Roads

Maintenance, reconstruction, or improvement of access roads within the reservoir area for recreation and/or wildlife purposes is the responsibility of the Department. Reclamation may provide financial assistance for maintenance as funding allows. Routine maintenance should be restricted to primary access roads and designated use areas. Maintenance or improvements to undesignated roads and ORV trails is not permitted without Reclamation's approval.

Shoreline Erosion

The Department is responsible for control of shoreline erosion near recreation use areas which may threaten public safety. The Department is responsible for erecting signs notifying the public of erosion hazards if they exist. Reclamation may provide shoreline erosion measures, such as rip-rap and planning assistance as funding allows to improve these conditions. The Department will be responsible for obtaining the required permits from the Corps of Engineers.

Public-Use Regulations

The Department will administer both the land and water surface. The Law Enforcement Division will assume the responsibility for the enforcement of all game, fish, and boating laws and regulations. The Parks Division will assume the responsibility of enforcing park regulations. The Department will be responsible for trespass and Federal regulations covering ORV, public, private, and other related recreational use and fish and wildlife use on the leased premises. The Department will take all reasonable precautions and assist in the prevention, control, and suppression of fires on the leased premises. They will also establish and enforce laws, rules, and regulations for recreation, and fish and wildlife use; to protect the health and safety of people using the areas; and to preserve law and order. The Department will not engage in, permit, or allow any activity within the leased premises which interferes with the safety, protection, and operation of the reservoir used for flood control and irrigation purposes.

The Department, at its own cost and expense as may be supplemented by Federal funds, will use such erosion control, noxious weed control, and land and water pollution control measures as may be necessary. They will require its subcontractors, contractors, permittees, lessees, and licensees to comply with such control measures by express provisions contained in their respective subcontracts, contracts, permits, leases, and licenses.

Reclamation will be responsible for management of all lands designated as operations areas. Reclamation management of these areas is to ensure proper operation and protection of the dam and reservoir. However, this will not preclude recreation, fish and wildlife, and related-use administration and development of

these areas by the Department if determined by Reclamation to be compatible with its purposes.

Land-Use Regulations

Land-use classification, land-use changes, and exchange of rights-of-way will be the responsibility of Reclamation. Any major land disturbance or site preparation will have Reclamation approval beforehand. The map on page 56a designates land and water use areas.

Reports of Serious Accidents and Damages

The Department will provide Reclamation, within 30 days of occurrence, one copy of all incident reports concerning damage to property and serious accidents occurring within the reservoir area. Property damage includes wildfires and vandalism to structures, buildings, or other recreation facilities. Serious accidents involving the public include drownings, permanent injuries, and all cases when a claim for injury is filed. In addition, Reclamation will complete a "Security Incident Report" and forward it to Reclamation's Great Plains Regional Office.

Recreation Facilities in Relation to Flood Plain Management

Webster Reservoir is a flood control storage reservoir. The development of recreational areas, whether for private or public use, is closely developed with plans for use of the reservoir storage capacity. Limitations on the location of recreational developments depend upon the flood control storage operations provided in the "Field Working Agreement" between Reclamation and the Corps of Engineers. This agreement provides the flood control storage capacity allocation of Webster Reservoir will include the storage capacity between elevation 1,892.45 feet above mean sea level (top of active conservation pool) and elevation 1,923.7 feet above mean sea level (top of flood control pool).

As a result of the reservoir being a flood control storage reservoir, all cabins, group camp developments, and any buildings designed for human habitation must be constructed above the top of the flood control pool (1,923.7 feet). For further information and specific guidelines, refer to Executive Order No. 11988, WRC Flood Plain Management Guidelines (43 CFR 6030), and Water and Power Flood Plain Final Procedures (45 CFR 1693).

All water well construction will comply with State health regulations. Garbage dumps, refuse disposal areas, and sites will be located off reservoir lands. Dumping on Reclamation lands is prohibited.

Domestic water systems, toilets, and sewage disposal systems will be constructed and operated under the requirements of local and State public health departments

and Federal health agencies. All garbage and trash collected is to be hauled to an approved county sanitary disposal site.

The need for construction of boat docks and ramps, bridges, and similar facilities at the reservoir is recognized. Plans showing proposed construction of recreation facilities and their location in the reservoir will be submitted to Reclamation for approval before construction.

