

**APPLICATION FOR TECHNICAL ASSISTANCE FOR THE
DESIGN OF A POND ASSOCIATED WITH AN AQUACULTURE FARMING OPERATION**

DUE TO THE POTENTIAL LIABILITY ASSOCIATED WITH A DAM AND POND AND IN THE INTEREST OF PUBLIC HEALTH, SAFETY, AND WELFARE, THE NATURAL RESOURCES CONSERVATION SERVICE (NRCS) IN ALABAMA REQUIRES THAT THE APPLICANT REVIEW AND SIGN THIS DOCUMENT PRIOR TO THE NRCS PROVIDING TECHNICAL ASSISTANCE FOR THE DESIGN OF A CLASS I OR LARGER POND.

1. Owner agrees to obtain all necessary easements and permits required for the proposed pond.
2. Owner states that the pond is not associated with any planned subdivision.
3. Owner agrees that if the dam is constructed as designed and should fail, this would not likely cause loss of life nor serious downstream property damages.
4. Owner agrees not to develop nor to allow development of downstream property, which he owns, or controls, which could cause serious property, damage to others or cause loss of life if the dam should fail.
5. Owner understands that if downstream property is developed by others, which would be adversely affected by a sudden failure of this dam, it is the owner's responsibility to upgrade the quality of the dam in accordance with the changed downstream conditions.
6. Owner agrees to construct or require the contractor to construct the pond according to drawings and specifications prepared by the NRCS.
7. Owner grants ingress-egress permission to NRCS employees when needed for inspections or operation and maintenance (O&M).
8. Owner agrees to operate and maintain the dam and pond in accordance with a jointly-agreed-to O&M plan furnished with the design.
9. Owner understands that the NRCS makes no warranty, expressed or implied, of the integrity of the dam or its water holding ability.
10. Owner agrees with and will obtain a contractor who will accept the division of responsibilities as stated in the following paragraphs:

RESPONSIBILITIES OF:

LANDOWNERS

The owner will acquaint himself with the provisions of the drawings and specifications to determine that the completed structure will fulfill his present and future needs. Inspection during construction will be the responsibility of the landowner and contractor. He will advise the NRCS of the anticipated date of construction commencement and upon completion of construction.

CONTRACTORS

The Contractor will acquaint himself with the provisions of the drawings and specifications, conditions at the site that may affect his schedule of operation, and the location and meaning of all stakes on the site. The contractor and/or owner are responsible for construction layout from NRCS established lines and elevations. All benchmarks, grade and line stakes will be left undisturbed and protected by the contractor to facilitate construction and inspection to the extent practical.

The contractor will implement any construction provisions of permits obtained by the landowner. Such provisions may include Best Management Practices for Construction in an NPDES Permit issued by

ADEM. All damages occurring to completed or partially completed work or materials, by the elements or otherwise, during construction, will be the responsibility of the contractor. Absence of owner or NRCS personnel during construction will not relieve the contractor from completing the work in strict compliance with the drawings, specifications, and any permits.

Upon completion of the work, before moving his equipment, the contractor will survey the work and certify to the NRCS Technician that the work is according to drawings and specifications.

U. S. DEPARTMENT OF AGRICULTURE - NATURAL RESOURCES CONSERVATION SERVICE

The NRCS makes no warranty, expressed or implied, of the impounding structure or the water holding ability of the structure.

The United States and its employees are in no manner a party to any verbal or written contract between the owner and the contractor. NRCS employees, within limit of personnel available, will assist the owner on inspections during construction to help obtain satisfactory compliance with the drawings and specifications.

I request that the NRCS provide the technical assistance on the design and construction of a pond for an aquacultural farming operation on my property at _____
_____. I understand and agree to the conditions set forth in this application and will construct and maintain this pond according to the drawings, specifications, and operation and maintenance plan prepared for the job. I understand that the NRCS will provide no further assistance if any item of this agreement is violated.

LANDOWNER

ADDRESS

DATE