

APPENDIX A

Comments and Responses

- A-1. Early Project Scoping Correspondence
- A-2. Natural Resources Correspondence
- A-3. Alternatives Meeting Correspondence
- A-4. Cultural Resources Correspondence

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Appendix A-1

AMI Survey Request (Sample) (p. 1 of 1)

From: [Rachel Roberts](#)
To: [Rachel Roberts](#)
Cc: [Lori Harrison](#); [Amy Ducharme](#)
Subject: AMI Request: Chester County Watershed Project Plan Survey--Please Take This 2-5 Minute Survey by Monday, December 21, 2020
Date: Monday, December 14, 2020 4:41:47 PM

Dear Chester County Members,

I hope this email finds you all well and looking forward to the holidays. As mentioned in previous emails, the USDA Natural Resource Conservation Services (NRCS) and the Chester County Conservation District are developing a county Watershed Project Plan. This project is an extension of the initial meeting that many of you attended in 2019 at AMI with the Conservation District.

The first step in the project's process is to identify operations conducted on your properties. NRCS would greatly appreciate a couple minutes of your time to provide responses to their following survey. It should take 2 – 5 minutes—if you know an operator who can be included in English or Spanish, please feel free to forward it.

Please respond by **Monday, December 21, 2020.**

English: <https://www.surveymonkey.com/r/X67M633>

Español: <https://es.surveymonkey.com/r/X6N9L7V>

And *thank you!* Let us know if there are any issues or feedback so we can let NRCS know!

Rachel Roberts, MLSP
AMERICAN MUSHROOM INSTITUTE
1284 Gap Newport Pike #2
Avondale, PA 19311
Main: (610) 268-7483
Cell: (484) 667-0487
rroberts@americanmushroom.org

Appendix A-1 (cont'd)

Scoping Meeting Invite Letter (Sample) (pp. 1-2)



United States Department of Agriculture

December 21, 2020

The Honorable Pat Toomey
U.S. Senator
248 Russell Senate Office Building
Washington, DC 20510

RE: Watershed Project Plan-Environmental Assessment to Address Water Quality Concerns from
Mushroom Composting Operations in Southern Chester County, Pennsylvania

Dear Senator Toomey,

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), with the Local Sponsor Chester County Conservation District and in partnership with Chester County Commissioners, is preparing a Watershed Project Plan-Environmental Assessment (Plan – EA) to address water quality concerns associated with mushroom composting operations in Southern Chester County, Pennsylvania.

The intent of this project is to examine and address resource concerns resulting from passive composting operations. The composting and curing process often results in large piles of spent mushroom substrate (SMS) on pervious surfaces that lack stormwater controls and treatment measures, resulting in sediment, salt, and nutrient loading to surface and groundwater. The proposed project (which will be identified during Plan development) would result in a permanent reduction in impacts to surface water and groundwater and would be physically, environmentally, socially, and economically sound.

The project would be located in the southern portion of Chester County within the following watersheds:

- Octoraro Creek, composed of HUC12: 020503061502 (Tweed Creek-Octoraro Creek) and 020503061503 (Basin Run-Octoraro Creek);
- Little Elk Creek, HUC12: 020600020202;
- Big Elk Creek, composed of HUC12: 020600020203 (Big Elk Creek) and 020600020201 (East Branch Big Elk Creek);
- Red Clay Creek, composed of HUC12: 020402050304 (West Branch Red Clay Creek), 020402050305 (East Branch Red Clay Creek) and 020402050307 (Red Clay Creek); and

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- White Clay Creek, composed of HUC12: 020402050306 (Upper White Clay Creek), 020402050302 (West Branch White Clay Creek), 020402050301 (Middle Branch White Clay Creek), 020402050308 (Lower White Clay Creek) and 020402050303 (East Branch White Clay Creek).

Improvements under consideration may be partially funded through the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83- 566). To be eligible for this funding, NRCS and the Chester County Conservation District must develop a Plan – EA with input from stakeholders and the public.

The National Environmental Policy Act (NEPA) and the Council on Environmental Quality's regulations at 40 CFR Parts 1500-1508 require an evaluation of potential environmental impacts associated with federal projects and actions with input from the public.

You are invited to attend one of two public scoping meetings where your input is requested. Topics will include project objectives, an outline of the planning process, and the role of technical entities, participating agencies, and non-governmental organizations (NGOs). The meeting will also mark the beginning of the scoping process for the Plan – EA.