Recreation Use Data Report

The Department will submit to Reclamation a “Recreation Use Data Report” (which replaces the old “Recreation, Fish, Wildlife, and Visitation Summary Report”), no later than February 1st each year during the term of the lease for each separate reservoir area. The report contains two parts. Part 1 is to be completed by the Department for each reservoir area. Part 2 is to be completed by the concessionaire, if one exists. Instructions are provided at the end of the report.

The report form will be supplied by Reclamation (Appendix C4 is an example of the form). The purpose of this report is to keep a current inventory of recreation facilities available for public use, to record annual visitation by principal interest and water-craft use and record fish and wildlife use. Reclamation will collect all information and enter it into a database.

Reservoir Reviews

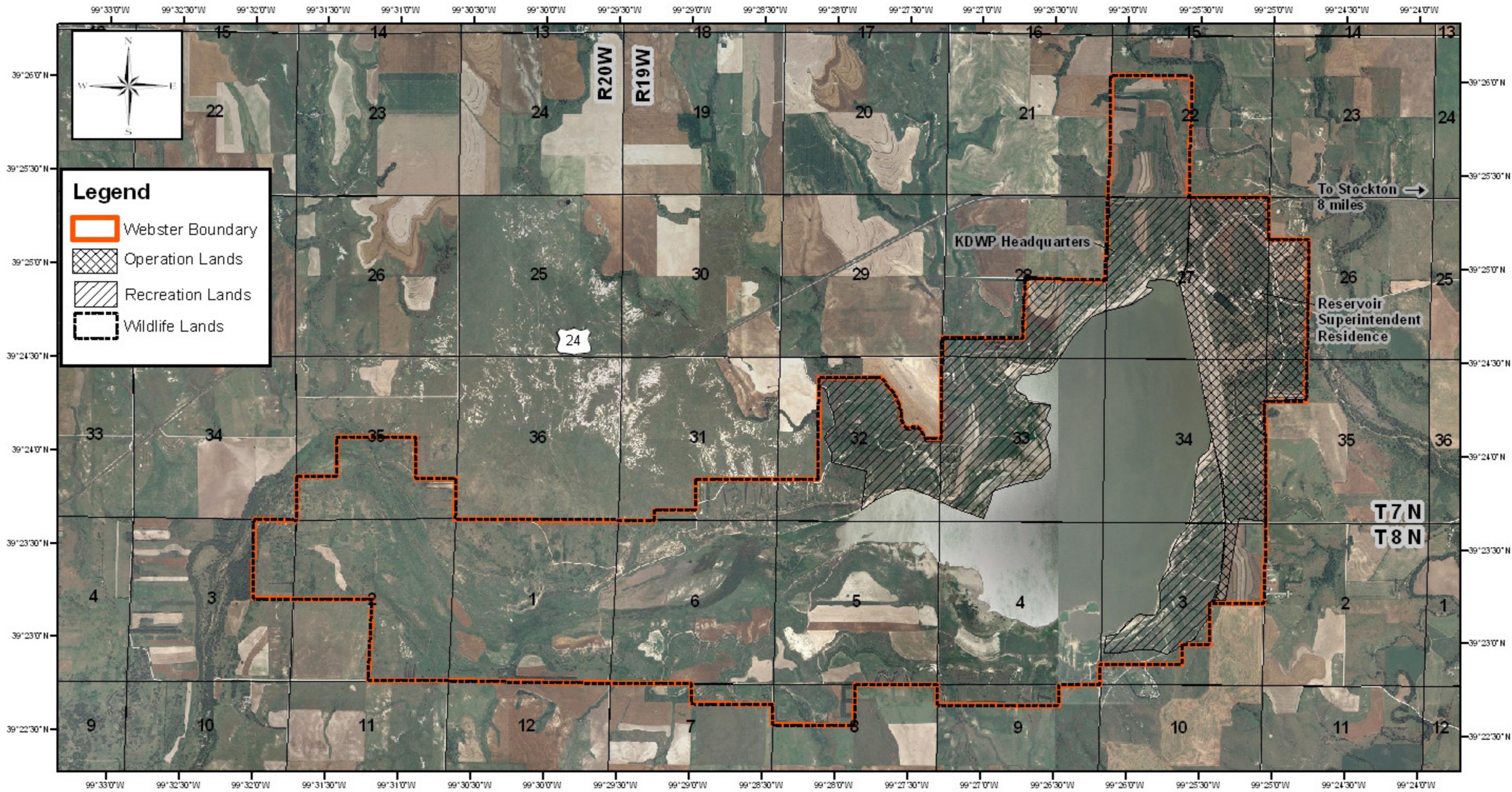
At the request of either Reclamation or the Department, both parties will meet biennially to review the administration and management of the reservoir area. Local representatives will meet annually to review reservoir activities and issues.

