

Talking Points from Helping Farmers Understand Compliance Requirements

Background Information

- New Conservation Planning and Regulatory Compliance Handbook helps planners assist farmers with making decisions and be informed about relevant regulatory requirements.
- The Handbook is designed to be customized by the planner to add their own frequently used materials. New materials covering Manure Management Manual, Food Security Act, Wetlands Protection, E&S on Forestland, plan to be developed for the Handbook in the future.
- New guidance about Chapter 102 Ag E &S requirements that was released with the Handbook was developed in a partnership effort between NRCS, SCC, DEP, PSU Ext, & PDA.
- Planners are encouraged to request face to face training as needed from Grazing Specialists, ARCs, or State Office staff that could attend Area or Field Team meetings.
- A digital copy of the Handbook is available for download and reprinting at PA NRCS website. Hard copies have been distributed to all certified conservation planners as well as NRCS field and area staff. New planners will get a copy when they attend training to become certified.
- Land use Conservation Planning Guidance is found in Section III of the FOTG and Practice Implementation Job Sheets are found in Section IV.
- The Handbook is an outcome of the three PA Ag Compliance Chapter 102.4(a) Update workshops held over the winter in Lancaster, State College, and Ligonier. Presentations from the workshops are found at PACD's website. <http://pacd.org/calendar/102-2/>

Customer Service

- NRCS can only enforce compliance with regulations as authorized by the US Congress. NRCS has NO authority to enforce compliance with a State Regulation! We do need to inform farmers of regulatory requirements relevant to their decision.
- Per Bulletin 450-11-1, all NRCS employees are to make sure farmers are informed of their responsibilities to comply with Chapter 102 and whether their plan addresses the requirements.
- Outreach materials are available from the PA Ombudsman Program at <http://www.agombudsman.com/index.php>
- Chapter 102 regulations require a plan that covers ALL FARMS and applicable lands where agricultural plowing and tilling activities and animal heavy use areas disturb more than 5,000 sf. The areas of NRCS planning assistance provided may not cover the entire farm.
- NRCS performance goals and program obligations are the agency's top priorities. Farmers may need to be referred to Conservation Districts and or private consultants to meet the requirements needed to comply with the regulation.
- New plans developed after the November 2010 changes are priority over making updates to plans developed prior to that date.
- A Conservation Plan is the customer's decision! Certified Conservation Planners help them decide. NRCS encourages farmers to strive towards the Quality Criteria level of conservation.
- When a customer is not ready willing or able to meet the Quality Criteria, an alternative presented to them is their roadmap to getting there.
- The Food Security Act allows farmers who reduce their erosion levels by 75% not to exceed 2 x T twice the tolerable soil loss level to participate in USDA programs. Farmers who decide to only meet this level of soil protection are presented with an alternative treatment to the T Quality Criteria level to follow when they are ready willing and able.

Major Changes to Chapter 102

- Pennsylvania's Chapter 102 regulation for plowing and tilling activities and animal heavy use areas requires an Ag E&S Plan and says that a Conservation Plan MAY be used instead to comply IF it meets the requirements of the regulation.
- Chapter 102 requires that
 - Soil Loss must be limited to the Tolerance Level of the crop rotation.
 - Areas within 100 feet of a stream must maintain a minimum of 25% plant cover/crop residue or implement additional BMPs.
 - Farmers to prevent pollution to a water body from runoff coming from ALL Animal Heavy Use Areas on the agricultural operation.
- Topographic maps of the planned area are required by the Chapter 102 regulation.

New Guidance Developed

- A new 328 Job Sheet has been developed and may be used to record check out data too.
- A new Planning Guide for Treating Near-Stream Cropland areas and handout describing different alternative treatments to meet the requirements of Chapter 102 has been developed.
- A new Concentrated Livestock Area Guide has been developed to help planners understand similar but often confused key terms like AHUAs and ACAs, or AFOs, CAFOs, and CAOs, and CNMPs, evaluate the areas across all land uses to determine if erosion, sediment or nutrient problems exist, and develop treatments to meet the desired conditions.
- New conservation planning guidance and folder requirements has been developed to ensure that all plans are technically adequate, administratively complete, and that assembled case files and customer folders follow a consistent format across the state.
- Consistent formats allow farmers as well as outside reviewers not familiar with the conservation planning process to easily find the information needed to determine the decisions made and the status of implementation.
- Standard Statements summarize the conservation plan helping the customer better understand expected outcomes. Planners are to begin summarizing the level of soil loss expected by implementing the plan in a standard statement so the plan reviewers are not hunting all over a folder searching Conservation Assistance notes, practice narratives, or RUSLE2 worksheets for the information.
- A new Prescribed Grazing Job Sheet for simple single group systems has been developed to save duplicate entry of similar data used in calculating adequate forage supplies and nutrient loads on existing benchmark conditions on grazing lands as well as planned alternatives.
- Planners should consult grazing specialists for complex systems such as co-grazing or browsing systems. They should use the pasture nutrient calculator on PA's NMP website for evaluating nutrient loads on lands with multiple groups of animals.
- Frequently Asked Questions about NPDES permits are found here:
http://www.portal.state.pa.us/portal/server.pt/community/stormwater_management/10628