Appropriate COVID-19 precautions will be in effect. Please plan to wear a mask. Social distancing will also be practiced. Although we encourage and welcome your participation, we request that you limit the number of representatives or household members to help keep crowd size to a minimum. To ensure social distancing can be properly achieved, RSVPs to heather.smeltz@usda.gov are required for attendance by January 26, 2021.

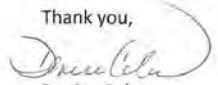
Public Scoping Meetings: February 2, 2021

Time: 3-5 p.m. and 6-8 p.m.

Location: American Mushroom Institute, 1284 Gap Newport Pike, Suite 2, Avondale, PA 19311

If you prefer to not attend the public meeting in person, a virtual and/or dial-in option can be provided by contacting Heather Smeltz, Civil Engineer, at 717.237.2214 or heather.smeltz@usda.gov. Please direct any other questions or needs to Heather Smeltz or the Chester County Conservation District.

Thank you,



Denise Coleman
State Conservationist

Appendix A-1 (cont'd)

U.S. Geological Survey Email Response (Sample) (p. 1 of 1)

From: Reif, Andrew G <agreif@usgs.gov>
Sent: Wednesday, February 3, 2021 8:57 AM
To: Smeltz, Heather - NRCS, Harrisburg, PA <heather.smeltz@usda.gov>
Cc: Gyves, Matthew C <mgyves@usgs.gov>; Duris, Joseph W <jwduris@usgs.gov>
Subject: Re: [EXTERNAL] Southern Chester County Watershed Mushroom Compost Meeting

Heather,

It was great to hear about the project plans to address the effects of mushroom composting in Chester County. The USGS has a large amount of data available including stream gages and continuous water quality monitors. We also have long term water quality monitoring programs that include chemical and benthic macroinvertebrate data. White Clay Creek is a watershed in the USGS Next Generation Water Observing System (NGWOS). This has increased the amount of stream gages and real-time water quality parameters at each site. It has also created other sampling projects including sediment transport and chloride concentrations.

We are more than willing to discuss the USGS work in the area and how it may be used in your efforts. Let me know if you would like to set up a time to discuss.

-Drew

From: Smeltz, Heather - NRCS, Harrisburg, PA <heather.smeltz@usda.gov <mailto:heather.smeltz@usda.gov> >
Sent: Monday, February 1, 2021 3:38 PM
Cc: LaDuca, Paige N. <pladuca@chesco.org <mailto:pladuca@chesco.org> >; Sassaman, Beth - NRCS, Coatesville, PA <beth.sassaman@usda.gov <mailto:beth.sassaman@usda.gov> >; Fine, Julia <JFine@mbakerintl.com <mailto:JFine@mbakerintl.com> >; Tony Ruhlman, PMP <truhlman@northwindgrp.com <mailto:truhlman@northwindgrp.com> >
Subject: [EXTERNAL] Southern Chester County Watershed Mushroom Compost Meeting This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Thank you for your interest in the Southern Chester County PL-566 Watershed Project Mushroom Compost meeting. Below is the link for the virtual WebEx meeting. We look forward to seeing you at either the 3 PM meeting or the 6PM meeting. It is the same link for both meetings.

Attached to this email are 4 documents you may find helpful:

- * Agenda for the meeting
- * Presentation slides for the meeting
- * Survey to be completed
- * Connecting to WebEx & Helpful information

Please let me know if you have any questions. Please do not reply-all as most folks are bcc'd.

Thanks,
~ Heather

Heather L. Smeltz, PE
Civil Engineer
Cultural Resources Coordinator
Natural Resources Conservation Service
359 East Park Drive, Suite 2, Harrisburg, PA 17111
O - (717) 237-2214 | C - (717) 678-1048
heather.smeltz@usda.gov <mailto:heather.smeltz@usda.gov>

Appendix A-2

Initial Project Area PNDI Environmental Review (pp. 1-6)

Pennsylvania Department of Conservation and Natural Resources
PNDI Receipt: project_receipt_south_chester_sms_770528_DRAFT_2.pdf

Project Search ID: PNDI-770528
LARGE PROJECT

1. PROJECT INFORMATION

Project Name: South Chester SMS

Date of Review: 6/20/2025 10:38:52 AM

Project Category: Agriculture/Farming, Expansion, modification, maintenance of an existing agricultural operation