Reclamation will prepare and submit a report of the biennial review to all participating agencies within 60 days after the field review is completed. The review and report will cover conditions of the lands and facilities, accomplishments, problems, coordination of areas of dual responsibility, and recommendations. Recommendations requiring action by the Department will be completed within the agreed schedule.

Changes in Resource Management Plan

The Department or Reclamation may find that certain conditions or situations at Webster Reservoir and Woodston Diversion Dam develop which require a revision to this RMP. This plan is based on mutual approval of purposes and objectives of the agencies responsible for management of the area. Changes approved by Reclamation require agreement by all agencies concerned. If Reclamation or the Department fail to approve the RMP or any revisions within 90 days, an additional 90 days can be obtained on written agreement by Reclamation and the Department.

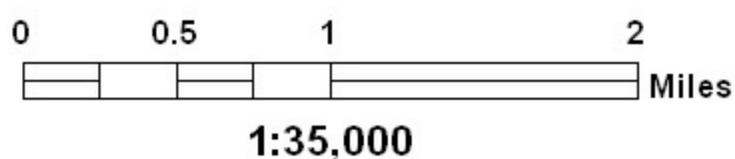
A revision of the plan may be proposed by any agency directly involved in the



Legend

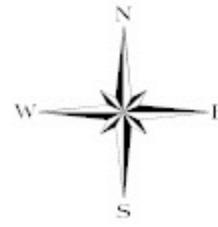
-  Webster Boundary
-  Operation Lands
-  Recreation Lands
-  Wildlife Lands

Photo Date: 3/15/2005 FSA (NAPI)
 2 meter resolution
 Reservoir Elevation: 1865.30
 Conservation Pool Elevation: 1892.45

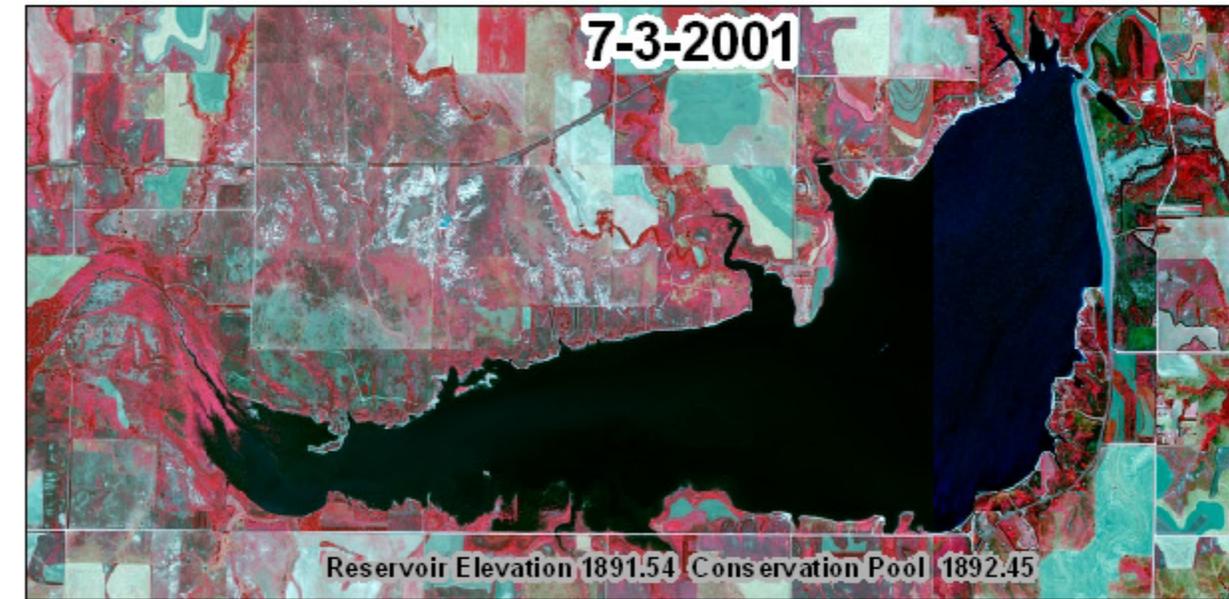


**Webster Reservoir
 Land and Water Use**

Webster Reservoir



**Historical
Photo
Layout**



administration and management of the area. The suggested revision should be submitted to Reclamation in a letter outlining the problem and the revision or addition to offset or correct the problem. To ensure uniformity and simplicity in handling the revisions or supplements to the RMP, all proposals should be sent to Reclamation. Reclamation will then forward proposals to the Department and will seek their approval. On approval, Reclamation will furnish copies of revisions or supplements to all agencies given copies of the original RMP.

