Part 520 – Soil and Water Resource Development

Subpart A – Erosion and Sediment Control

AL520.1 Minimizing Erosion and Pollution During Construction

A. General - For all construction sites, whether a project or conservation operation, and regardless of the size of land disturbance, NRCS will include adequate Best Management Practices (BMPs) in the design to minimize erosion and pollution during construction. This may include details and specifications for such items as silt fence, hay bale barrier, temporary vegetation, mulching, etc. Designs should also include construction sequencing (project phasing) that minimizes the amount of area disturbed at any one time.

H. Provides a checklist for controlling pollution which gives detailed procedural guides to comply with the policy.

(1) NPDES - Phase 2 of the National Pollution Discharge Elimination System (NPDES) administered by the Alabama Department of Environmental Management (ADEM) requires that construction sites with one (1) acre or more of planned land disturbance be permitted for storm water discharge. The following activities are exempt from this NPDES permitting provided the design incorporates the Construction Best Management Practices Plan (CBMPP) components found in Chapter 335-6-12-.21 of the Phase II rule:

(i) Normal silvicultural harvesting and associated construction practices including the construction of forest roads and borrow areas used to obtain material to construct and maintain forest roads. Borrow areas must be less than 5 acres in size, have effective BMP's fully implemented, and be disturbed for less than 60 days. The timber harvesting operation is not exempt if the purpose of the harvest is to clear the land for a development that would require coverage under this permit, such as a residential or commercial development.

(ii) Animal feeding operation (AFO) or concentrated animal feeding operation (CAFO) construction activities that have been granted registration under the AFO/CAFO portion of the NPDES program. The CBMPP components must be incorporated into the Waste Management System Plan (WMSP) written specifically for the operation.

(iii) Aquatic animal production facilities, concentrated aquatic animal production facilities, and aquaculture project construction activities that have been granted NPDES coverage in accordance with ADEM regulations.

(iv) Normal on-farm, non-AFO agricultural planting, harvesting, and associated normal agricultural practices, including ponds constructed for the purpose of irrigation and/or livestock water, provided the practices are commensurate with the size of the operation and implemented in a manner that meets or exceeds NRCS technical standards and guidelines.

The NPDES permit requires that a CBMPP be prepared by a Qualified Credentialed Professional (QCP) prior to beginning construction activities at the site. Alabama NRCS employees can qualify as a QCP, if designated by the state conservationist, according to ADEM rules.

In order to obtain permit coverage an owner/operator must submit a Notice of Registration (NOR), with the appropriate registration fee, to ADEM prior to beginning construction

activities. There are twodifferent criteria for submitting the NOR dependent upon the waterbody segment receiving discharges from the site. The criteria are listed below:

- For those sites that discharge into a Tier 1 waterbody segment, as defined by the Alabama Department of Environmental Management, discharge to a waterbody designated as an Outstanding Natural Resource Water, or where a water of the State is to be relocated, diverted or realigned, the NOR and a copy of the CBMPP must be submitted to ADEM 30 days before construction begins. A Tier 1 waterbody segment is a stream segment that appears on the most recent 303d list due to a pollutant from construction activity.
- For all other sites, the NOR must be submitted before construction begins. The owner does not need to submit the CBMPP on these sites.

The permit also requires that after installation, BMPs at the site be inspected on a regular basis by a Qualified Credentialed Inspector (QCI), QCP, or someone working under the direct supervision of a QCP. BMP inspections are to document the effectiveness of the BMPs and to note any needed maintenance of BMPs on site or to recommend revisions to the BMP plan. When deemed necessary by the inspecting QCP, water quality samples are also required to be taken. Complete and comprehensive inspections are to be conducted:

- A minimum of once a month by a QCI, QCP, or a qualified person under the direct supervision of a QCP;
- A minimum of once every six months by a QCP or a qualified person under the direct supervision of a QCP; and
- After any precipitation of 0.75 inches or more in any 24 hour period since the last inspection. This inspection after a precipitation is to commence as promptly as possible, but no later than 48 hours after resuming construction activity. The inspection is to be completed no later than 72 hours following the precipitation event.

The complete NPDES Phase II rule, a list of Tier 1 waterbodies, a map of Tier 1 waterbodies, and registration and inspection forms can be found at the following web site: http://adem.alabama.gov/programs/water/permitting.cnt

2. NRCS ASSISTANCE WITH REGISTRATION, CBMPP PREPARATION, AND INSPECTIONS
   - For PL83-566 Watershed structural measures, NRCS will provide assistance to the sponsor or landowner as appropriate in developing information to submit a NOR to ADEM for sites that require a permit. NRCS will also provide necessary BMP inspections and runoff monitoring requirements for each permitted site that is constructed by NRCS.
   - For all other activities in which NRCS is providing technical assistance, NRCS will develop a CBMPP and provide related services for only those practices in which a conservation practice standard exists. A CBMPP for animal production facilities will not be prepared by NRCS.
3. CONSERVATION OPERATIONS - The resource engineer (RE) is responsible for assisting field office personnel in evaluating, planning, and designing measures to reduce pollution on conservation operation program sites.
4. PROJECT TYPE ACTIVITIES - The cost of pollution abatement measures is a construction cost and should be cost-shared accordingly. Consideration will be given during the planning of all structural measures to include actions necessary to minimize pollution from soil erosion during and after construction.