Project Area: 109,000.13 acres

County(s): Chester; Lancaster

Watersheds HUC 8: Brandywine-Christina; Chester-Sassafras; Lower Susquehanna

Watersheds HUC 12: Basin Run-Octoraro Creek; Big Elk Creek; Doe Run; East Branch Big Elk Creek; East Branch Red Clay Creek; East Branch White Clay Creek; Little Elk Creek; Little North East Creek; Lower West Branch Brandywine Creek; Lower White Clay Creek; Middle Branch White Clay Creek; Middle Brandywine Creek; Muddy Run-East Branch Octoraro Creek; North East Creek; Red Clay Creek; Tweed Creek-Octoraro Creek; Upper Brandywine Creek; Upper Christina River; Upper White Clay Creek; West Branch Red Clay Creek; West Branch White Clay Creek

Decimal Degrees: 39.802737, -75.850032

Degrees Minutes Seconds: 39° 48' 9.8533" N, 75° 51' 0.1148" W

This is a draft receipt for information only. It has not been submitted to jurisdictional agencies for review.

2. SEARCH RESULTS - LARGE PROJECT

Agency	Results	Response
PA Game Commission	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
PA Department of Conservation and Natural Resources	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
PA Fish and Boat Commission	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
U.S. Fish and Wildlife Service	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response

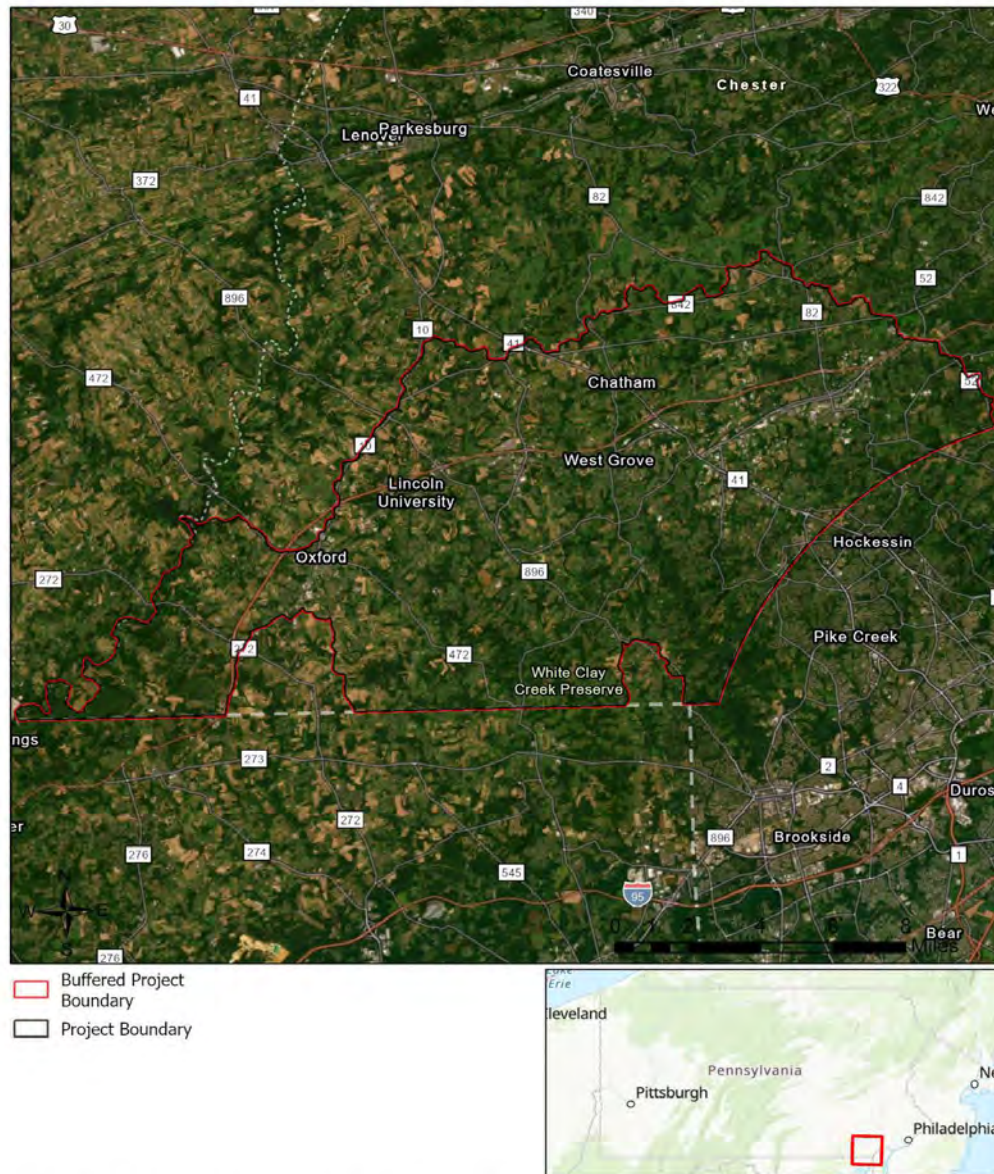
Large Project: The project area is greater than 10 miles and/or 5,185 acres and therefore is categorized as a Large Project, and is not analyzed by the PNDI tool. Coordination is therefore required with the four jurisdictional agencies to determine if potential impacts to threatened and endangered and/or special concern species and resources within the project area. Please see the DEP Information section of the receipt if a PA Department of Environmental Protection Permit is required.

