

# GEORGIA FARM POND EXEMPTION GUIDE

**A. Purpose:** On October 5, 2006, the US Army Corps of Engineers, Savannah District, (USACE) and the US Department of Agriculture Natural Resources Conservation Service (NRCS) established a Field Level Agreement (FLA) to more effectively utilize their staff and resources in performing Wetland Delineations, Jurisdictional Determinations and Exemption Determinations within the State of Georgia. The purpose of this document is to provide guidance for NRCS and USACE employees when servicing requests for ponds.

## **B. Definitions:**

Field Level Agreement (FLA) – Governing agreement between the USACE and NRCS concerning wetland 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 water supply for livestock operations.

Farm Pond Exemption – Frees a landowner from the requirement of obtaining a Section 404 Clean Water Act permit through the USACE for construction of a farm pond.

Proposed Operations - Proposed operations are those operations where the landowner is not irrigating approved agricultural crops or producing livestock at the time of the exemption request. For all proposed operations of agricultural or livestock production, the NRCS will direct the producer to the USACE for an exemption determination. The USACE will determine whether to exempt the pond from the Section 404 permit process.

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 shall be based on the producer's records, but shall be close to published requirements. To be eligible for the farm pond exemption, a water budget must be developed or approved by the NRCS for all requests. The water budget must define the pond storage requirements in acre-feet at normal pool.

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

**C. Pond Construction:** Pond size shall not exceed the need shown through a NRCS water budget. In waters of the US, the placement of fill material will be limited to dam or berm construction. Land clearing (stump removal) will 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.

**D. Producer Eligibility:** To be eligible for the farm pond exemption, the applicant must be an agricultural producer who engages in agricultural or livestock production. Agriculture and livestock production are defined below.

**E. 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 GA Forestry Commission and acceptance by the NRCS or USACE defining the need and quantity of irrigation water.

**F. 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

**G. Estimated crop water needs for common crops in GA shall be as follows:**

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

<sup>1</sup> Other crops shall provide documentation to NRCS to predict water needs.

<sup>2</sup> Producer must have existing irrigation equipment. All new operations or operations without irrigation equipment will be required to submit an exemption determination request to the USACE.

<sup>3</sup> Producers that double or triple crop vegetables can include crop water needs for each crop when predicting water needs.

**Example 1:** A producer irrigates 500 acres of cotton. What pond storage volume is defensible?

Crop Acreage	500 acres
Water needs	1.5 ac-ft/ac
<b>Total Water Needs</b>	<b>750 ac-ft</b>

**H. Estimated livestock water requirements in GA shall be as follows:**

<i>Livestock Production<sup>1,2,3</sup></i>	<i>Drinking Water Needs (gallons/day/hd)</i>
Dairy cattle	25
Beef cattle	20
Sheep or Goats	2
Horses	20

<sup>1</sup> Other livestock may be used with proper documentation to NRCS to predict water needs. Operations requiring water for other purposes than drinking water (i.e. dairy flush water) must also submit proper documentation.

<sup>2</sup> For most operations in Georgia, farm pond exemptions are difficult to defend for livestock drinking water. A well or watering facility in most cases is more defensible.

<sup>3</sup> Storage calculations of livestock drinking water shall be based on the average livestock consumption for 12 months.

**Example 2:** A producer operates a dairy with 750 cows. The producer provides documentation of 5,000 gallons/day of additional fresh water use for milkroom washdown. What pond storage volume is defensible?

750 hd @ 25 g/day/hd	=	18,750 gal/day
Additional water needs	=	5,000 gal/day
Total Water Needs	=	<u>23,750 gal/day</u>
1 acre-ft	=	325,851 gal
Therefore, total water needs	=	.073 acre-ft/day
Maximum storage volume	=	365 days
<b>Total Storage Requirements</b>	=	<b>26.6 Ac-ft.</b>

**Example 3:** A producer with a 50-head beef cattle operation has requested a pond exemption for a 2 acre pond. The water depth at the dam would be approximately 10 feet. Approximate storage volume for the requested pond is  $0.4 * 2 \text{ Acre} * 10 \text{ ft water depth} = 8 \text{ acre-feet}$ . What pond storage volume is defensible?

50 hd @ 20 g/day/hd	=	1000 gal/day
1 acre-ft	=	<u>325,851 gal</u>
Therefore, total water needs	=	.003 acre-ft/day
Maximum storage volume	=	365 days
<b>Total Storage Requirements</b>	=	<b>1.12 Ac-ft.</b>

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

1. For ponds that will be used for the irrigation of crops or the watering of livestock that would have a normal pool area 10 acres or less, the following information must be obtained by NRCS from the producer:
  - a. Farm Pond Exemption Information Paper (GA-ENG-378-EX1) completed and signed by the landowner (Exhibit 1).
  - b. Water budget
  - c. Site map with pond coordinates, i.e. USGS topographic, county, DOT map or other map source as appropriate.

A completed for 1026A should be obtained for the file, if the producer has one, but this form is not required for the exemption.

2. For ponds that will be used for the irrigation of crops or the watering of livestock that would have a normal pool area greater than 10 acres, the land owner should provide the information on the attached "USACE, Savannah District, 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 landowner should contact the USACE to discuss project feasibility and requirements for authorization.
4. For work on existing farm ponds the following information is required;
  - a. If the proposed work would not cause the cumulative acreage of the pond to exceed 10 acres, the land owner should provide the following information to the NRCS:
    1. Farm Pond Exemption Information Paper (GA-ENG-378-EX1) completed and signed by the landowner (Exhibit 1).
    2. Water budget
    3. Site map with pond coordinates, i.e. USGS topographic map, county, DOT map or other map source as appropriate.
  - b. A complete form 1026A should be obtained for the file, if the producer has one, but is not required for the exemption.
  - c. If the proposed work would cause the cumulative acreage of the pond to exceed 10 acres, the land owner should provide the information on the attached "USACE, Savannah District, Checklist For Farm Pond Exemption Determination" (Exhibit 2) to the USACE.
  - d. If the proposed work would not cause an increase in the cumulative acreage of the pond, such as maintenance or a decrease in pond size, no authorization would be required from the USACE. Work under this category may be subject to oversight and approval by the NRCS.

## FARM POND EXEMPTION INFORMATION PAPER

PRODUCER INFORMATION						
Name:						
Mailing Address:						
City, State, Zip Code:				County:		
POND INFORMATION <sup>1/2/</sup>						
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):			
<sup>1/</sup> 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.						
<sup>2/</sup> Proposed Purposes are operations where the landowners are not currently irrigating crops or producing livestock.						
AGRICULTURE OR LIVESTOCK PRODUCTION INFORMATION <sup>3/</sup>						
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)		
<sup>3/</sup> A water budget must be attached to this document justifying the above values.						

**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, State0)

\_\_\_\_\_  
(Zip)