   The assistant state conservation engineer (ASCE), with the assistance of the state conservation engineer (SCE) and responsible RE, are responsible for evaluating the pollution hazard for each structural measure and incorporating the necessary pollution control measures into construction contracts. The state office engineering section (EDS) or RE having responsibility for the design

will detail the work necessary to minimize on-site pollution, erosion, and downstream pollution during construction.

During the collection of field data for design, the field engineer will obtain all necessary data to properly plan and design erosion and pollution control measures.

The state resource conservationist (SRC) and specialists from the ecological sciences staff will have the overall responsibility for developing temporary and permanent vegetative plans and specifications. The responsible RE will provide a map showing the location, slope, and approximate size of the disturbed areas to be vegetated. This map will be used to facilitate completion of the vegetative plan prior to completion of the final design. The resource conservation staff will prepare the vegetative plan, and it will be a part of the construction or vegetation contract. Vegetative plans for construction contracts will be included in the engineering review. The ASCE will see that the vegetation specifications conform to contract format.

The contracting officer's technical representative (COTR) (project engineer) will request the district conservationist to give technical assistance in application of vegetative treatment measures included in contract work.

Part 520 – Soil and Water Resource Development

Subpart A – Erosion and Sediment Control

AL520.1 Exhibit 1 Checklist for controlling pollution during construction.

The successful prevention and control of pollution from construction operations depends on (1) the development of a comprehensive control plan, and (2) the application of the plan supplemented with other needed control measures that become apparent during construction. Each of these requires ingenuity on the part of the responsible parties in order for them to visualize the potential pollution problems and to develop practical corrective solutions.

This checklist is intended as a guide, and additional measures should be considered when appropriate for specific site conditions. Principles in the Alabama Handbook for Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas should be used during the design to insure that the plans include adequate BMPs to comply with ADEM requirements. The following are items that need to be considered in meeting the Service's policy to minimize soil erosion and water and air pollution during construction:

1. Access roads should be established over the most suitable terrain and protected with temporary or permanent cover. Stream crossings should be constructed, maintained, and removed in a manner to minimize stream pollution.
2. Clearing, clearing and grubbing, and borrow operations should be scheduled in order to minimize the extent and the duration of the unprotected area. Disturbed areas should be seeded to permanent vegetation when use of the area is completed. Temporary seeding or mulching of the disturbed area should be considered if the area will not be used for an extended period of time (longer than 13 days). Sediment barriers between the disturbed area and receiving waters should be used in lieu of temporary cover while the disturbed area is being actively used.
3. Spoil areas should be designated on the drawings and provisions made for disposal in such a manner that flooding or runoff will not cause pollution from erosion and sedimentation. Sediment barriers such as silt fences or hay bales should be planned for use on the down gradient side of disposal areas to prevent migration of sediment from the spoil area into receiving waters. Temporary or permanent diversions may be used to divert outside runoff around spoil areas.
4. Active dam construction in live streams must be kept to the bare minimum. When it is necessary to work in streams, consideration should be given to by-passing the normal flow.
5. Sectional embankment construction should be authorized and/or required, where feasible, to facilitate the bypass of stream flow and to expedite completion of the embankment, thereby reducing periods of high erosion potential.
6. Maintain embankment surfaces so that runoff does not become concentrated. Where sectional construction is not feasible, maintain a low section in the top of the embankment for emergency overflow at a point selected so that overtopping will cause the least erosion damage and sediment pollution.
7. Divert the maximum amount possible of up gradient or offsite water around the construction site. If water is collected and diverted, a stable outlet should be provided to prevent additional erosion and sediment pollution.
8. Use diversions and berms to control runoff, divert water, and protect vegetative treatment during construction. Install erosion-resistant gutters or waterways to minimize erosion where water is concentrated and conditions do not permit the establishment of vegetation.
9. Use sediment basins as needed to retain sediment.

10. Topsoil should be salvaged and spread over disturbed areas when possible. When topsoil is to be stockpiled longer than 13 days, a temporary protective cover of vegetation or mulch should be provided for the stockpile.

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Part 520 – Soil and Water Resource Development

Subpart A – Erosion and Sediment Control

AL520.1 Exhibit 2 - Field Level Agreement

DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

March 7, 2011

FIELD LEVEL AGREEMENT BETWEEN
THE US ARMY CORPS OF ENGINEERS, MOBILE AND NASHVILLE DISTRICTS
AND
THE NATURAL RESOURCES CONSERVATION SERVICE
CONCERNING FARM POND EXEMPTIONS IN ALABAMA

I. Introduction:

On February 25, 2005, joint guidance between the Department of Agriculture, Natural Resources Conservation Service (NRCS) and the US Army Corps of Engineers (USACE) reaffirmed their commitment to ensuring that Federal wetlands programs are administered in a manner that minimizes the impacts on affected landowners consistent with the important goal of protecting wetlands. NRCS and USACE offices were encouraged to develop local partnerships to provide timely and accurate information to the public and to address other wetland issues.

In support of this joint guidance; NRCS, Alabama and USACE, Mobile and Nashville Districts have adopted a Field Level Agreement (FLA) pertaining to farm pond exemptions. The FLA establishes procedures for farmers to follow when requesting ponds on their property.

II. Terms:

A. Wetland Delineations depict the boundaries of waters of the US, such as wetlands and streams.

B. Verified Wetland Delineations depict the boundaries of waters of the US, such as wetlands and streams, and have been certified as accurate in writing from the NRCS or USACE for Food Security Act (FSA) or Clean Water Act (CWA) purposes, respectively.

C. Jurisdictional Determination by the NRCS or USACE identities the areas and/or activities subject to jurisdiction under provisions of the FSA or CWA, respectively.

