

# Agriculture And The Wetlands Regulations

**Editors Note:** Pennsylvania's farming community has voiced many concerns about the Department of Environmental Resources' proposed amendments to the Commonwealth's current wetlands regulations. In the following interview, Secretary of Environmental Resources Arthur A. David responds to questions from Secretary of Agriculture Boyd E. Wolff about DER's wetlands protection strategy and its impact on state farmers.

**Wolff:** Exactly what is a wetland, and how can farmers determine if wetlands are located on their property?

**Davis:** The term "wetland" collectively describes what are more commonly known as wet meadows, marshes, bogs, swamps, and shallow ponds. For regulatory and legal purposes, wetlands are defined as areas that are saturated by surface or groundwater for a duration and frequency sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. While many wetlands are easily identified, some, such as forested wetlands, are not. Individuals can obtain additional information on wetlands by calling their county conservation district office or DER's Bureau of Rivers and Wetlands at 717-541-7802.

**Wolff:** I've heard that DER's definition of "wetlands" is not the same as the one the federal agencies use. Is this true?

**Davis:** No. Since December 27, 1989, both the state and federal government use the same manual to identify wetlands. The manual establishes a uniform three-point criteria for wetland determinations based on hydric soils, hydrophytic vegetation, and hydrology.

**Wolff:** Why are wetlands getting so much attention today and why has DER decided new regulations are needed?

**Davis:** Wetlands were once thought to have little value short of serving as breeding grounds for insects and disease. Today we realize that wetlands provide numerous environmental benefits such as flood protection and groundwater recharge. In addition, they serve as wildlife and plant habitats and filters to remove excess nutrients from surface water. The proposed amendments clarify DER's role in wetlands protection and provide greater consistency in wetland permitting.

**Wolff:** Will DER require farmers to obtain permits in order to plow or harvest hay from wetland acreage?

**Davis:** No. Both the current and proposed regulations specifically exempt plowing, cultivating, seeding, or harvesting for crop production. Basically, if a farmer can drive his tractor through a wetland, he can farm the property. Farmers can also use wetlands for grazing livestock.

**Wolff:** Is a permit needed to clean, repair, or maintain an existing drainage system in a cultivated field or pasture?

**Davis:** Under current regulations, a drainage system —

whether a ditch or tile drains — installed in a wetland prior to July 1, 1979, can be maintained and that property can be farmed. The proposed regulations simply change the date from July 1, 1979, to December 23, 1985, to be consistent with the 1985 federal Farm Bill.

**Wolff:** Is a permit necessary in order to open a drain or drainage ditch that has been closed due to a lapse in farm operations?

**Davis:** Yes. If the drainage system was abandoned and the property reverted to wetlands, the farmer would be required to obtain a permit in order to rebuild the system.

**Wolff:** What other activities require a permit?

**Davis:** Just like other property owners, farmers are required to obtain permits for building structures in wetlands, installing drainage systems in previously undrained wetlands, leveling and grading activities, and the construction of some types of dams and ponds.

**Wolff:** What types of pond construction would be exempt from permitting?

**Davis:** Farm ponds developed outside of wetlands do not require a permit. A permit is also not required if a pond is developed in a wetland simply by damming a small creek. The regulations state that the dam must be less than 15 feet high, the drainage area above the dam less than 100 acres, and the maximum storage less than 50 acre-feet. Permits are required when ponds are developed by

excavating wetlands.

**Wolff:** Does a farmer need a permit in order to drain or clean his farm pond for ordinary maintenance?

**Davis:** Yes. A draw-down permit is required from the Pennsylvania Fish Commission.

**Wolff:** I have heard the proposed regulations will prohibit any activity within a 300-foot buffer zone around all wetlands. Is this true?

**Davis:** No. DER does not and will not regulate all activities within 300 feet of wetlands. If a farming activity is not actually within a wetland, floodway, or body of water, it is not regulated and doesn't require a permit.

**Wolff:** Can you explain this misunderstanding?

**Davis:** Yes. The 300-foot provision is part of our current wetland regulations and is designed to protect important wetlands. This provision is triggered only when applying for an encroachment permit for a project in a wetland, floodway, or body of water and that project is within 300 feet of an important wetland.

