



Natural Resources Conservation Service
One Credit Union Place, Suite 340
Harrisburg, PA 1700-2993

December 3, 2009

**NATIONAL FOOD SECURITY ACT MANUAL
PA 180 – CPA
Part 515, Supplement No. 1**

SUBJECT: CPA – Minimal Effect Determinations

Purpose. To supplement the NFSAM to establish a Minimal Effect Determination procedure for certain conservation practices in Pennsylvania.

Effective Date. This Supplement is effective when received.

Background. NRCS may grant a USDA participant an exemption when he or she converts a wetland through an action that has a minimal effect on the wetland functions and values of the wetlands. These exempted areas are labeled Minimal Effect Exemption (MW). These exemptions must also comply with Clean Water Act Section 404 permit requirements.

Filing instructions. This Supplement should be filed immediately following Title 180, Part 514, Subpart A, 515.0, C.

/S/ CRAIG R. DERICKSON

CRAIG R. DERICKSON
State Conservationist

DIST: NFSAM Holders



Title 180 – Conservation Planning and Application
PART 515 – Minimal Effect Exemptions and Good Faith Waivers
Subpart A – Minimal Effect Exemption (MW)

CONTENTS

PART 515.0 – Minimal Effect Exemption
PA Supplement No. 1

Sec.

PA515.0.C.-1 State Conservationist Responsibilities for Developing Minimal Effect Procedures

A class of Minimal Effect Exemption With Conditions is when the land owner or operator registers use of Pennsylvania Department of Environmental Protection (DEP) General Permit No. 9, Agricultural Activities. This state General Permit is part of DEP's State Programmatic General Permit for carrying out authority delegated by the U.S. Army Corps of Engineers for Clean Water Act Section 404 permit requirements.

When wetland is impacted by installing the following conservation practices the land owner or operator must register use of DEP General Permit No. 9 in order to comply with Minimal Effect Exemption provisions of the Food Security Act of 1985, as amended:

Diversions

Grassed waterway

Lined waterway

Spring development

Waste storage facility

Subsurface drain or underground outlet that supports these activities or supports Contour Stripcropping

<http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-72817/3930-PM-WM0509.pdf>

If the land owner or operator does not register use of DEP General Permit No. 9, the Minimal Effect Evaluation and Determination procedure in 515.1 must be followed for NRCS to grant a Minimal Effect Exemption.