

Farm Pond Exemptions



US Army Corps of Engineers
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What is a Farm Pond

- A farm pond is an impounded water source created by constructing an embankment or excavating a pit that is intended to provide water for the irrigation of crops or water supply for livestock operations.



Regulations and Agreements

- Section 404(f) of the CWA and Section 323.4(a)(3), Title 33 of the Code of Federal Regulations (CFR)
 - ▶ Discharges not requiring permits include certain farming, silviculture and ranching activities

- USACE/NRCS Field Level Agreement
 - ▶ The purpose of this Field Level Agreement (FLA) is to enable the USACE and NRCS to more effectively utilize their staff and resources in performing Wetland Delineations, Jurisdictional Determinations and Exemption Determinations within the State of Georgia.

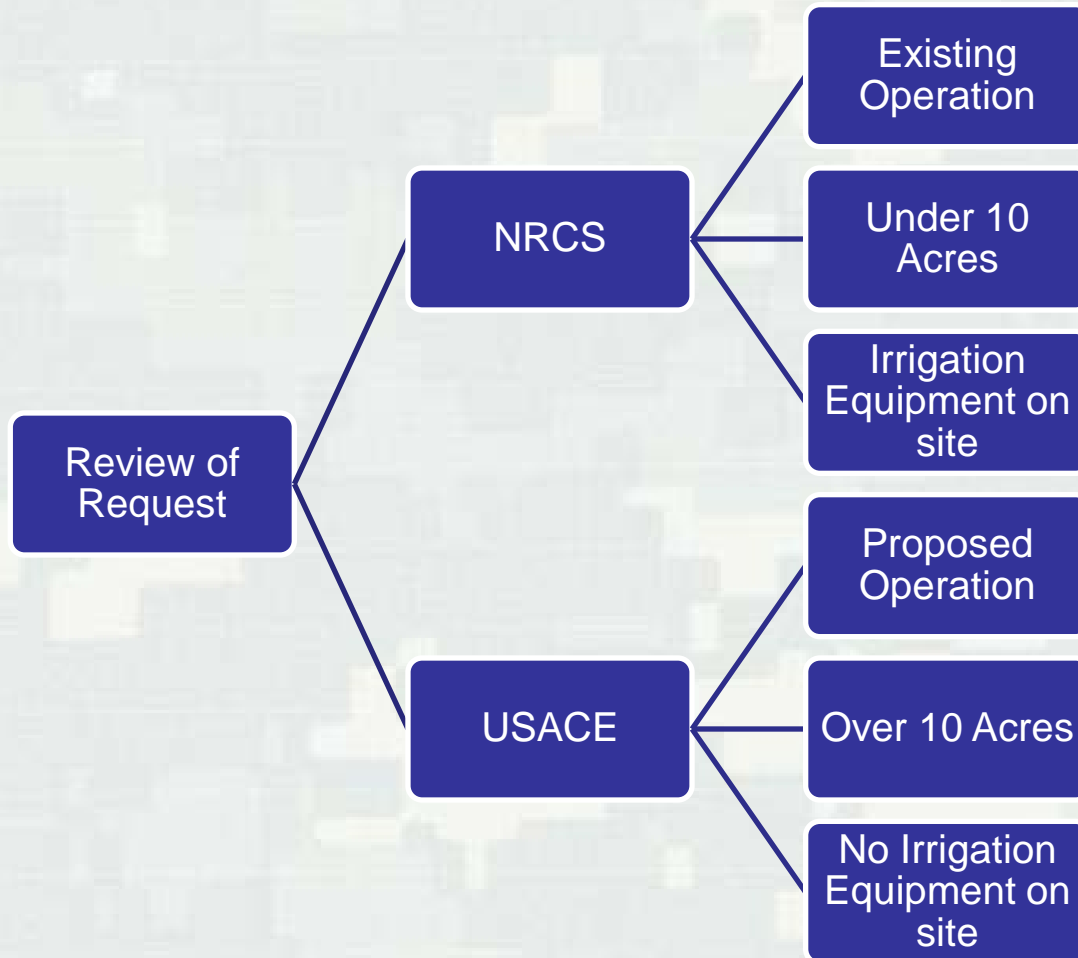


GEORGIA FARM POND EXEMPTION GUIDE

- The purpose of this document is to provide guidance for NRCS and USACE employees when servicing requests for ponds.
 - ▶ Definitions
 - ▶ Who's Eligible
 - ▶ What's Eligible
 - ▶ How to develop a water budget
 - ▶ Who reviews request



Who Makes Verification?



IF OVER 10 ACRES

■ Check Sheet

▶ Written Request

- Farm Pond Exemption Paper
- Statement Documenting all Other Available Water Sources

▶ Name of Project

- Farm Name

▶ Past Actions

- JD, Permits, etc.

▶ Property Records for the property or review area



IF OVER 10 ACRES

▶ Photographs

- Aerial photo's of fields and pond location

▶ Agricultural/Live Stock Producer

- The applicant must be an entity who engages in commercial agricultural or livestock production (Defined in check sheet)

▶ Water Budget

- Demonstrating the land owners need to provide water for livestock operations or irrigation of crops including the size pond needed.

▶ Maps

- Location/vicinity, soils, wetland, ect.