Whenever questions arise regarding wetland buffers, a farmer should ask himself: "Is my project actually located in a wetland, floodway, or body of water?" If the answer is no, an encroachment permit is not required, regardless of how close the project is to the wetland.

**Wolff:** In those instances when a permit is required, is the process as difficult as we've been led to believe and how long does it take?

**Davis:** While a permit applicant must still meet both state and federal requirements, we have simplified the process by requiring only one application. As I noted before, both state and federal agencies use the same scientific procedure to identify and delineate wetlands. We also are developing general permits for agricultural practices that can be processed in less than a month.

The bottom line, however, is farmers will rarely need to apply for encroachment permits unless they intend to fill or excavate wetland acreage. Normal farming practices will not be affected.



**GIGANTIC SELECTION**  
IN  
Lancaster Farming's CLASSIFIEDS



## FARMTRONIX DAIRY MANAGEMENT SYSTEMS

Visit Our Display At Ag Progress Days  
Tent Located At West 12th Street

Contact Your Participating Dealer Or Mail To:

**FARMTRONIX**  
11100 North Congress Avenue  
Kansas City, MO 64153-9989

YES! I would like an on-farm, no-obligation demonstration

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

Occupation \_\_\_\_\_ Dairy Farmer \_\_\_\_\_ Other

Number of cows milked \_\_\_\_\_ Under 30 \_\_\_\_\_ 39-40 \_\_\_\_\_ 50-99

\_\_\_\_\_ 100-199 \_\_\_\_\_ 200 +

Type of Milking System \_\_\_\_\_ Parlor \_\_\_\_\_ Stanchion/Tie Stall

Presently feeding with a computerized system \_\_\_\_\_ Yes \_\_\_\_\_ No

### YOUR AUTHORIZED FARMTRONIX DEALERS

**AGTRONIX SYSTEMS**  
153 Krall Rd.  
Myerstown, Pa. 17067  
717-866-7090  
REPRESENTATIVE

**MARTINS ELEVATOR INC.**  
Route 6 Box 348  
Hagerstown, Md. 21740  
301-733-2553

**OLEY VALLEY FEED**  
Box 271A  
Oley, PA 19547  
215-987-3568

**R.D. BOWMAN & SONS**  
Englar Road  
Westminster, Md. 21157  
301-751-1471

**JOE A. MILLER**  
RD 1 Box 58A  
Saxton, PA 16678  
814-635-3689

SEND DEALER INQUIRIES TO:  
REGIONAL PRODUCTION MANAGER-

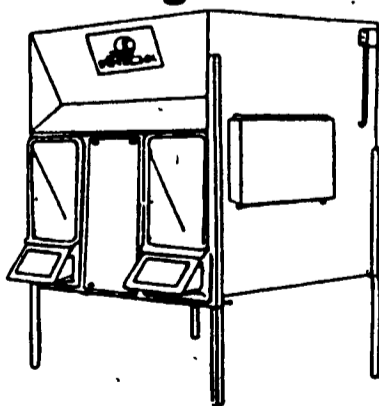
**DARR BUILDERS INC.**  
RD 1 Box 103  
Berlin, PA 15530  
814-267-5200

**NORTH GLADE FEED & SUPPLY**  
Box 116  
Keymar, Md. 21757  
301-898-3414

**JOHN E. PRATO**  
120 Chain Saw Rd.  
Dillsburg, PA 17019  
717-432-8247



### Feeding Stations



- Quality Stainless Steel Construction
- Printed Circuit Board Controls
- Single and Dual Rations
- 1, 2, 3-Feeder Station Models
- Fiberglass Feed Bowls
- Internal Agitation Where Needed
- Fully Weatherproof Motors & Controls
- Ground Fault Protection
- Reliable Cow Identifier

**Dairy Manager System**

### computer



- Easy to learn—Easy to use
- State-of-the-art central control unit is solid state, can stand up under "barn office" conditions
- Built-in printer...1 unit does it all
- Membrane-type keypad helps keep out dust, insects and spills
- Numbered neck tags are transponders... never need batteries... unaffected by heat, cold, dirt or moisture
- Internal protection against memory loss in case of power outage... RAM pack memory backup for long-term storage without battery
- Lightning and transient current protection

**FARMTRONIX**  
The Feeding Experts