

Intro.



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July 28, 2011

Dear Conservation Planner,

I would like to present you with this Conservation Planning and Regulatory Compliance Handbook. While official policies and guidance are maintained in the online directives and field office technical guide (FOTG) systems, this handbook is intended to help you find quick reference to the items you most frequently use.

As you know from your conservation planning guiding principles, knowledge is incomplete; change is constant; and the planning process is dynamic. As science discovers new understandings and governments change their regulations, conservation planners use this new information to help decision makers adapt it to their situation.

Over the winter, NRCS State Office support staff members have worked with Area and Field Office conservationists and experts at the State Conservation Commission, the Pennsylvania Department of Environmental Protection, Pennsylvania Department of Agriculture, Penn State University, Conservation Districts, and many other partnering organizations to develop guidance relevant to recent changes in erosion and sediment control requirements.

Navigating the many laws and regulations of each of the layers of government is time consuming and confusing. As conservationists, it is our duty to make sure the assistance we provide addresses the requirements of all relevant laws and regulations. This book has been organized into typical planning and land use topic areas to assist you in making sense of the State's new regulation changes. Blank tabs have been provided in the handbook for your convenience to insert materials you may have already collected and frequently use. When support staff members develop guidance for other planning and regulatory topics, new tabs will be provided to add to the handbook.

Thank you for helping farmers better understand the landscape, comply with relevant regulations, and make decisions to conserve natural resources for future generations.

DENISE COLEMAN
State Conservationist





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PENNSYLVANIA BULLETIN NO. PA450-11-1

DATE: July 28, 2011

SUBJECT: TCH – NRCS Efforts to Help Farmers Understand State Environmental Compliance Requirements

ACTION REQUIRED: Immediate implementation.

PURPOSE: To provide direction and guidance to NRCS field offices and partnering conservation planners on helping farmers understand regulatory requirements of Chapter 102 under Title 25 Environmental Protection of Pennsylvania's Code and as authorized by the Clean Streams Law P.L 1987, Act 394 of 1937, as amended.

EXPIRATION DATE: July 28, 2012

Background: On November 19, 2010, DEP published revisions to Chapter 102 Erosion and Sediment Control and Stormwater Management regulation. Section 4(a) of Chapter 102 identifies erosion and sediment control requirements for agricultural plowing or tilling activities and for animal heavy use areas.

In response to the revisions to Chapter 102, PA NRCS has developed guidance to ensure consistency between NRCS conservation planning efforts and the requirements of Chapter 102.

Directions: In order to assist the conservation partnership's effort to provide a clear and consistent message regarding agricultural producer's responsibilities to comply with State environmental regulations, NRCS will undertake the following efforts:

General Customer Service

- When meeting with customers, NRCS staff will inquire as to their awareness of environmental regulations applicable to agricultural activities and offer the brochure "Agricultural Environmental Regulations: Am I In Compliance?" (January 2011) to those who have not already received one.
- NRCS staff will clearly explain to customers what assistance will be provided, on which areas of the property, and identify the areas not being addressed by NRCS during the request. Customers may need to request assistance from Conservation District or private consultants to address remaining parts of the farm not covered by NRCS assistance.
- Conservation Planners employed by NRCS or partner planners working on behalf of NRCS will utilize the **PA NRCS Conservation Planning Guidance** as references to help ensure that all plans are thorough and meet the level of planning requested by the customer. The guidance helps conservation planners ensure technical adequacy, administrative completeness, and consistency among planners. The PA NRCS Conservation Planning Guidance document will NOT be recorded as part of the NRCS case file or provided with the customer's conservation plan copy.



- For communicating conservation plan requirements and assuring high-quality assistance, use the Conservation Plan Requirements brochure at meetings, the poster at the office, and the laminated guide outside in the field.
- Planners will review the conservation plan with customers to ensure the customer understands the documentation of existing practices and the new practices scheduled to be applied. The planner will also explain the level of treatment for each of the natural resource concerns that will be addressed by applying the practices.
- All Conservation Planners will provide a copy of a topographic map of the planned area as required by the Chapter 102 regulation.