Trespass

Boundary Trespass

The Department will control and prevent illegal trespass on lands and water surface under its lease. On observance by either the Department or Reclamation, it will be the responsibility of the observing agency to bring this trespass to the attention of the other agency. The agencies will then mutually decide on a course of action. If legal action becomes imminent, Reclamation will have lead responsibility for resolving the trespass.

Unauthorized or Improper Use

Should unauthorized or improper use occur within the boundary of leased lands, correction of the situation will be the responsibility of the Department. Examples include unauthorized dumping of trash or refuse, ORV use, and use of seasonal cabins for year-round homes. Operations areas or any lands not under lease to the Department will be the responsibility of Reclamation.

Shoreline Lands Designation

The designation of lands at reservoirs with fluctuating shorelines resulting from irrigation drawdown or increased storage will be based on the top of active conservation pool. Lands exposed below this level are to be administered by the respective divisions of the Department or Reclamation. Parks Division retains jurisdiction of shoreline in front of recreation lands as the water recedes. The Wildlife Division retains jurisdiction in front of the WMA. Reclamation retains jurisdiction over operations lands around the dam. However, the water surface carries a Wildlife designation. Consequently, the Department will follow this policy on lands they administer, and Reclamation will comply on areas they administer. Exceptions will be mutually agreed upon between the Department and Reclamation.

Shoreline Erosion

The soils of Rooks County formed in several kinds of parent materials such as loess, Aeolian sand, colluvium, and alluvium. The soils near Webster Reservoir are medium textured varying from deep soils with thick medium textured subsoils and medium textured substrate to deep soils with thin medium textured subsoils, and medium textured substrate. There are sandy soils in the western half of the reservoir varying from deep soils with thick moderately sandy surface soils, thick

medium textured subsoils, and medium textured substrate to sandy soils and sandy hills. Cultivated land on the sandy areas is very susceptible to wind erosion in the western reaches of the reservoir. This area contains some chalky or rocky soils. These are shallow soils over bedrock or coarse gravels. Most contain an abundance of lime and have accumulated enough organic matter so the topsoils range in color from dark grayish brown to chestnut brown.

Vegetative cover, capable of limiting erosion on the uplands, is generally in excellent condition. This is especially evident when comparing the reservoir land vegetation condition and erosion rates to the surrounding lands that are heavily used for farming and ranching. Erosion occurring on the uplands is caused primarily by water and is occurring most rapidly and severely on roadways where vegetation has been removed by vehicular travel. Wind erosion losses in these areas are minor due to management practices by the Department on food plots and restrictions on driving across highly erodible areas. The shoreline erosion around the reservoir is extensive in some areas but consistent with erosion patterns experienced at artificial impoundments. Some areas have eroded to a point where they are now stable and been covered by Willow and Cottonwood growth. In addition, several shoreline areas at Webster Reservoir are stable due to old, dead timber which forms a natural barrier to further erosion.

The Department is responsible for the control of shoreline erosion near recreation use areas which may threaten public safety. They are also responsible for erecting signs notifying the public of erosion hazards. Reclamation may provide or approve other shoreline erosion measures as funding allows in order to improve these conditions.

Noxious Weed and Nuisance Plant Species Management

As the Federal landowner, Reclamation is ultimately responsible for management of noxious weeds on Reclamation lands and at Reclamation-owned facilities in accordance with the laws and policies set out in the Federal Insecticide, Fungicide, and Rodenticide Act, Federal Noxious Weed Act, Carlson-Foley Act, and applicable State and local laws and standards. This responsibility is addressed through the Lease agreement, cooperative agreements, and activities involving both Reclamation and the Department.

