Suggested Steps for Agricultural Pond Evaluation & Approval to Build

Revised July 16, 2009

1. Contact your local USDA-NRCS or County Soil & Water Office to complete a Preliminary Site Assessment for New Ponds

2. Review the potential alternatives for your agricultural water needs.

3. Review potential regulatory requirements. US Army Corps of Engineers and the US Fish & Wildlife Service are joint regulatory authorities for dams with a storage capacity of 25,000 or more cubic feet.

4. Consult with your local USDA-NRCS or County Soil & Water Office to determine if technical and/or financial assistance is available.

5. After consultation with your local USDA-NRCS or County Soil & Water Office, review your potential pond site with various federal and state agencies. Review and sign a "Confidentiality Agreement" that will allow USDA-NRCS personnel to review your proposed pond site.

6. If the building site of the pond is on a USDA-FSA Farm Serial Number or if the proposed pond site does not have a USDA-FSA Farm Serial Number, you must first contact the US Army Corps of Engineers or the North Carolina Division of Water Resources-Dam Safety Program and NC Division of Land for a Preliminary Site Assessment for New Ponds and for a Preliminary Site Assessment for New Ponds.

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<tr>
<th>Operation Type of</th>
<th>No. of</th>
<th>Livestock Type of</th>
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<tr>
<td>Production</td>
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**Completes for Livestock Water Ponds**

**Notes Section**

- (Y/N) If Yes, explain in Notes Section.
- (Y/N) If No, explain in Notes Section.
- Indicate above and satisfy the program requirements.
- Do the physical characteristics of the site appear suited to livestock classification?  
- Are there any known geologic or soil conditions that may restrict the ability of pond to hold water, or require special foundation?
- If yes, explain in Notes Section.
- Indicate those units in the area that are suitable for the purpose.

**Estimated embankment height:**

<table>
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<tr>
<th>Height of dam in feet:</th>
<th>Estimated embankment height in feet:</th>
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**Estimated depth of water:**

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<th>Estimated depth of water in feet:</th>
<th>Estimated volume in acres:</th>
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**Investigations are not a part of this assessment.**

**SITE CHARACTERISTICS**

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

**Purpose of Pond**

- Livestock Water: Integration
- Irrigation: Integration
- Production: No

**Is the Pond Site Located on a Tract of Land With a Conservation Easement?**

- Yes

**Mailing Address:**

**Client Name:**

**Application for Preliminary Site Assessment for New Ponds**

Revised July 16, 2009

Preliminary Site Assessment does NOT constitute a formal soil or geologic investigation or a formal engineering services for more thorough site investigation and design. Preliminary site assessment to evaluate the feasibility of a potential pond site and assess in determining pond design, and should not be used for construction. The information on this form represents a preliminary assessment and should not be used for construction. The information is intended to be used for preliminary design and should not be used for construction.
Based on the preliminary assessment, I recommend this potential pond site for further site investigation and design.

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

CONCLUSIONS

Yes

No

Landowner/Participant: The participant has been informed that obtaining permits is the responsibility of the participant.

The attached information sheet on ponds and permitting issues has been discussed with the participant.

Yes

No

Feet of stream flooded by embankment by the embankment/slideway?

Approximately how many linear feet of stream will be permanently inundated by pond water and/or fill?

Yes or No

Yes

No

May include isolated waters or or

Acres

Estimated extent of wetlands and streams including isolated wetlands that may be exempt from the CWMA.
Federal Water Pollution Control Act; more commonly known as the "Clean Water Act." Under Section 404, the Federal Water Pollution Control Act, permits are required to construct wetlands, stream, buffer and dam safety regulatory programs.

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

Requirments:
1. It is the landowner/participant's responsibility to comply with all federal, state, and local laws and permits.

Planning a Permitting Requirements Associated with Pond Construction
Mobile Telephone Number

Home Telephone Number

Address (if different from above)

Printed Name

Signature

Section 404 of the Clean Water Act. Should the impact be less than those mentioned above, then the project might qualify for a Nationwide Permit.

In addition, if the land use surrounding the pond changes from agricultural use to a non-

Provision shall be determined by the Corps on a case-by-case basis.

Furthermore, I understand that in order to qualify for the exemption, a low flow discharge

I wish to pursue confirmation from the United States Army Corps of Engineers (Corps)
(c) The discharge is not placed for the purpose of stream diversion.

(b) The discharge will not cause the loss of more than 1/10 acre of waters

mark of the high tide line.

do not exceed 25 cubic yards below the plane of ordinary high water

(a) The quantity of discharged material and the volume of area excavated

material into all waters of the United States, provided the activity meets all of the

following criteria:

National Permit 19 - Minor Discharges

Minor Discharges – Discharges of dredged or fill

The discharge engineer prior to commencing the activity (see the general condition 7.2).

The permittee must submit a pre-construction notification to

by the discharge engineer.

information and supplemental documents. This 300 linear foot limit is waived in writing

constructed in non-navigable streams, unless for drainage ditches constructed in

reclamation of areas of more than 300 linear feet of existing servitude drainage ditches

made within the adjacent to tidal waters. This NWP does not authorize the

of waters of the United States. This NWP does not authorize the

The discharge does not cause the loss of greater than 1/10 of non-tidal

constructed in non-navigable streams.

This NWP also authorizes discharges of dredged or fill material into non-

This NWP also authorizes the construction of agricultural ponds.

is used solely for agricultural purposes. This NWP does not authorize the

This NWP also authorizes the construction of farmland in non-tidal

This NWP also authorizes the construction of farmland in non-tidal

construction or construction of drainage lines, culverts, or levees.

conditions of existing servitude drainage ditches, or construction of buildings or farmland activities, including the

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This permit authorizes the discharges of dredged or fill material into non-

404(b)(1)(C) exemptions because of the incapacity to discharge the specified water at Section 404(T)(2).

National Permit (NWP) 40 - Agricultural Activities

of the following general permit options (National Permit):

Constitution

Department of the Army (DA) Permitting Options for Farm Pond
To determine the applicable DA permitting option for their proposal, potential applicants must contact the local regulation specialists or Project Manager of the possible options mentioned above. Therefore, the best advice is for a regional and site conditions may either eliminate or modify the applicability of these permits may be available for pond construction.

NOTE: While verification of these permits may be available for pond construction

The district engineer prior to commencing the activity. (See general condition 27.)

Notification: The permittee must submit a pre-construction notification to

of individual subdivision lots.

Subdivisions: For residential subdivisions, the aggregated total loss of

Authors: discharge into non-NWP waters or the United States associated with the development

residential development.

The discharge must not cause the loss of greater than 1/2-acre of non-

National Permit 29 - Residential Developments - Discharges of degraded or

Special aquatic site, including wetlands. (See general condition 27.)

The discharge is in a

of ordinary high water mark or higher. (b) The discharge is in a

of volume of area exceeds 10,000 cubic yards below the plane

of the high water mark or high tide line, or (2) The discharge is in a
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<tr>
<th>Raleigh Field Office</th>
<th>(919) 554-4484, Ext. 28</th>
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<td>Alamance</td>
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<th>Washington Field Office</th>
<th>(910) 251-4555</th>
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