

# Reclamation Manual

## Directives and Standards

<b>Subject:</b>	Substantial Changes on Transferred Works, Bureau of Reclamation Facilities
<b>Purpose:</b>	The purpose of this Directive and Standard (D&S) is to establish Reclamation-wide requirements for collaborating with transferred works operating entities (and other external entities) regarding substantial changes on Reclamation-owned facilities. The benefits of this D&S are coordination and communication with operators and awareness of planned facility modifications.
<b>Authority:</b>	Reclamation Act, June 17, 1902 (ch. 1093; 32 Stat. 388; 43 U.S.C. 391 et seq.), as amended and supplemented; Reclamation Project Act of 1939 (Act of August 4, 1939, ch.418, 53 Stat. 887); Reclamation Safety of Dams Act of 1978 as amended; and acts relating to individual dams or projects
<b>Approving Official:</b>	Deputy Commissioner – Operations
<b>Contact:</b>	Asset Management Division (86-67200)

### 1. Introduction.

- A. The operation, maintenance, and replacement (OM&R) responsibility of about two-thirds of Reclamation assets have been transferred to an operating entity pursuant to contracts with Reclamation.
- B. The purpose of this D&S is to provide clear expectations of Reclamation’s internal requirements to coordinate with transferred works operating entities (and other external entities) regarding substantial changes on Reclamation-owned facilities.

### 2. Applicability.

- A. This D&S is applicable to Reclamation staff involved with the coordination of substantial changes with potential to elevate risks to the facility, property, environment, historic properties, project use power, and/or public safety at transferred facilities.
- B. This D&S does not apply to Safety of Dams Modifications. Collaboration with operating entities regarding Safety of Dams Modifications is covered by Reclamation Manual (RM) D&S, *Bureau of Reclamation Dam Safety Program* (FAC 06-01). If the substantial change involves work on a High- or Significant-Hazard Potential Dam, reference additional dam safety analyses in RM D&S, *Construction Activities* (FAC 03-02).
- C. Nothing in this D&S modifies existing contracts or formal agreements between Reclamation and the respective operating entity. If there are any terms or definitions in this D&S that differ or are inconsistent with any existing contracts or formal

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agreements between Reclamation and the respective operating entity, the contract or formal agreement terms and definitions take precedence and control. The process provided for in this D&S shall not be utilized by Reclamation staff to supplement such contracts or agreements by placing additional conditions or requirements upon the respective operating entity.

- D. For Reclamation-wide requirements on collaborating with customers on decisions regarding the scope and performance to technical services required for construction work on existing Reclamation-owned facilities, refer to RM D&S, *Collaboration with Customers Regarding Technical Services Required for Work on Existing Bureau of Reclamation Facilities* (CMP 10-04).
3. **Process.** Area managers are responsible for identifying one or more Reclamation Authorized Officials to collaborate with operating entities of transferred works. Each Reclamation Authorized Official is responsible for:
- A. determining whether a proposed modification is considered by the area manager to meet the definition of a substantial change, such as a modification in, or addition to, a project facility involving changes in the original design intent, function, operational parameters of the facility, changes in project benefits, including non-routine maintenance activities that involve construction or reconstruction of a portion or entirety of the facility;
  - B. collaborating with the operating entity (and other external entities) to develop a clear plan and process for the timely completion of a planned substantial change;
  - C. identifying substantial change review requirements agreed upon between Reclamation, an operating entity, and other external entities;
  - D. confirming whether an existing contract, agreement, or process between the area office and operating entity meets the intent of the process requirements defined in this D&S; and
  - E. identifying any substantive terms of existing contracts, formal agreements and long-established practice pursuant to such contracts or agreements regarding substantial changes to transferred works and ensuring that such provisions are adhered to by Reclamation staff, without placing additional conditions or requirements upon the operating entity.
4. **Definitions.**
- A. **Non-Reimbursable Costs.** The portions of project costs paid by the Federal Government that are not required to be repaid to the Federal Government. The costs for Reclamation to review the design drawings and written specifications of the substantial change and to monitor the construction progress are considered non-reimbursable costs. Per RM D&S, *Bureau of Reclamation Dam Safety Program*

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(FAC 06-01) the cost of the reimbursable portion of a proposed dam safety review and risk analysis will be repaid by the water and/or power user organization that has an active repayment or water/power service contract with Reclamation. Nothing in this D&S changes the reimburseability or non-reimburseability of costs per an existing contract or formal agreement between Reclamation and the respective operating entity.

- B. Reclamation Authorized Official.** The Reclamation official(s) to whom an area manager has delegated authority and responsibility for the accomplishment of construction work at a given Reclamation-owned facility, or such other Reclamation official to whom authority and responsibility has been re-delegated pursuant to Paragraph 5.C. of the RM *Delegations of Authority*, for coordination of substantial changes with potential to elevate risks to the facility, property, environment, historic properties, project use power, and/or public safety at transferred facilities.
- C. Substantial Change.** As defined in existing contracts or formal agreement terms with an operating entity, or if none exist a modification in, or addition to, a project facility which involves changes in the original design intent, function, and/or operational parameters of the facility, or changes in project benefits, including non-routine maintenance activities that involve construction or reconstruction of a portion of the facility. These modifications may be capitalized or non-capitalized. A substantial change is not a characterization of the proposed action in terms of being a major or minor action as defined in the National Environmental Policy Act (NEPA). Definition in accordance with RM D&S, *Reclamation Standard Water-Related Contract Articles, Standard Article 5: Operation and Maintenance of Transferred Works (Federal Construction)* (PEC 10-05).
5. **Review Period.** Per RM D&S *Reclamation Manual Release Procedures* (RCD 03-01) Paragraph 4.B.(6), certification by the originating office will not exceed 2 years.

## RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: \_\_\_\_\_

Release No. \_\_\_\_\_

Ensure all employees needing this information are provided a copy of this release.

### Reclamation Manual Release Number and Subject

### Summary of Changes

NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.

### Filing instructions

Remove Sheets

Insert Sheets

All Reclamation Manual releases are available at <http://www.usbr.gov/recman/>

Filed by: \_\_\_\_\_

Date: \_\_\_\_\_