



HURRICANE FLORENCE POND AND SPILLWAY REPAIR COOPERATOR ACKNOWLEDGEMENT FORM



Cooperator Name: _____ Date: _____

Tract/Field: _____ County : _____

The following items provide important information regarding policies pertaining to [Agricultural Pond Repair/Retrofit](#), [Emergency Agricultural Pond Repair/Retrofit](#), [Emergency Auxiliary Spillway Repair/Retrofit](#). The cooperator should read through each of the items and initial on the line to acknowledge that they have read and understand the information.

This form is intended to be completed with the assistance of local Soil and Water Conservation District staff so they may provide further explanation and answer any questions that arise. Please review with the Pond Repair Preliminary Engineering Report prepared by the Division of Soil and Water Conservation for your site. Please complete and submit the Acknowledgement Form within 30 days to the Division of Soil and Water Conservation to begin the design and cost-share contracting process for the repair project.

_____ The pond shall be used for agricultural purposes for the entire maintenance period of the contract, as checked in the applicable box(s) below. **If the pond is no longer used for agriculture during the maintenance period, the cost share contract shall be considered out of compliance and a pro-rated amount of the funds received must be paid back to the State.**

- [Agricultural Pond Repair/Retrofit](#)
- [Emergency Agricultural Pond Repair/Retrofit](#)
- [Emergency Auxiliary Spillway Repair/Retrofit](#)

_____ The pond repair project will be inspected by Soil and Water Conservation District staff annually.

_____ It is the responsibility of the cooperator to comply with all federal, state and local laws and permit requirements.

_____ The pond repair project must be designed to meet the specifications checked below based on the repair practice and/or hazard classification:

- [Emergency Agricultural Pond Repair/Retrofit](#) – Fill must be replaced to suitable grade, be properly compacted, and vegetated to remain stable. Side slopes must be at a 2:1 or flatter with a front/rear side slope combination of 5:1.
- [Low Hazard](#) – NRCs Standard 378 **OR** NC Dam Safety Law (15A NCAC 02K .0100)
- [Intermediate Hazard](#) – NC Dam Safety Law (15A NCAC 02K .0100)
- [High Hazard](#) – NC Dam Safety Law (15A NCAC 02K .0100)

_____ Any pond dam that is classified as Intermediate or High Hazard, pursuant to NC Dam Safety Law, is required to be designed by a qualified, **private-sector**, professional engineer.

_____ All pond repair projects must be designed and certified by a professional engineer or an individual with appropriate job approval authority.

- _____ The information recorded on the Preliminary Engineering Report is subject to change with the final engineering design

- _____ Existing structures may require upgrades to meet current standards. The engineer shall make a determination during an evaluation of the entire system.

- _____ It is the cooperator’s responsibility to ensure that the entire structure is maintained for the contract life. In the event that the cooperator chooses not to act on deficiencies noted by the engineer and the structure fails, the cooperator is not eligible for additional cost share and will be responsible for repairing the structure at their own expense. If the structure is not properly repaired a prorated amount of the cost share funds must be repaid to the State.

- _____ Lack of suitable borrow material in the near vicinity of the proposed pond site may result in additional expense to haul material.

- _____ The special conditions noted on the Preliminary Engineering Report may result in excessive construction costs.

- _____ Livestock shall be excluded from the pond, if applicable. In cases of emergency, cooperators may contract their Soil and Water Conservation District and request a temporary exception.

- _____ A signed Operation and Maintenance Plan for pond repair or spillway repair is required.

- _____ Cooperator has applied with the USDA Farm Service Agency for Emergency Conservation Program Funding. State allocations will take into consideration the amount of federal funding secured for the pond repair.

- _____ The cost share rates for Agricultural Pond Repair or Spillway Repair CONSTRUCTION are as follows:

Applicant Type	Cost Share Rate
Standard	75% of actual costs per receipts
New or Limited Resource Farmer*	90% of actual costs per receipts
Enhanced Voluntary Agriculture District#	

* Certified using NC-ACSPs-1E # Certified using county enrollment records.

The cost share rates for using a PRIVATE ENGINEER to prepare designs for the projects are as follows:

Classification of Pond	Applicant Type	Cost Share Rate	Maximum Reimbursement
Low Hazard Embankment	Standard	75% of actual costs per receipts	\$15,000
	New or Limited Resource Farmer*	90% of actual costs per receipts	\$18,000
	Enhanced Voluntary Agriculture District [#]		
Intermediate Hazard Embankment or High Hazard Embankment	Standard	75% of actual costs per receipts	\$20,000
	New or Limited Resource Farmer*	90% of actual costs per receipts	\$24,000
	Enhanced Voluntary Agriculture District [#]		

* Certified using NC-ACSPs-1E # Certified using county enrollment records.

I intend to implement the following practices as checked below:

- [Agricultural Pond Repair/Retrofit](#)
- [Emergency Agricultural Pond Repair/Retrofit](#)
- [Emergency Auxiliary Spillway Repair/Retrofit](#)

I intend to use the following engineering assistance:

- I plan to hire my own private engineer
- I request Division engineering assistance

I acknowledge by my signature below that I have read and understand the policies listed above.

PRINT NAME: _____

SIGNATURE: _____ DATE: _____

Cooperator Acknowledgement:

The Cooperator will have 30 days upon receipt of the preliminary engineering report to return a completed cooperator acknowledgement form determining need for funding and technical assistance with the repair project. Should technical assistance be requested for an [Agricultural Pond Repair/Retrofit, Emergency Agricultural Pond Repair/Retrofit, or Emergency Auxiliary Spillway Repair/Retrofit](#), a division engineer will be assigned to provide design and construction oversight for the pond repair. This Preliminary Engineering Report is limited in scope and further site investigations may uncover additional design complexities and increase costs.