D. Preliminary Jurisdictional Determination is a USACE document indicating that there may be waters of the United States on a parcel or indications of the approximate location(s) of waters of the United States on the parcel.

E. Approved Jurisdictional Determination is a USACE document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel.

III. Procedures:

A. Jurisdictional Determinations

1. Jurisdictional Determinations performed by the NRCS must be verified by the USACE for purposes of the CWA.

2. The NRCS will inform land owners that Jurisdictional Determinations verified by the NRCS are not valid for CWA purposes.

3. The USACE will inform land owners that Jurisdictional Determinations by the USACE may not be valid for FSA purposes. All USACE Jurisdictional Determinations will include the statement "This delineation/determination has been conducted to identify the limits of the US Army Corps of Engineers' Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the FSA of 1985, as amended. If the land owner is a US Department of Agriculture (USDA) program participant, or anticipates participation in USDA programs, he/she should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work."

4. The NRCS will inform land owners that Jurisdictional Determinations by the NRCS may not be valid for CWA purposes. All NRCS Jurisdictional Determinations will include the statement "This delineation/determination has been conducted for the purpose of implementing the wetland conservation provisions of the FSA of 1985. This determination/delineation may not be valid for identifying the extent of the USACE CWA jurisdiction of this site. If the landowner intends to conduct any activity that constitutes a discharge of dredge or fill material into wetland or other waters, he/she shall request a jurisdictional determination from the local office of the USACE prior to starting work."

5. Approved Jurisdictional Determinations by the USACE for CWA purposes will remain valid for a period of 5 years unless new information warrants revision prior to that date.

B. Exemption Determinations

1. NRCS and USACE will follow procedures outlined in the "Alabama Farm Pond Exemption Guide" when providing assistance to land owners requesting technical assistance in construction of farm ponds or land owners requesting assistance with a determination as to whether a proposed farm pond is or is not regulated under the CWA.

2. NRCS will maintain a log in each field office for ponds that, based on information provided by the farmer, would most likely not be regulated under the CWA. The logs will identify the following information: landowner's name, address, pond size, purpose of the pond, county, and lat/long coordinates of the proposed pond. A copy of the logs will be forwarded to the NRCS State Conservation Engineer for submittal to the appropriate USACE District Office on a quarterly basis. An annual meeting to discuss past, present and future projects will also be scheduled.

3. Activities for the purpose of maintaining existing farm ponds, farm roads, center pivot crossings or irrigation ditches (returning it to a pre-existing condition) in waters of the United States **may or may not** be exempt from CWA jurisdiction. Review of these activities should be coordinated with USACE. Typically:

a. In order for center pivot crossing construction in wetlands/streams to be considered exempt and not regulated under the CWA, the project must meet the criteria outlined in Section 404(f) of the Clean Water Act and Section 323.4, Title 33 of the CFR. In addition, crossings shall not exceed 8-feet in width at the top, side slopes shall not exceed 3:1, and water crossings shall either be bridged or have culverts in place sufficiently sized to maintain normal surface water flows.

b. In order for irrigation ditch construction in wetlands/streams to be considered exempt and not regulated under the CWA, the project must meet the criteria outlined in Section 404(f) of the Clean Water Act and Section 323.4, Title 33 of the CFR. In addition, all excavated material shall be disposed of on high ground if at all possible or placed alternately in piles on either side of the ditch to maintain normal surface water flows. Excavated material shall not be converted into a road unless that road could be separately exempted as a farm road.

c. In order for farm road construction in wetland/streams to be considered exempt and not regulated under the CWA, the project must meet the criteria outlined in Section 404(f) of the Clean Water Act and Section 323.4, Title 33 of the CFR. In addition, the land owner must demonstrate it is not possible to access the area from any other high ground (upland) access point even if that point is on other property. Road widths shall be the minimum necessary for the intended farm purpose. Road length shall be the minimum necessary to cross the wetland/stream (at the narrowest point of the wetland), land clearing (stump removal) shall be confined to the footprint of the road, and water crossings shall either be bridged or have culverts in place sufficiently sized to maintain normal surface water flows.

IV. General:

A. The policy and procedures contained in this FLA do not create any rights either substantive or procedural to a jurisdictional determination or a farm pond exemption determination by either agency or the United States.

B. This agreement will take effect ten (10) days after the date of the last signature below and will continue until modified or revoked by agreement of any of the parties or until revoked by any party alone upon written notice.

C. USACE Mobile and Nashville District and the NRCS in Alabama will review this FLA on an annual basis for the purpose of modification or extension. If this FLA is not modified or revoked it will automatically be extended.

3-23-11
William E. Puckett, PhD (date)
State Conservationist
NRCS

5/5/11
Craig J. Litteken (date)
Chief, Regulatory Division
Corps of Engineers, Mobile District

4-14-11
Ronald E. Gatlin (date)
Chief, Regulatory Branch
Corps of Engineers, Nashville District

Part 520 – Soil and Water Resource Development

Subpart A – Erosion and Sediment Control

AL520.1 Exhibit 3 – Alabama Farm Pond Exemption Guide

ALABAMA FARM POND EXEMPTION GUIDE

A. Pond Construction: Pond size shall not exceed the need shown through a water budget. In waters of the US, the placement of fill material shall be limited to dam or berm construction. Land clearing (stump removal) shall be limited to the dam or berm, including auxiliary spillway entry and exit sections, and normal pool footprint. No fill shall be placed in wetlands to build up areas around the pond.