The lease between Reclamation and the Department identifies the management responsibilities of the Department. As part of their land management program, the Department has responsibility for identification and correction of noxious weed infestations within the leased premises. The Department is responsible for noxious weed control at its own cost and expense, which may be supplemented by Federal funds when available. Currently, a cooperative agreement provides Federal funding for chemicals, equipment, and technical assistance to the Department. The Department will comply with all provisions of Federal, State, local, and pesticide laws and regulations, as well as the Department of the Interior

policies on pesticide use and pest management. A report of noxious weed control programs performed at the reservoir areas, their locations, and treatment methods will be provided to Reclamation annually.

The Department's noxious weed and nuisance plant species control programs are designed to be holistic and comprehensive in approach. The primary goals are to achieve effective control of the target species with the least possible hazard to people, property, and the environment. If control programs are needed, the Department is responsible for deciding when treatment should be initiated and the frequency of treatment. The Department will also determine what physical, cultural, biological, mechanical, and chemical treatments (or combinations thereof) to implement, and will also evaluate treatment effectiveness.

Reclamation's facility manager is responsible for lands identified as operations areas and is responsible for noxious weed and nuisance plant species on those lands, waters and facilities. The facility manager will coordinate efforts with their supervisor and the Area Office noxious weed coordinator.

Fire Management

Fire Policy

Webster Reservoir is within the boundaries of the Rooks Rural Fire District. The rural volunteer fire district provides emergency assistance in suppressing wildfires on lands administered by Reclamation and the Department.

The lease between Reclamation and the Department does not include specific provisions for fire prevention and/or control; however, the Department has a verbal agreement with the rural fire district that the district will respond to fire calls on reservoir lands.

According to the lease, "the Department shall assume the responsibility for assisting in the prevention, control, and suppression of fires on the leased lands" at Webster Reservoir and surrounding lands. The Department shall also be responsible for submitting to Reclamation, a fire management plan identifying and specifying the duties and responsibilities for cooperating entities for fire control on the lands under the lease.

The Department will prepare a fire evacuation plan to accommodate public egress in the event of localized fires.

Fire Prevention

Fire hazards can be greatly reduced by using management techniques, including construction of firebreaks, planting warm season grasses, and reducing accumulation of surface organic litter by prescribed burning, high intensity grazing, haying, and plowing. Firebreaks on the reservoir lands include hard

topped roads and gravel roads, and fallow, hayed, and cropped fields

The department plows and maintains a firebreak around all newly planted tree plots in the reservoir area until they become established. Older tree plots are a valuable natural resource, and it is wise to maintain firebreaks around all tree sites for maximum protection.

There is no fire suppression equipment available to the public at Webster Reservoir or Woodston Diversion Dam. However, Reclamation and the Department have personnel nearby to assist the rural fire districts in fire fighting.

Neither the State fire marshal nor the rural fire districts conduct annual fire inspections on reservoir lands. To comply with the lease agreement, Reclamation and the Department inspect all recreation and wildlife lands annually.

Fire Suppression

Rooks County Rural Fire District consists of six volunteer firemen who are available on 24-hour call. Presently, the fire district does not charge for fire fighting services on Federally-owned lands. Reclamation makes an annual payment to the Rooks County Treasurer in lieu of taxes. If additional firefighting assistance is required, the Stockton City Fire Department is willing to respond.

Interagency Cooperative Fire Management Agreement

According to the Federal Water Project Recreation Act of (P.L. 89-72) as amended by the Reclamation Recreation Management Act of 1992 (P.L. 102-575) and the Reclamation Act of 1902, Reclamation has entered into an Interagency Cooperative Fire Management Agreement (Appendix A5). The purpose is to document the commitments to fire protection assistance and cooperation on lands in Kansas. The agreement identifies authorities, roles, and responsibilities of Federal agencies, State agencies, and local entities responsible for fire management and suppression activities in Kansas.

Partners of the agreement include:

- Bureau of Indian Affairs
- Bureau of Reclamation, Great Plains Region
- Fish and Wildlife Service, Mountain Prairie Region
- Kansas Department of Wildlife and Parks
- Kansas Division of Emergency Management
- Kansas Forest Service
- Kansas State University
- National Park Service, Midwest Region
- U.S. Forest Service, Rocky Mountain Region

Off-Road Vehicle (ORV) Use

ORV use is discussed in detail in Chapter 2. Reclamation lands are closed to ORV use, except for an area or trail specifically opened to ORV use in accordance with CFR Section 420.21. There are currently no ORV use areas designated at Webster Reservoir or Woodston Diversion Dam.

