

CHAPTER 102 REGULATIONS

Agricultural Advisory Board

April 15, 2009



Agricultural Advisory Board

- Presentation Outline
 - Definitions
 - §102.4(a)
 - Highlight Relevant Sections
- Regulatory Process / Opportunity to Provide Input
 - Today's Meeting
 - Future Opportunities

DEFINITION CHANGES

- *Agricultural plowing or tilling* revised to specifically include no-till cropping methods
- *Ag Operation* – new definition – includes horses
- *Animal heavy use area* – includes areas on farm where animals congregate, creating e&s problems

DEFINITIONS (CONT'D)

➤ *Conservation Plan*

- Revised to include animal heavy use areas and farm lanes.
- Revised to delete existing language regarding soil loss tolerance (T), which is given a separate definition
- Revised to delete implementation schedule, which is included in 102.4(a)

➤ *Earth disturbance* – includes animal heavy use areas.

DEFINITIONS (CONT'D)

- *Soil Loss Tolerance (T)* – New Definition
 - maximum amount of soil loss, in tons/acre/year, that a given soil type can tolerate and still permit a high level of crop production to be sustained economically and indefinitely

§102.4(a) E&S CONTROL for Agriculture

- BMPs to address plowing & tiling and animal heavy use areas (<5,000 sq.ft.)
- Written E&S plans for these areas, if >5,000 sq.ft.
- Joint responsibility (landowner & renter) for plan development, implementation, maintenance

**EXCEPT FOR ANIMAL HEAVY USE AREAS, THERE IS
NO SUBSTANTIVE CHANGE FROM CURRENT REG**

§102.4(a) E&S CONTROL for Agriculture

E&S Plans for plowing & tilling and animal heavy use areas:

- T over the rotation; additional BMPs used where <25% cover within 100' of surface water
- E&S plans for animal heavy use areas, follow NRCS Heavy Use Area Protection Standard 561

§102.4(a) E&S CONTROL for Agriculture

- E&S plans includes cost effective and reasonable BMPs [102.4(a)(4)]
- E&S plans describes current conditions and activities on the ag operation [102.4(a)(5)]
- E&S plans includes implementation schedule [102.4(a)(6)]

§102.4(a) E&S CONTROL for Agriculture

- Portion of Conservation Plan that meets 102.4(a)(4) – 102.4(a)(6) is acceptable for Ag E&S Plan [102.4(a)(7)]
- E&S Plan is available for review at ag operation [102.4(a)(8)]
- Ag operations are not exempt from construction requirements of §102 [102.4(a)(9)]

Other Sections of Interest

- 102.4(b) – Specifically excludes agricultural plowing & tilling and animal heavy use areas from requirements of 102.4(b)
- 102.4(c) – existing language – MAY require additional BMPs on a case-by-case basis to ensure protection of water quality or existing/designated uses.
- 102.5 - Ag operations exempt from specified permit requirements

Other Sections of Interest

- § 102.14 Riparian Forest Buffers
 - When a riparian forest buffer is required.
 - General criteria for riparian forest buffers.
- §102.15 Permit-By-Rule
 - Low Impact Development w/ riparian forest buffers

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- Discussion
- Next Steps