B. Producer Eligibility: To be eligible for the farm pond exemption, the land owner must be a producer who engages in either agriculture or livestock production. Land owners who **propose** new agricultural or livestock operations will be deferred to the USACE for an exemption determination. Proposed operations are those that do not have the required crops, existing irrigation equipment, or livestock at the time of the exemption request. The USACE will determine whether to exempt the pond from the Section 404 permit process. Agricultural and livestock production are defined below:

C. Agricultural production: Agricultural production is defined as a farm or ranch operation involving the production of crops including but not limited to:

- Field-grown ornamentals (not containerized)
- Flowers or bulbs
- Grains or row crops
- Hay, forage or pasture
- Naval stores
- Orchards or vineyards
- Seed Crops
- Plant materials
- Tobacco
- Trees
- Turf Farms
- Vegetables or fruits

Note: Trees will require case specific justification from the AL Forestry Commission and acceptance by the NRCS or USACE defining the need and quantity of irrigation water.

D. Livestock production: Livestock production is defined as a farm or ranch operation involving the production, growing, raising, or reproducing of livestock or livestock products, including but not limited to:

- Beef cattle
- Buffalo
- Dairy cattle
- Horses
- Ostriches or Emu

- Poultry
- Sheep or goats
- Swine
- Turkeys

E. Water Budgets: For a pond to supply a permanent water supply, it is necessary to provide sufficient water depth to meet the intended use taking into account seepage and evaporation losses. During severe drought conditions in Alabama, ponds can lose 4 ft. of water depth. For this reason, embankment ponds for irrigation and livestock purposes should always have at least 8 ft. of water at the deepest part of the pond. In Alabama, the maximum storage period is normally 180 days or 6 months (dry months of the year) for animals.

1. Estimated water needs for common crops in Alabama:

Ag. Production [1, 2]	**Crop Water Needs (Ac-ft / acre of crop)**
Row crops	1.5
Tobacco	1.0
Hay, Forage or Pasture	1.25
Vegetables[3]	1.25
Orchards	1.5

[1] *Documentation of water needs for crops not shown in this table shall be provided to NRCS.*

[2] *The land owner must have existing irrigation equipment. All new operations or operations without irrigation equipment shall be required to submit an exemption determination request to the USACE.*

[3] *Land owners that produce multiple crops during a year may include crop water needs for each crop when predicting water needs.*

2. Examples of situations where ponds meet crop water budgets:

Example 1: *A land owner irrigates 50 acres of cotton and would like to have a 20 acre irrigation pond. The proposed 20 acre pond site would have 16 ft. of water at the dam and a 15 acre surface at the 12 ft. depth (drought level).*

Crop Acreage	=	50 acres
Water needs	=	1.5 ac-ft/ac
Total water needs	=	75 ac-ft
Available water at 12 ft drought level 0.4 X 15 ac. X 12 ft.	**=**	72 acre-ft (defensible)
Pond total volume 0.4 X 20 ac. X 16 ft.		128 acre-ft

Example 2: *A land owner irrigates 100 acres of pasture. The land owner wants a 25 acre pond. The pond will need to have 20 ft. of water at the dam to produce a 25 acre pond. At the 16 ft. depth (drought level) the water surface would cover 19 acres.*

Pasture Acreage	=	100 acres
Water needs	=	1.25 ac-ft/ac

Total water needs	=	125 ac-ft
Available water at 16 ft drought level 0.4 X 19 ac. X 16 ft.	=	121.6 acre-ft (defensible*)

3. Estimated livestock water requirements in Alabama:

Livestock Production [1]	***Drinking Water Needs (gallons/day/hd)***
Dairy cattle	25
Beef cattle	12
Sheep or Goats	1.5
Horses	12

[1] *Other livestock may be used with proper documentation to NRCS to predict water needs.*

4. Examples of situations where ponds meet livestock water budgets:

Example 1: *A land owner with a 50-head beef cattle operation has requested a pond exemption. An excavated pond site is not feasible. An embankment pond site with 8 ft. of water at the dam would have 0.6 acre of surface area. At a 4 ft. depth (drought level) the water surface would be 0.25 acres.*

50hd @ 12 g/day/hd	=	600 gal/day
Maximum storage period	=	180 days
1 acre-ft	=	325,851 gal
Therefore, cattle water needs	=	0.331 acre-ft
Available water at 4 ft drought level 0.4 X 0.25 ac. X 4 ft.	=	0.40 acre-ft (defensible*)
Pond total volume 0.4 X 0.6 ac. X 8 ft.	=	1.92 acre-ft

*Even though the available water at the drought level is more than the cattle needs for the storage period, the site is still defensible since there is only 8 ft. of water at the dam.