Land Use Authorizations and Land Disposal

Land Use Authorizations

Land use authorizations include easements, leases, licenses, and permits which allow others to use Reclamation lands, facilities, and water surfaces. Land use authorizations are discretionary and must conform to the requirements contained in 43 CFR 429 and Reclamation Directives and Standards for Land Use Authorizations (LND 08-01). Issuance of land use authorizations require that Reclamation collect administrative fees and receive fair market value for the use of its lands.

Land use authorizations will not be issued when it is determined that the proposed use is incompatible with authorized project purposes, or where the proposed use poses health and safety concerns, results in unacceptable impacts to the environment, results in private exclusive uses, violates state, Federal, or local laws, regulations, ordinances, or zoning requirements, jeopardizes the interests of the United States, is an existing unauthorized use, the use will result in other adverse and unacceptable impacts, or where other alternatives are available. If a use authorization is granted, it is the policy of Reclamation to grant the least estate possible necessary to accommodate the intended use. Generally, this means that Reclamation will only issue a permit or a license, and will not issue leases or easements or other contractual documents that convey an interest in real property.

In regard to roads, telecommunication sites, microwave towers, transmission lines, and linear facilities, Reclamation will not issue any land use authorizations for these uses that does not clearly compliment the goals and recommendations contained in this plan. In the event electrical utilities are permitted they shall be buried, or if constructed above ground, they shall be constructed and only permitted if they do not interfere with the visual and aesthetic components of the landscape. All above ground utilities will provide measures of safety for the public and for wildlife species. All land use authorizations will be considered on a case by case basis, and issued at the sole discretion of Reclamation, or as allowed pursuant to the lease agreement between Reclamation and the Department.

Land Disposal

All reservoir lands are currently needed for project purposes and are not available for disposal thru sale, lease, or transfer to any other person, agency, or entity. In

the event any of the lands within the reservoir are determined by Reclamation to be excess to project needs, Reclamation will follow standard General Service Administration procedures to dispose of the lands. This process requires that any excess lands be first offered to other Federal or State agencies, then to local counties or municipalities, and lastly thru sale at public auction to the highest bidder.

Issuance of Easements, Licenses, Permits, Subleases, or Contracts

Various uses will be made of the lands and water in the reservoir area by third parties, requiring the use of formal documents such as easements, licenses, permits, subleases, and contracts.

Limited surface rights may be granted by the Department. However, certain use rights, such as easements, can only be granted by Reclamation or another agency of the United States. Requests from third parties for use rights will be directed to Reclamation. When the request is made to the Department, such a request should be referred to Reclamation. The Department should advise Reclamation whether or not it concurs with the request and if such use will be compatible with the present or proposed use of lands and waters.

When the request is made to Reclamation, the proposed use will be discussed with the Department and its recommendations obtained before granting or denying the use.

Use Rights to be Granted by Reclamation

Rights Granting an Interest in Land All use rights granting an interest in land, such as an easement which is normally irrevocable and perpetual in nature, may be granted by Reclamation's regional director.

Prior Rights The exercising of rights that existed prior to the transfer of administration of lands to the Department will require formalization by the granting of a license, lease, permit, or easement. These documents are granted by Reclamation. Identifiable prior rights, all of which are contractual obligations of Reclamation, are listed in Chapter 1, "Prior Rights and Reservation."

Rights Not Directly Related to Development and Administration of the

Reservoir Lands for Recreation and Wildlife and Related Uses The administration of lands and water at Webster Reservoir and Woodston Diversion Dam was transferred to the Department to permit exclusive responsibility, operation, control, and administration of these lands for recreation, fish and wildlife, and related uses. Use rights not directly related to administration or development of the lands for such purposes will be granted by Reclamation. Examples of such use rights are State and county roads, rights involved in serving Reclamation facilities, transmission lines, telephone lines, and other facilities which cross reservoir land, but serve lands or persons outside of the reservoir area.

Removal of Nonrenewable Resources By law, Reclamation cannot allow a State or local agency to sell or permit the removal by others of nonrenewable resources such as sand, gravel, stone, oil, and gas.

Permits for exploration and/or removal of Reclamation-acquired minerals (other than fossil fuels) are the responsibility of Reclamation.

When reserved mineral rights are to be exercised by the current owner(s), Reclamation will require an exploration or mining plan be prepared and submitted for its review and approval. Written approval of Reclamation will be required before the start of any related work.

