

PRELIMINARY SITE ASSESSMENT FOR NEW PONDS¹

Note: This preliminary assessment does NOT constitute a formal soil or geologic investigation or a pond design, and should not be used for construction. The information on this form represents a preliminary site assessment to evaluate the feasibility of a potential pond site, and assist in determining the priority for engaging engineering services for a more thorough site investigation and design.

INFORMATION

Client Name: _____ Tract/Field: _____

Mailing Address: _____ County of Pond Site: _____

Is the Pond Site located on a tract of land with a conservation easement? ___yes ___no

What is the river basin? _____

Primary Purpose of Pond: Irrigation Livestock Water Other (define) _____

SITE CHARACTERISTICS *All values are estimated and best opinion values. Detailed field surveys and site investigations are not a part of this assessment.*

Estimated drainage area: _____ acres

Estimated pool area: _____ acres

Estimated depth of water: _____ feet

Estimated embankment height: _____ feet

Estimated length of dam: _____ feet

Estimated pond volume: _____ acre-feet

Hazard classification (if known) _____

List soil(s) in the impoundment area: _____

List soil map units in the area that are suitable for:

core trench _____

embankment _____

Is site's topography generally suitable for an embankment or excavated pond, including an emergency spillway? _____ (Y/N) *If No, explain in Notes Section.*

Do the physical characteristics of the site appear suited for development of a pond that can address the purpose indicated above and satisfy the program requirements? _____ (Y/N) *If No, explain in Notes Section.*

Are there any known geologic or soil features that may restrict ability of pond to hold water, or require special design or construction? _____ (Y/N) *If Yes, explain in Notes Section.*

Is there an adequate borrow area within 1/2 mile? _____ (Y/N)

Describe the vegetative cover of the proposed pond location for surveying purposes.

Complete for Irrigation Pond

Acres to be irrigated _____ acres

Crops to be irrigated _____

Irrigation method _____

Complete for Livestock Water Ponds

Yes No Water is to be used for livestock production. If yes complete below.

Type of livestock	No. of livestock	Type of production operation

¹ Revised March 18, 2011

Estimated extent of wetlands and streams

Including isolated wetlands that may be exempt from the Clean Water Act, what is the estimated acreage of wetlands that will be permanently inundated by pond water or covered by the embankment/spillway?

_____ Acres

May Include Isolated Waters _____Yes or _____No

Approximately how many linear feet of stream will be permanently inundated by pond water and/or filled by the embankment/spillway?

_____feet of stream inundated _____feet of stream filled by embankment

The attached information sheet on ponds and permitting issues has been discussed with the participant. The participant has been informed that obtaining permits is the responsibility of the landowner/participant.

¹ Yes No

CONCLUSIONS

The information collected in this preliminary investigation applies only to the site identified on the attached location map.

Based on the preliminary assessment, this potential pond site has the following potential limitations.

Notes:

Representative: _____ Agency: _____ Date: _____

Attach Map Indicating Site Location

¹ Revised March 18, 2011

FACT SHEET: Planning & Permitting Requirements Associated with Pond Construction

- It is the landowner/participant's responsibility to comply with all federal, state, and local laws and permit requirements.

USDA Wetlands Conservation (WC) Provisions of the FSA of 1985 – Swampbuster:

- All USDA program participants are encouraged to file an AD-1026 with the Farm Service Agency. Manipulation of wetlands in order to develop a pond embankment, spillway, or pool area is not a violation of Wetlands Compliance provisions of the Food Security Act, as this wetland manipulation does not make the production of a commodity crop possible. NRCS wetland determination on these areas would likely be labeled "WX", which would not result in non-compliance.
- If other potential wetland areas will be manipulated as part of the pond construction where production of a commodity crop would be possible (even if there are no plans to plant a commodity crop), then compliance with the Food Security Act could be affected.

Federal and State Wetland, Stream, Buffer and Dam Safety Regulatory Programs:

- The Federal Water Pollution Control Act, more commonly known as the "Clean Water Act," under *Section 404*, directs the U.S. Army Corps of Engineers (the Corps) to issue permits for the discharge of dredged or fill material into waters or wetlands of the U.S. This law has a direct impact on the development of ponds on non-isolated waters or wetlands considered under the jurisdiction of this law. Pond construction for irrigation and livestock water can sometimes be exempt from the Corps regulatory program and the NC Division of Water Quality's (DWQ) wetlands protection rules; however, there are also circumstances when permits may be required to construct farm ponds. Determining which areas qualify for protection is a Corps responsibility. For more information: <http://www.saw.usace.army.mil/WETLANDS/index.html>
- Participants should be aware that the wetland determination and jurisdiction of the Clean Water Act is not the same as any determination made by USDA for the Wetlands Compliance provisions of the Farm Bill.
- If the Corps determines that a 404 Permit or Section 10 Permit is required, then a 401 Water Quality Certification is also required from the DWQ. When the state issues a 401 Certification, this certifies that a given project will not degrade Waters of the State or otherwise violate water quality standards. For more information: <http://h2o.enr.state.nc.us/ncwetlands/>
- A buffer authorization may be required if your property occurs in a regulated buffer basin. If a new or expanded pond occurs on a buffered stream, restoration of the buffer may be required. Every site has unique conditions. Contact Central or appropriate Regional Office staff at DWQ with direct questions about your project to discuss applicability and implications of the buffer rules. These contacts and other information about the Buffer Rules are posted at: http://h2o.enr.state.nc.us/ncwetlands/RiparianBufferRules.htm#buffer_rules.
- An Isolated Wetlands Permit may be needed from DWQ when the Corps determines that a wetland to be potentially impacted is not 404 jurisdictional. An Isolated Wetlands Permit is not a 401 Certification. The application process is similar to applying for a 401 Certification. For more information: <http://h2o.enr.state.nc.us/ncwetlands/>
- In NC, some waters in western counties have trout designations. Certain activities on these waters, depending upon the stream designation and time of year, may be restricted in order to protect this valuable resource. If you are in a "trout" county, check with the Corps representative to see if additional restrictions apply. <http://www.saw.usace.army.mil/WETLANDS/where/imap2/index.html>
- If the proposed pond will disturb more than one acre, a Sediment and Erosion Control Permit may be required from the NC Division of Land Resources (DLR). Some agricultural activities are considered exempt. For more information: http://www.dlr.enr.state.nc.us/pages/sedimentation_new.html
- Depending upon factors such as dam height, drainage area, downstream land use, and other factors, a permit from the DLR Dam Safety Program could be required. For more information: <http://www.dlr.enr.state.nc.us/pages/damsafetyprogram.html>

- Other state or local ¹ordinances could apply to some sites. Rules or guidance associated with the Coastal Area Management Act, NC River Basin rules, or other regulatory programs should be considered. For more information: <http://www.enr.state.nc.us/>

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