Example 2: *A land owner with a 300-head beef cattle operation has requested a pond exemption. The land owner wants a 1 acre pond. The pond will need to have 12 ft. of water at the dam to produce a 1 acre pond. At the 8 ft. depth (drought level) the water surface would cover 0.6 acres*

300 hd @ 12 g/day/hd	=	3,600 gal/day
Maximum storage period	=	180 days
1 acre-ft	=	325,851 gal
Therefore, cattle water needs	=	2 acre-ft
Available water at 8 ft drought level 0.4 X 0.6 ac. X 8 ft.	=	1.9 acre-ft (defensible)

F. Farm Pond Exemption application procedures for land owners by pond category:

1. For ponds being used for the irrigation of crops or the watering of livestock that have a normal pool area less than 10 acres, the following information shall be submitted to the NRCS:
   a. Farm Pond Exemption Information Paper (Exhibit 1) completed and signed by the land owner.
   b. Water budget.
   c. Completed Form AD-1026A from FSA.
   d. Site map with pond coordinates, i.e. USGS topographic, county, DOT map or other map source as appropriate.
2. For ponds being used for the irrigation of crops or the watering of livestock that have a normal pool area **greater** than 10 acres, the land owner shall provide the information on the attached "USACE Checklist for Farm Pond Exemption Determination" (Exhibit 2) to the USACE.
3. For ponds whose purpose is not providing water for the irrigation of crops or the watering of livestock, the land owner shall contact the USACE to discuss project feasibility and requirements for authorization.
4. For ponds that require a pump station and/or access road to facilitate water supply, the land owner shall provide the information on the "USACE Checklist for Farm Pond Exemption Determination".
5. For work on existing farm ponds the following information is required;
   a. If the proposed work will not cause the cumulative acreage of the pond to exceed 10 acres, the land owner shall provide the following information to the NRCS:
      1. Farm Pond Exemption Information Paper (Exhibit 1) completed and signed by the land owner.
      2. Water budget.
      3. Completed Form AD-1026A from FSA.
      4. Site map with pond coordinates, i.e. USGS topographic map, county, DOT map or other map source as appropriate.
   b. If the proposed work causes the cumulative acreage of the pond to exceed 10 acres, the land owner shall provide the information on the attached "USACE Checklist for Farm Pond Exemption Determination" (Exhibit 2) to the USACE.
   c. If the proposed work does not cause an increase in the cumulative acreage of the pond, such as maintenance or a decrease in pond size, no authorization will be required from the USACE. Work under this category is subject to oversight and approval by the NRCS.

Definitions:

Drought Level – During a severe drought in Alabama, ponds can lose 4 ft. of water. The drought level for a pond is therefore assumed to be 4 ft. below the normal pool elevation. Storage at the drought level is considered available water for irrigation or livestock purposes.

Field Level Agreement (FLA) – Governing agreement between the USACE and NRCS concerning jurisdictional determinations and farm pond exemptions.

Farm Pond – For the purpose of the FLA, a farm pond is defined as 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 livestock operations.

Farm Pond Exemption – Frees a land owner from the requirement of obtaining a Section 404 Clean Water Act permit through the USACE for construction of a farm pond (33 CFR 323.4).

Water Budget – A water budget establishes a baseline of water quantity required to sustain the normal livestock or irrigation operation. Crop water requirements or livestock requirements will be based on the land owner's records, but will be close to published requirements. To be eligible for the farm pond exemption, a water budget will be developed for all requests. The water budget will define the pond storage requirements in acre-feet at the pond drought level.

Exemption Information Paper – A document provided by NRCS to land owners requesting a farm pond exemption that identifies the operation size, water requirements and site information.

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AL520.1 Exhibit 4 – Farm Pond Exemption Information Paper

FARM POND EXEMPTION INFORMATION PAPER

LAND OWNER PRODUCER INFORMATION			
Name:			
Mailing Address:			
City, State, Zip Code:		County:	

POND INFORMATION [1/]				
Primary Purpose: (Ag, Livestock, Recreation, etc.)		Location:	LAT	LON
Size at Normal Pool (acres):		Estimated Storage at normal pool (Ac-ft):		

[1/] *Non-Farm Ponds and ponds having a normal pool size larger than 10 acres must be directed to the USACE.*

AGRICULTURE OR LIVESTOCK PRODUCTION INFORMATION [2/, 3/]					
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/] *A water budget must be attached to this document justifying the above values.*
[3/] *Land owners requesting exemption by crop water needs but do not currently irrigate their crops must be directed to the USACE for exemption.*

Land Owner 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 regulations required by the State of Alabama.

_____	_____	_____
(*Type or print name*)	(*Signature*)	(*Date*)

NRCS Certification: I certify that this land owner 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. Sufficient documentation has been provided that defends the need and size of the proposed pond.

_____	_____	_____
(Type or print name)	(*Signature*)	(*Date*)

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AL520.1 Exhibit 5 – Checklist for USAC Farm Pond Exemption

CHECKLIST FOR USACE FARM POND EXEMPTION DETERMINATION
FOR PONDS OVER 10 ACRES IN ALABAMA

1. ___ Land owner's full name, mailing address and day time telephone number. Also include the name of a contact person if owner is a company or other organization.

2. ___ If the land owner is not the farmer, the farmer's full name, mailing address, day time telephone number and relationship with the owner. Also include the name of a contact person if owner is a company or other organization.

3. ___ The latitude/longitude coordinates for the pond location in decimal degrees.

4. ___ A water budget demonstrating the land owners need to provide water for livestock operations or irrigation of crops including the size pond needed.

5. ___ Vicinity and location maps showing the proposed pond site. Excerpts of US Geological Survey topographical quadrangle maps, county road maps, or other similar maps may be used. Vicinity maps should be of an appropriate scale to locate the site by nearby landmarks.

6. ___ A completed and signed NRCS "Farm Pond Exemption Information Paper" (Exhibit 1) form.

7. ___ A written statement documenting all other water sources and stating why those sources are inadequate.

8. For an irrigation pond:

   a. ___ An aerial photograph identifying areas to be irrigated with acreages.

   b. ___ The method/s of irrigation to be used - center pivot, etc.

Note: All information must be on 8 1/2 " X 11" paper and must be legible and reproducible. The use of color in exhibits is not acceptable because color does not reproduce in black and white. Color infra-red aerial photographs are the only exception.