Appendix A-2 (cont'd)

Pennsylvania Department of Conservation and Natural Resources
PNDI Receipt: project_receipt_south_chester_sms_770528_DRAFT_2.pdf

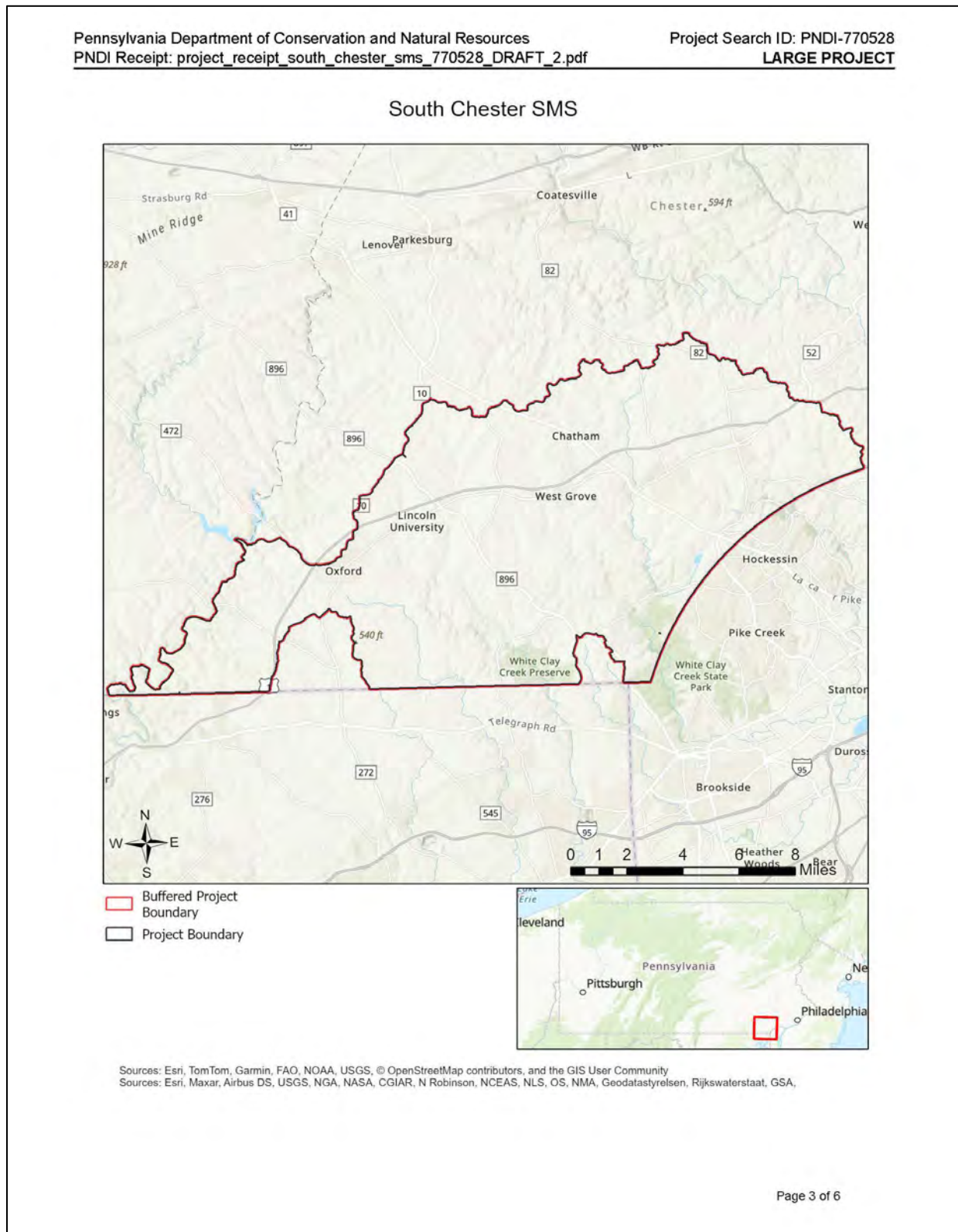
Project Search ID: PNDI-770528
LARGE PROJECT

