



## ERIE COUNTY SOIL AND WATER CONSERVATION

### DISTRICT POND POLICY Rev. 01/08/19

50 Commerce Way, East Aurora, NY 14052

(716)652-8480

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ Pond Location: \_\_\_\_\_

On (date) \_\_\_\_\_ The Erie County Soil & Water Conservation District received a request from the above mentioned party for technical assistance in planning and construction of a pond. The District will provide this assistance once the following conditions are agreed to:

#### FEES FOR TECHNICAL ASSISTANCE

- |  |           |
|--|-----------|
| • In-Office and/or Initial On-site Evaluation of Pond Site                                 | No Charge |
| • Cultural Resources Review Preparation (including necessary maps)                         | \$35.00   |
| • Pond Layout and Topographic Survey, Design, Construction Inspection, and As-built Survey | \$600.00* |

The pond planning and implementation process will follow the action list found on the reverse of this page. The District will provide all necessary information and pond design according to USDA Natural Resources Conservation Service (NRCS) standards and specifications. The design must be approved by the USDA NRCS and a cultural resources review must be completed as a condition of NRCS federal technical assistance. The landowner should allow up to 6 weeks for the cultural resources review. In the event that the cultural resources review indicates the presence of an archaeological site and the landowner wishes to proceed with the construction of the pond with District technical assistance, the landowner must contract with a consulting archaeologist to perform an archaeological survey.

Ponds being installed primarily for agricultural purposes by an agricultural operation will be exempt from the District Pond Policy fee. The land used in agricultural production must consist of not less than 7 acres, and it must be used for the production for sale of certain defined "crops and/or livestock products" with an annual gross sales value of \$10,000 or more.

NO design assistance will be provided on ponds that require stream disturbance or state dam permits. Ponds that require approval must be designed state by a qualified Engineer or Consultant.

#### DISCLAIMER

A Although site and soil investigations made by Field Technicians will be completed to the best of their ability, the Erie County Soil and Water Conservation District accepts no responsibility for the complete success of the pond, nor its ability to hold water, or the general safety of the pond. Unforeseen situations and conditions may exist or develop for which the District has no control, such as, but not limited to, subsurface water movement, rodent activities, compaction of soils, or lack of proper maintenance on the part of the landowner.

B The District and its partners accept no responsibility for expenses, liabilities, penalties, or fines incurred by the landowner as the result of construction of the project prior to receipt of appropriate permits, approved designs, and/or cultural resources review.

### LANDOWNER'S CERTIFICATION

I hereby agree to and accept:

A. All of the above conditions and will not hold the Erie County Soil and Water Conservation District responsible for the unforeseen failure of the pond.

B. That construction activities will not begin on the pond site until receipt of appropriate permits, approved designs, and a cultural resources review indicating that the project will have no effect on significant cultural resources.

Landowner's Signature \_\_\_\_\_ Date \_\_\_\_\_

### SWCD CERTIFICATION

I hereby agree that, once the above conditions have been met, the District Staff will provide the service outlined above as requested by the landowner.

SWCD Representative \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

*Any fee charged by the District is not for services or products available through the USDA Natural Resources Conservation Service.*

\* \$100 refundable upon completion of the project to design specifications or upon written notice of "no intention to complete the project" within 24 months from the date that the pond policy was signed.

### Pond Policy Action List:

1. The Landowner checks town ordinances, town permits, property set-backs, etc.
2. The Landowner makes an appointment with a District Technician to complete an in-office evaluation of the proposed pond site.
3. The District submits a cultural resources review request to the New York State Historic Preservation Office. The District notifies the landowner of one of two possible responses to the cultural resources review:
  - A. A "no effect" cultural resources review is received and the District can offer technical assistance through the Pond Policy
  - B. There is the potential to find cultural resources and an archaeological survey must be conducted before the District will provide technical assistance through the Pond Policy.
4. A District Technician visits the site with the Landowner and completes a field evaluation.
5. If a soil test pit evaluation is necessary, the Landowner coordinates an appointment for soil test pit logging with the District and an equipment operator. A 3 business day advance notice to the District is requested.
6. After a determination is made that the site is suitable for pond construction, the Landowner accepts the conditions of the District Pond Policy and signs and returns the contract to the District office with the \$600 deposit.
7. Upon receipt of the signed contract, the District completes any necessary surveys and designs.
8. The District releases the pond design package to the Landowner.
9. A District Technician meets with the Landowner and Contractor on-site to discuss pond construction.
10. The pond is constructed.
11. The District and/or NRCS perform(s) a construction check.
12. District refunds \$100 to the landowner **only** after it is determined that the pond was constructed to design specifications. If design specifications are not met, the Landowner is responsible for making the necessary changes in order to secure the policy refund.