Mail to:

USACE, Mobile District Attn: RD, Regulatory Division 109 Saint Joseph Street Mobile, AL 36602	Or	USACE, Nashville District Attn: RD, Regulatory Branch 3701 Bell Road Nashville, TN 37214

Part 520 – Soil and Water Resource Development

Subpart C - Dams

AL520.21 Definition and Classes

F. Alabama NRCS Dams Inventory - All NRCS assisted dams in Alabama that meet the criteria defined in 520.21.F. are to be inventoried. This may include dams that have been completed during the year, not been inventoried before, modified, and project dams that have a 5-year inspection during the year. Resource engineers are responsible for ensuring that inventory dams completed in their engineering areas of responsibility are properly inventoried each year. Inventories should be completed in March of each year and transmitted to the state conservation engineer before April 30th.

Inventories are to be completed on form AL-ENG-42, Alabama NRCS Dams Inventory (See NEM AL520.21, Exhibit 1). This form has been designed to correlate with the National Inventory of Dams. The Data Dictionary for NRCS Inventory of Dams can be used to help define the data in the inventory.

Submit form AL-ENG-42 when the following occurs:

(1) New dam completed during the year - Initial Inventory - submit a complete AL-ENG-42 along with AL-ENG-23, Dam Classification and Reclassification for Alabama (See NEM AL520.22, Exhibit 2). (AL-ENG-23 required for watershed dams only).
(2) Existing dam but never inventoried - Initial Inventory - submit a complete AL-ENG-42.
(3) Modified dam - Update - Submit an AL-ENG-42 with the identifying information at the top of the form (Items 1, 4, 5, and 9) and fill in the fields where the information has changed since the last AL-ENG-42 was submitted.
(4) 5-year Inspection - Update - Submit AL-ENG-42 with the identifying information at the top of the form (Items 1, 4, 5, and 9) and Field 34, Inspection Date; Field 58, O&M Inspection Current; and Field 59, O&M Completed must also be completed. Also include any other information that has changed since the last AL-ENG-42 was submitted.
(5) Errors in Existing Data – Submit AL-ENG-42 with identifying information at the top of the form (Items 1, 4, 5, and 9) and the corrected fields completed. Submit an AL-ENG-42 at any time to correct an error. Fill in the identifying information at the top of the form and complete only the fields where changes need to be made.

AL520.22 Design Criteria

The following procedures shall be followed by Alabama NRCS for the design, construction, repair, or alteration of dams.

(1) Once NRCS undertakes the design of a dam or impoundment, the district conservationist (DC) shall inform the landowner that any changes to the plans and specifications must be approved by NRCS. If for any reason the design is changed or construction proceeds without NRCS's approval and appropriate corrections are not made, the DC shall notify the landowner of the deviations and state that NRCS is terminating all assistance on the project. As a minimum, this notification shall be documented in the conservation assistance notes.
(2) When final designs are completed, the NRCS will provide sufficient copies of the plans and specifications to the cooperator. The plans and specifications shall adequately describe the works of improvement and shall include the hazard classification of the dam in accordance with NEM

520.21(E). The plans shall also include, as appropriate, any potential damage downstream that may result from a sudden dam failure, location with respect to highways, roads, and streams; the results of any geologic investigation; cross-sections; profiles; logs of borings; location of borrow areas; drawings of principal and emergency spillways; and other additional details as needed to clearly indicate the extent of the work to be performed. An operation and maintenance plan and vegetation plan shall be included as a part of the final design.

(3) It is essential that NRCS provide adequate inspection during construction in order to certify that the dam was constructed in accordance with the plans and specifications. Before final designs are prepared, the DC will determine if NRCS can provide adequate construction inspection by someone with appropriate engineering job approval authority. If NRCS can provide adequate construction inspection, further NRCS technical assistance may be committed. If NRCS cannot provide adequate construction inspection, the DC shall notify the landowner of his/her need for private engineering assistance to complete the project. NRCS shall not provide technical assistance on the layout and/or construction of a dam until the cooperator has provided NRCS copies of all required permits (NPDES, 404, etc.)

(4) Landowners and contractors are to be strongly encouraged to construct the dam in accordance with NRCS plans and specifications. If at any time the plans and specifications are not adhered to, the DC shall notify the landowner verbally to immediately take corrective action. If the deficiencies are not corrected in a timely manner, the DC shall notify the landowner stating the deficiencies and that no further NRCS assistance will be provided on this project until the deficiencies are corrected. As a minimum, this notification shall be documented in the conservation assistance notes. When specifications are not met and the dam has the potential to cause significant off-site damages in the event of partial or complete failure, the DC shall send a written notification to the landowner. The notification shall state the known deficiencies and the need for immediate correction.

(5) During the installation of the dam, construction checks shall be taken and recorded in the survey field notes. Construction checks shall be of such frequency and amount that it can be determined if installation is in conformance with NRCS plans and specifications. As a minimum, the following items shall be checked during construction and properly recorded in the engineering field book.

(i) Foundation preparation and cutoff trench.

(ii) Principal spillway installation including type of pipe and coating, pipe size and gauge, pipe invert elevations, etc.

(iii) Antiseep collar or drainage diaphragm.

(iv) Foundation drain installation, if required.

(v) Sufficient checks of earthfill placement and compaction to ensure adherence to plans and specifications.

(vi) Emergency spillway width, side slopes, control section, inlet and outlet grades.