South Chester SMS



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Appendix A-2 (cont'd)



Appendix A-2 (cont'd)

Pennsylvania Department of Conservation and Natural Resources
PNDI Receipt: project_receipt_south_chester_sms_770528_DRAFT_2.pdf

Project Search ID: PNDI-770528
LARGE PROJECT

3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are valid for two years (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The jurisdictional agencies strongly advise against conducting surveys for the species listed on the receipt prior to consultation with the agencies.

PA Game Commission

RESPONSE:

Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

PA Department of Conservation and Natural Resources

RESPONSE:

Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

PA Fish and Boat Commission

RESPONSE:

Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

U.S. Fish and Wildlife Service

RESPONSE:

Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

Appendix A-2 (cont'd)

Pennsylvania Department of Conservation and Natural Resources
PNDI Receipt: project_receipt_south_chester_sms_770528_DRAFT_2.pdf

Project Search ID: PNDI-770528
LARGE PROJECT

WHAT TO SEND TO JURISDICTIONAL AGENCIES

If project information was requested by one or more of the agencies above, upload* or email the following information to the agency(s) (see AGENCY CONTACT INFORMATION). Instructions for uploading project materials can be found [here](#). This option provides the applicant with the convenience of sending project materials to a single location accessible to all three state agencies (but not USFWS).

*If information was requested by USFWS, applicants must email, or mail, project information to JRI1_ESPenn@fws.gov to initiate a review. USFWS will not accept uploaded project materials.

Check-list of Minimum Materials to be submitted:

____ Project narrative with a description of the overall project, the work to be performed, current physical characteristics of the site and acreage to be impacted.

____ A map with the project boundary and/or a basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)

In addition to the materials listed above, USFWS REQUIRES the following

____ SIGNED copy of a Final Project Environmental Review Receipt

The inclusion of the following information may expedite the review process:

____ Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)

____ Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist); if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams.

4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. Two review options are available to permit applicants for handling PNDI coordination in conjunction with DEP's permit review process involving either T&E Species or species of special concern. Under sequential review, the permit applicant performs a PNDI screening and completes all coordination with the appropriate jurisdictional agencies prior to submitting the permit application. The applicant will include with its application, both a PNDI receipt and/or a clearance letter from the jurisdictional agency if the PNDI Receipt shows a Potential Impact to a species or the applicant chooses to obtain letters directly from the jurisdictional agencies. Under concurrent review, DEP, where feasible, will allow technical review of the permit to occur concurrently with the T&E species consultation with the jurisdictional agency. The applicant must still supply a copy of the PNDI Receipt with its permit application. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. The applicant and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <https://conservationexplorer.dcnr.pa.gov/content/resources>.

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Pennsylvania Department of Conservation and Natural Resources
PNDI Receipt: project_receipt_south_chester_sms_770528_DRAFT_2.pdf

Project Search ID: PNDI-770528
LARGE PROJECT

5. ADDITIONAL INFORMATION

The PNDI environmental review website is a preliminary screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page (www.naturalheritage.state.pa.us). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.