Removal of Renewable Resources No trees or shrubs will be cut, removed, or destroyed without the prior approval of Reclamation. No grasses (native or seeded) will be plowed or destroyed without the prior approval of the Department.

Use Rights to be Granted by the Administering Agency

The Department will grant permission to third parties for other use rights. Examples of uses requiring licenses, permits, or contracts are agricultural and grazing privileges, powerlines not in excess of 15 kilovolts, and telephone lines which are directly associated with recreation and wildlife development within the reservoir area. The location and general construction plans for proposed roads, powerlines, pipelines, and telephone lines will be submitted to Reclamation for approval, before granting permission to construct such facilities. This procedure is to determine whether the location and construction may damage, or threaten to damage, the property of the United States, have significant environmental impact, or interfere with the operation of the dam and reservoir. Any permits issued by the Department must adhere to the provisions of 43 CFR 429. Specifically, each permit involving rights of way must contain the language in 429.8 and every permit must contain the language in 429.9.

Execution and administration of licenses, permits, and concession permits is the responsibility of the Department. However, the Department will receive written approval from Reclamation for the form of contract being used before executing the contract.

The Department may carry adequate public liability insurance customary under the existing circumstances. The Department will require all concessionaires, permittees, and licensees to carry public liability insurance.

Leasable Minerals

Title to all oil, gas, coal, and other minerals now or hereafter owned by the United States is excepted and reserved to the United States. There is also excepted and reserved to the United States, its agents, lessees or permittees, the right to prospect and carry on the development for oil, gas, coal, and other minerals and to

issue leases or permits to prospect for oil, gas, or other minerals on said lands under the Act of February 25, 1950 (41 Stat. 437) and its amendments and supplements and the Act of August 7, 1947 (61 Stat. 913). However, the Department will be consulted and asked for comments and recommendations concerning any such lease by the Bureau of Land Management. Reclamation will consider any adverse effect the action might have on recreation, fish and wildlife, and related uses. All oil and gas leases issued by the Bureau of Land Management will contain Reclamation's GP-136 Special Stipulations and Form 3109-1 Lease Stipulations which include provisions to protect the interests of the United States.

Health and Safety

It is the responsibility of the Department to report all health and safety hazards observed at Webster Reservoir and Woodston Diversion Dam to Reclamation. Examples would include substandard toilets and sewage disposal systems, contaminated water systems, unsafe roads, dangerous boat ramps, poor electrical wiring, dangerous canals, and unsafe bridges. Hazards or deficiencies reported by the Department which fall within their responsibility should be corrected or eliminated as soon as possible. Likewise, Reclamation should correct health and safety hazards and deficiencies on the lands they administer as soon as possible.

Threatened and Endangered Species

The Fish and Wildlife Service is the lead Federal agency responsible for the protection of threatened and endangered species. However, Reclamation has ultimate responsibility for the protection of threatened and endangered species and critical habitat on lands under its jurisdiction. Under the terms of the lease agreement between Reclamation and the Department, the Department is required to comply with the Endangered Species Act. Assistance in protection, enhancement, and enforcement will be available through the State wildlife agency and Reclamation.

The Department will take all reasonable precautions to assist in the prevention and control of disturbances to threatened and endangered species in the resource area. Any violations shall be promptly reported to the State wildlife agency and/or the Fish and Wildlife Service and Reclamation. State and Federal law prohibits harassment of threatened or endangered species. The Department will not engage in or permit any activity within the leased premises which would allow greater access to areas known to harbor threatened or endangered species or critical habitat.

Currently, no critical habitat has been designated within the leased area. If at some time critical habitat is designated by the Fish and Wildlife Service, Reclamation must concur with any plans to provide for additional protection or enhancement by the Department. Reclamation will assist with planning or implementing protective measures, if needed.

Cultural Resources

The Department will control and prevent damage to cultural resources on lands, reservoir waters, and stream bottoms under its respective lease. Cultural resources are historical, archeological, or paleontological (fossil-bearing) sites. Intentional and incidental vandalism (unauthorized excavation or other ground altering activities) and removal of any item, object, or material of cultural or scientific significance from its position on the ground are prohibited. This includes removing arrowheads and other prehistoric artifacts, wood from decayed structures, bottles, ceramics and fossils. Vandalism includes not only surface removal of artifacts, but also the excavation of cultural resource sites such as digging holes in cultural resource sites for the removal of artifacts or paleontological material. If damage to cultural resources is observed by either the Department or Reclamation or cultural resources previously unknown are discovered, it will be the responsibility of the observing agency to bring this violation or discovery to the attention of the other agency. Reclamation will then notify the area archeologist by telephone. Through mutual effort, the agencies will decide on a course of action. If legal action becomes imminent, Reclamation will have sole responsibility for resolving the problem. Any surface disturbance will require written cultural resource clearance from the area archeologist.