(vii) Top of dam profile and cross-sections.

(ix) Assurance that adequate vegetation will be established.

(6) Construction technical assistance provided to the landowner in the form of verbal instructions shall be documented in writing and filed in the engineering file.

(7) Any design changes made during construction must be approved by an NRCS employee with appropriate engineering job approval authority before changes are made.

(8) When the dam is completed, the responsible NRCS employee with appropriate engineering job approval will prepare and sign a construction certification and "as-built" plans.

(9) Construction check notes, design data, a copy of the "as-built" plans and specifications shall be retained in the field office as a permanent record as long as the dam remains in place.

AL520.23 Classification

A. The resource engineer is responsible for the classification or reclassification of all NRCS dams within his/her assigned counties. The classification of those dams that exceed the engineering approval authority of the resource engineer and all WF-08 dams will be concurred in by the state conservation engineer (SCE). The resource engineer will initiate and complete Form AL-ENG-23 for all WF-08 dams and dams requiring SCE concurrence during planning, designing, or inspections as appropriate.

B. A copy of the classification form (including reclassification) will be filed in the appropriate field office, team office, and SCE office. Each completed AL-ENG-23 classification will be reviewed and concurred by the SCE in accordance with NEM 520.23.

Part 520 – Soil and Water Resource Development

Subpart C – Dams

AL520.21 Exhibit 1 - Alabama NRCS Dams Inventory

U.S. Department of Agriculture
Natural Resources Conservation Service

AL-ENG-42
September 2007

ALABAMA NRCS DAMS INVENTORY

( ) Initial Inventory ( ) Update

Inventory Completed by:_____ Date:_____
Congressional District:_____
Hydrologic Unit No.:_____
MLRA:_____

(1) DAM NAME:_____
(2) OTHER NAMES: _____
(3) DAM FORMER NAMES: _____
(4) FEDERAL ID:_____
(5) NID ID: _____
(6) LONGITUDE:_____
(7) LATITUDE:_____
(8) SECTION, TOWNSHIP, RANGE
LOCATION: _____
(9) COUNTY:_____
(10) RIVER OR STREAM: _____
(11) NEAREST CITY/TOWN: _____
(12) DISTANCE TO NEAREST CITY/TOWN:
_____
(13) OWNER NAME:_____
(14) OWNER TYPE: _____
(F) Federal (U) Public Utility (P) Private
(S) State (L) Local Govt.
(15) DAM DESIGNER: _____
(16) NON-FEDERAL DAM ON FEDERAL PROPERTY:
(17) DAM TYPE: _____
(RE) Earth (CN) Concrete (ER) Rockfill
(MV) Multi-Arch (VA) Arch (ST Stone
(PG) Gravity (MS) Masonry (CB) Buttress
(TC) Timber Crib (OT) Other
(18) CORE: _____
Position:
(F) Upstream Facing (I) Core
(H) Homogenous Dam (X) Unlisted/Unknown
Type:
(A) Bituminous Concrete (C) Concrete
(E) Earth (M) Metal (P) Plastic
(X) Unlisted/Unknown
Certainty:
(K) Known (Z) Estimated

(19) FOUNDATION: _____
Material: (R) Rock (RS) Rock and Soil
(S) Soil (U) Unlisted/Unknown
Certainty:
(K) Known (Z) Unlisted/Unknown

(20) PURPOSES:
_____
(List in order of importance)
(I) Irrigation (S) Water Supply
(R) Recreation (N) Navigation
(T) Tailings (H) Hydroelectric
(D) Debris Control (F) Fish and Wildlife
(C) Flood Control and Storm Water Mgt.
(P) Fire Protection/Stock/or Small Farm Pond
(O) Other
YES _____ NO
(21) YEAR COMPLETED: _____
(XXXX)
(22) YEAR MODIFIED:_____
_____ (S) Structural ____ (F) Foundation
_____ (M) Mechanical ____ (E) Seismic
_____ (H) Hydraulic ____ (O) Other
(23) DAM LENGTH: _____
(24) DAM HEIGHT:_____
(25) STRUCTURAL HEIGHT:_____
(26) HYDRAULIC HEIGHT: _____
(27) MAXIMUM DISCHARGE: _____
(28) MAXIMUM STORAGE: _____

(29) NORMAL STORAGE: _____

(30) SURFACE AREA: _____

(31) DRAINAGE AREA: _____

(32) DOWNSTREAM HAZARD POTENTIAL:
___ (L) Low ___ (S) Significant ___(H) High

(33) EMERGENCY ACTION PLAN:
__ YES __ NO __ NR

(34) INSPECTION DATE: _____
(mm/dd/yyyy)

(35) INSPECTION FREQUENCY: _____

(36) STATE REGULATED DAM: ___ Yes ___ No

(37) STATE REGULATORY AGENCY: _____

(38) SPILLWAY TYPE:
__ (C) Controlled __ (U) Uncontrolled __ (N) None

(39) SPILLWAY WIDTH: _____

(40) OUTLET GATES: _____
(X) None (U) Uncontrolled (S) Slide
(L) Vertical Lift (R) Roller (B) Bascule
(D) Drum (N) Needle (F) Flap
(T) Tainter (radical) (V) Valve
(O) Other controlled

(41) VOLUME OF DAM: _____ cu. yds.

(42) NUMBER OF LOCKS: _____

(43) LENGTH OF LOCKS: _____ ft.

(44) LOCK WIDTH: _____ ft.