FARM POND EXEMPTION INFORMATION PAPER

PRODUCER INFORMATION					
Name:					
Mailing Address:					
City, State, Zip Code:				County:	
POND INFORMATION ^{1/2}					
Primary Purpose of Pond (Check the applicable purpose)					
Agricultural Irrigation		<input type="checkbox"/>			
Livestock Water Supply		<input type="checkbox"/>			
Proposed Agricultural Irrigation		<input type="checkbox"/>			
Proposed Livestock Water Supply		<input type="checkbox"/>			
Recreation (Non-Farm Pond)		<input type="checkbox"/>			
		Location:		Lon.	Lat.
Size at Normal Pool (acres):		Estimated Storage at normal pool (Ac-ft):			
^{1/2} Non-Farm Ponds, Proposed Agricultural Irrigation Ponds, Proposed Livestock Water Supply Ponds and ponds having a normal pool size larger than 10 acres must be directed to the USACE. ^{2/2} Proposed Purposes are operations where the landowners are not currently irrigating crops or producing livestock.					
AGRICULTURE OR LIVESTOCK PRODUCTION INFORMATION ^{2/2}					
Crop Type:		Cropped Acreage (ac.):		Crop Water Needs (ac-ft)	
Livestock Type:		Herd Size (hd):		Livestock Water Needs (ac-ft)	
				Additional Water Needs (ac-ft)	
				Total Farm Water Needs (ac-ft)	
^{2/2} A water budget must be attached to this document justifying the above values.					

(Exhibit 1)



Producer Certification: I certify that the above information is accurate to the best of my knowledge. I understand that this exemption does **NOT** free me from obtaining any other federal, state or local permits for construction of the proposed pond. I understand that if any revisions are made to the project or its intended use, this exemption determination may be invalidated. Should it be determined that the pond has been converted to a non-agricultural use at any point, I may be required to obtain a Department of the Army permit in order to maintain the pond. Any Department of the Army permit application must include an alternatives analysis and mitigation and should a permit not be issued, restoration of the site may be required. A pond exempt from the need for a Department of the Army permit is not exempt from the Georgia Erosion and Sedimentation Control Act of 1975, as amended, or other State regulations.

(Type or print name)

(Signature)

(Date)

NRCS Certification: I certify that this producer has been advised of the requirements as outlined in the NRCS Farm Pond Exemption Guide and in the Field Level Agreement between USACE and NRCS. For Agricultural Irrigation and Livestock Water Supply Ponds sufficient documentation has been provided that defends the need and size of the proposed pond.

(Type or print name and title)

(Signature)

(Date)

(Street Address)

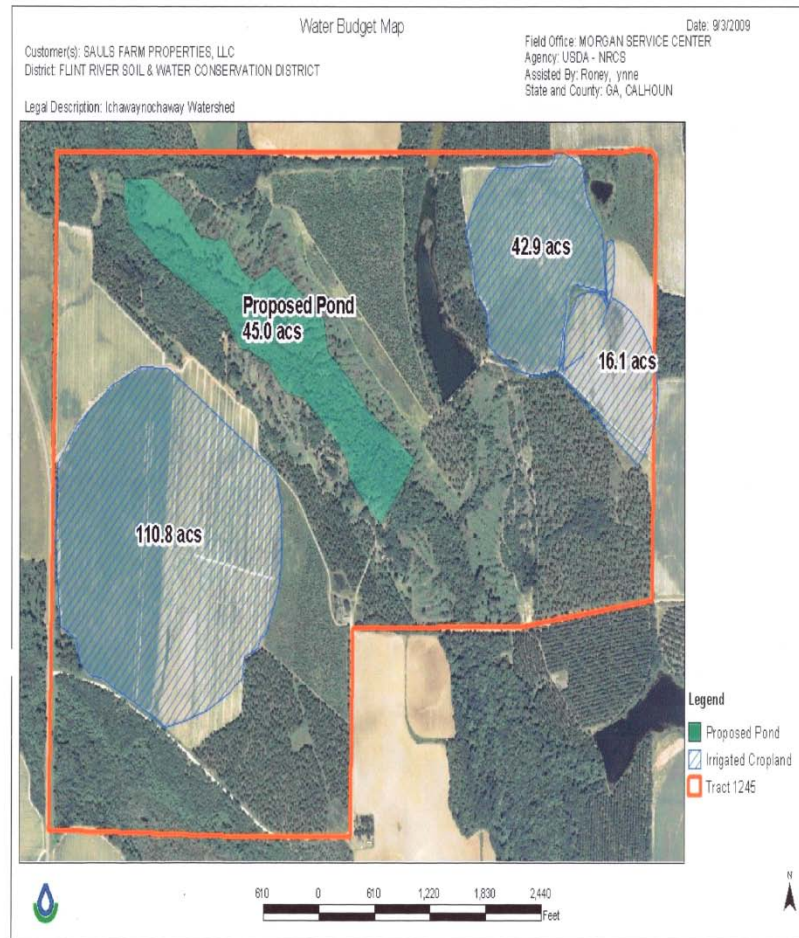
(City, State)

(Zip)

(Exhibit 1)



Fields to be Irrigated



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Soils Map



What's New

- Farm Pond Questions (Q) & Answers (A)
- Proposed operations have 18 months after construction of the pond to have area in production and irrigation equipment installed
- Working on additional requirements for pond over ten acres.
- Corps inspecting a percentage of exempt ponds yearly



QUESTIONS



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