In addition, all Federal agencies are directed to assume leadership in protecting and preserving the cultural resources of the nation. This authority was first mandated by the Antiquities Act of 1906 (16 U.S.C. 431). Subsequent legislation includes the following:

- Historic Sites Act of 1935 (16 U.S.C. 461)
- Reservoir Salvage Act of 1960 as amended (16 U.S.C. 469)
- National Historic Preservation Act of 1966 as amended (16 U.S.C. 470)
- National Environmental Policy Act of 1969 as amended (42 U.S.C. 4321)
- Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469)
- American Indian Religious Freedom Act of 1978 (42 U.S.C. 1996)
- Archaeological Resources Protection Act of 1979 as amended (16 U.S.C. 470)
- Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001)
- National Register of Historic Places (36 CFR Part 60)
- Determinations of Eligibility for Inclusions in the National Register of Historic Places (36 CFR Part 63)
- Curation of Federally Owned and Administered Archeological Collections (36 CFR Part 79)
- Protection of Historic Properties (36 CFR Part 800)
- Protection of Archaeological Resources (43 CFR Part 7)
- Native American Graves Protection and Repatriation Act (43 CFR Part 10)
- Protection and Enhancement of Cultural Environments (Executive Order 11593)

- Protection of American Indian Sacred Sites (Executive Order 13007)
- Preserve America (Executive Order 13287), and
- The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation: (48 FR 44716).

The scope of these preservation laws is expressed in Executive Order No. 11593, which directs all Federal agencies to inventory and evaluate cultural resources on lands they administer and nominate to the National Register of Historic Places those sites meeting the criteria of the National Register (36 CFR 60). Federal agencies are directed to exercise prudent and responsible management of all cultural resources.

Reclamation is responsible for identifying and protecting historical, archeological, architectural, scientific, and paleontological resources affected by Reclamation actions on lands under its administration.

Environmental Compliance

Any action involving Federal funding or approval is subject to the requirements of NEPA and other environmental statutes. Reclamation will determine, on a case-by-case basis, the level of analysis, interagency coordination, public involvement, documentation, and other compliance activities needed before granting such funding or approval. The responsibility for accomplishing such analysis and related activities will be determined by Reclamation in consultation with the administering agency.

Miscellaneous

Aircraft

Except in extreme emergencies, use of parachute, helicopter, or other aerial means without written permission of Reclamation's regional director and the Department is prohibited. This provision does not apply to aircraft engaged in official business of Reclamation or used in emergency operations at the direction of the regional director or a forced landing due to circumstances beyond the control of the pilot.

Nothing in the preceding provisions gives authority to deviate from rules and regulations or prescribed standards of the appropriate State aeronautical agency or the Federal Aviation Administration, including (but not limited to) regulations and standards concerning pilot certifications or ratings and airspace requirements.

Facilities

Detailed site plans showing proposed construction of recreation facilities, their location in the reservoir area, and accompanying construction specifications will be submitted to Reclamation for approval before construction has begun.

Shooting Ranges

Because of increased concerns associated with contamination and cost of cleanup and remediation of hazardous wastes associated with shooting ranges Reclamation does not encourage the use of construction of these facilities on Reclamation lands. In the unlikely event Reclamation would consider allowing a shooting range at Webster Reservoir compliance with the stringent standards contained in Reclamation's Directives and Standards *ENV 02-07 Management of Shooting Ranges on Reclamation Lands* would be mandatory. Additionally, the national Rifle Association's (NRA) *The Range Manual, a Guide to Planning & Construction and Lead on Outdoor Firing Ranges* by Charles Sever, Okie Consulting Services, and the Environmental Protection Agency's *Best Management Practices (BMP's) for Lead at Outdoor Shooting Ranges* would have to be adhered to. Any shooting range allowed on Reclamation lands would also have to comply with NRA's recommendations contained in their *Range Evaluation Report*.