(45) FEDERAL AGENCY INVOLVEMENT (FAI)
FUNDING: _____

(46) FAI - DESIGN: _____

(47) FAI - CONSTRUCTION: _____

(48) FAI - REGULATORY: _____

(49) FAI - INSPECTION: _____

(50) FAI - OPERATION: _____

(51) FEDERAL AGENCY OWNER: _____

(52) FAI - OTHER: _____

(53) PROGRAM AUTHORIZATION: _____
(CO) CO-01 (GP) GPCP (WS) PL-566
(RC) RC&D (PT) Pilot (FP) WF-03
(OT) Other

(54) WATERSHED NUMBER: _____

(55) WATERSHED NAME: _____

(56) PLANNED SERVICE LIFE: _____

(57) O&M INSPECTION RESPONSIBILITY:
_____ (OWNER) _____ (NONE)
_____ (NRCS) _____ (OTHER)
_____ (JOINT)

(58) O&M INSPECTION CURRENT: ___ Yes ___No

(59) O&M COMPLETED: ___ Yes ___No

(60) POPULATION AT RISK: _____

(61) POPULATION AT RISK ACCURACY:
___ (E) ___ (A)

(62) HAZARD CLASSIFICATION AS DESIGNED OR MODIFIED: ___ (L) ___ (S) ___ (H)

(63) HAZARD POTENTIAL CLASSIFICATION YEAR:
_____

(64) EAP YEAR _____

(65) SEDIMENT STORAGE: _____ ac.ft.

(66) FLOOD STORAGE: _____ ac.ft.

(67) SURCHARGE STORAGE: _____ ac.ft.

(68) OTHER STORAGE: _____ac.ft.

(69) PRINCIPAL SPILLWAY TYPE: _____
(CP) Concrete Pipe (PL) Plastic
(WS) Welded Steel (OC) Open Pipe
(CB) Concrete Box (OT) Other
(CM) Corrugated Metal (NO) None

(70) PRIMARY AUXILIARY SPILLWAY TYPE: _____
(VE) Vegetated (EA) Earth
(HR) Hard Rock (RK) Rock
(SR) Soft Rock (ST) Structural
(OT) Other (NO) None

(71) SECONDARY AUXILIARY SPILLWAY TYPE:
_____

(72) TERTIARY AUXILIARY SPILLWAY TYPE:
_____

(73) CONDUIT HEIGHT: _____ ft.

(74) CONDUIT WIDTH: _____ ft.

(75) NUMBER OF CONDUITS: _____no.

(76) COOL WATER RELEASE: ___ Yes ___ No

Part 520 – Soil and Water Resource Development

Subpart C - Dams

AL520.21 Exhibit 2 – Dam Classification or Reclassification for Alabama

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service

AL-ENG-23
February 2008

DAM CLASSIFICATION OR RECLASSIFICATION FOR ALABAMA

WATERSHED_____ **SITE NO.**_____ **COUNTY** _____ **JOB CLASS**_____

SITE STATUS AND HAZARD CLASS: Planning_____ Design_____

Date Dam Completed: _____ Current Hazard Class_____

Classified by_____ Title_____ Date_____

(Engineer having design approval authority for job class) _____

Drainage Area_____ sq.mi. Seismic Zone_____ Approx. Dam Height_____ft.

General Setting of Location_____

Purpose of Storage_____ Total Storage_____ ac.ft.

Flood Storage_____ac.ft. Other Storage_____ ac.ft.

Single Site_____ Upper in series_____ Lower in series_____ Intermediate in series_____

Cover Type in Drainage Area_____

Basic Geological Data

Configuration of Valley (Attach a flood plain map)

Degree of Expected Maintenance is_____

Specific Safety Laws and/or Needs_____

DESCRIBE EXISTING CONDITIONS DOWNSTREAM AND POTENTIAL FOR FUTURE DEVELOPMENT

(Potential loss to human life and/or property damage)

Agricultural Land_____

Industrial and Commercial Land_____

Roads and Highways_____

Railroads_____

Farm Buildings_____

Commercial Buildings_____

Homes_____

Public Utilities_____

Lakes, Ponds, Lagoons_____

Potential for Development_____

Other_____

Relative Risk Assessment Rr $= O_t + S_t =$ _____ + _____ = _____

Overtopping Failure Score (O_t) $= 0_1 \times 0_2 \times 0_3 =$ _____ X _____ X _____ = _____

Structure Failure Score $S_t = S_1 \times S_2 \times S_3 =$ _____ X _____ X _____ = _____

Was a breach study made:_____ If so, attach the inundation map.

CONCUR: STATE CONSERVATION ENGINEER _____ DATE_____
(All Jobs)

Classification Reviewed: _____ _____ _____ _____ _____

SOIL-COVER COMPLEX FOR STRUCTURES

_____ _____
WATERSHED SITE

_____WATERSHED

1. Drainage Area = _____ sq.mi. = _____ acres

2. L = Length of watercourse = _____ feet

3. T_C = Time of concentration = $\frac{L}{3600\ v}$ = $\frac{_____}{3600 \times _____}$ = _____ hours (upland)

$\frac{L}{3600\ v}$ = $\frac{_____}{3600 \times _____}$ = _____ hours (stream)

Time of Concentration = _____ hours

4. DETERMINATION OF RUNOFF CURVE NUMBERS FOR SOIL CONDITION II.

Land Use or Cover	Treatment or Practice	Hydrologic Condition	Soil Group	Area		Curve Number	Weighted Curve Number
				Acres	Percent		
			TOTAL				

Prepared by _____ Date_____

Title _____