“T” Over the Rotation

- NRCS staff will make the customer aware that to comply with Pennsylvania Chapter 102 regulations pertaining to Erosion and Sedimentation Control, he/she must maintain the Tolerable Level (T) soil loss rate over the field crop rotations and all treat gullies.
- When NRCS develops a conservation plan for a customer participating in a program covered by the Food Security Act, NRCS staff will explain the Highly Erodible Land Conservation Compliance requirements. On fields subject to the Act that are used to produce an agricultural commodity prior to December 23, 1985 sheet and rill erosion levels must be reduced at a minimum to 75 percent of the potential erodibility of the field, not to exceed two times the soil loss tolerance level (2T) for the predominant highly erodible soil map unit and all ephemeral gully erosion must be treated. In the case of land with no cropping history, the erosion level will not exceed the soil loss tolerance level (T) and will treat all gullies.
- All conservation plans written henceforth will now include a **Standard Statement** identifying whether the predicted soil loss rate for the selected (preferred) alternative will meet (T) and if the plan treats gullies OR if the rate exceeds (T) but is still within compliance of the Highly Erodible Land Conservation provisions where applicable OR if the rate exceeds (T) on lands not subject to the requirements of the Food Security Act.
- The narrative or referenced **job sheet for practice 328 Conservation Crop Rotation** will clearly identify the conservation cropping system being used on the operation consistent with the rotations, tillage, residue, and management operations used in the RUSLE2 software to estimate soil loss rates.
- The conservation plan case file and the copy provided to the customer will contain RUSLE2 plan and management view reports as supporting evidence that the planner has presented alternatives for the customer to consider that meet the tolerable (T) soil loss rate and would comply with Chapter 102 regulations in the event that the selected alternative does not meet (T).

Near-Stream Cropland Areas

- The narrative for practice 328 Conservation Crop Rotation will clearly describe or reference attached job sheets that explain how the 25% cover on cropland areas near streams or additional BMP requirements will be met.
- 25% cover on near-stream cropland areas or additional BMPs is already a planning requirement for all producers operating a CAO or CAFO or needing a CNMP to participate in NRCS programs.
- Conservation Planners will fully evaluate cropland areas near streams using **Planning Guidance for Treating Near-Stream Cropland Areas** located in Section III of the PA Technical Guide.

Pastures and Animal Concentration Areas

- NRCS employees are encouraged to attend basic pasture management trainings to improve the integrity of pasture planning assistance with livestock related concerns on adjacent lands used on the farm.

- Conservation Planners are to immediately begin using the **Concentrated Livestock Area Guidance** located in Section III of the PA Technical Guide. Conservation Planners will fully evaluate areas where livestock concentrate, sometimes referred to as Animal Concentration Areas (ACAs) or Animal Heavy Use Areas (AHUAs) to describe paved, unpaved, improved or unimproved areas that do not otherwise sustain vegetation, forage growth, or post-harvest residues during the normal growing season.
- Conservation Planners may begin to use the **new 528 Job Sheet** for simple grazing systems. Redundant data entry has been eliminated. The Pennsylvania Nutrient Management Program's **Pasture Nutrient Calculator** has been added to the job sheet. Referenced tables are also included for convenience. Grazing Specialists are developing another version for co-grazing systems. As always contact them for assistance with developing co-grazing or other complex grazing systems.

When changes to DEP's Land Application of Manure Supplement to the Manure Management Manual are finalized, additional direction and guidance will be provided to ensure consistency between NRCS efforts to reduce nutrient loss and the Commonwealth's requirements. In the meantime, continue to follow our CNMP planning assistance policy when assisting any Animal Feeding Operation to manage manure.

The documents identified in this bulletin will also be distributed in hard copy format in the Conservation Planning and Regulatory Compliance Handbook for easy reference. A live meeting will also be announced to briefly review the materials and answer any questions.

Thank you for your continued excellence in providing the best customer service possible to help Pennsylvania's farmers and forest landowners. As all of you know, conservation is about much more than mere compliance with laws and regulations; it is about passing on our legacy of efforts to ensure a sustainable food supply, clean water and air, abundant and diverse wildlife, and a livable landscape now and for generations to come.

Contact: If questions, NRCS staff may contact Dan Dostie, NRCS State Resource Conservationist, at 717-237-2256 or daniel.dostie@pa.usda.gov.



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