Appendix A-2 (cont'd)

FEMA Environmental Review Letter (pp. 1-5)



United States Department of Agriculture

August 12, 2024

Amanda Ciampolillo, Regional Environmental Officer
FEMA Region III
615 Chestnut Street, One Independence Mall, Sixth Floor
Philadelphia, PA 19106

RE: Request for Consultation and Comments for Proposed Programmatic Land Treatment Project to Address Resource Concerns from Mushroom Composting in Watersheds of Southern Chester County, Pennsylvania; Watersheds of Southern Chester County, Pennsylvania

Dear Ms. Ciampolillo,

The Chester County Conservation District, the Chester County Board of Commissioners, and the United States Department of Agriculture—Natural Resources Conservation Service (NRCS) hereby request concerns and/or comments regarding the proposed programmatic offering of land treatment conservation practices to address water quality resources concerns associated with mushroom composting (MC) operations located in southern Chester County, Pennsylvania (Figure 1).

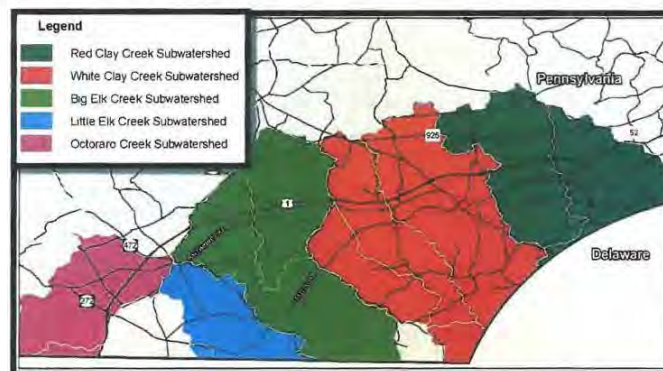


Figure 1. Programmatic Project Area, Southern Chester County, PA

This action is being funded by the NRCS. Per the National Environmental Policy Act (NEPA) of 1969, a Supplemental Watershed Plan-Environmental Assessment (Plan-EA) is being prepared to evaluate environmental, cultural, economic, and public interest concerns associated with this proposed project. In

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Harrisburg, Pa 17111
Voice: (717) 237-2214; Fax: (855) 813-2861

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accordance with NEPA, 54USC§306108, and 36CFR§800.3, pertinent federal, state, Sovereign Tribal Governments, and local agencies are being consulted during the Plan-EA process to solicit comments and concerns on the impacts of the Proposed Action(s).

The Plan-EA will evaluate three alternatives:

- Future without Federal Investment or No Action Alternative
- Alternative 1 – Programmatic funding to install water quality practices on passive MC operations in southern Chester County, PA.
- Alternative 2 – Programmatic funding to install water quality practices on passive and active MC operations in southern Chester County, PA.

The preferred alternative is Alternative 2.

PROPOSED ACTIONS

The project is proposed to address water quality concerns associated with MC operations within watersheds of southern Chester County, Pennsylvania. The proposed action would achieve this objective by funding Land Treatment Contracts to install conservation practice systems on individual MC operations.

The proposed action is needed because the composting of residual substrate material contributes to pollutant loading in downstream surface waterbodies and groundwater. MC sites are ubiquitous across the project area and most use passive composting prior to land application to remove excess nutrients and salts. During the composting process, excess salts, nutrients, and chemicals in pesticides leach from MC piles. Many of these constituents attach to sediments and move with stormwater to areas downstream for deposition or discharge into surface waters. Demonstrated structural and non-structural improvements under the proposed action could be leveraged to minimize adverse water quality effects from MC sites.

The proposed action is also necessary because many MC operators view conservation practices as being cost-prohibitive, overly complex, or ineffective. Since MC operators typically did not qualify for traditional NRCS Farm Bill Assistance Programs, the proposed action would authorize funding for an NRCS cost-share program to address water resource concerns from MC sites in the project area.

As the proposed project is based on accepted applicant location, the exact site and measures for implementation have not yet been identified. However, most measures would involve construction of stable, impervious surfaces for MC storage and treatment; upslope practices to redirect stormwater away from compost piles; or downslope practices to capture, store, and treat leachate from MC piles.

Applicants would be required to install one or more primary conservation practice(s), Table 1. Supporting, secondary conservation practices (Table 2) can be installed with a primary conservation practice if they are needed to complete a system. Whether a stand-alone conservation practice or a collective of conservation practices, projects approved under the Preferred Alternative would function as a conservation system to address water quality on MC operations.

Appendix A-2 (cont'd)

Table 1. Primary Conservation Practices under the Preferred Alternative

Name	NRCS Practice Code ¹
Composting Facility	317
Heavy Use Area Protection	561
Riparian Forest Buffer	391
Riparian Herbaceous Cover	390
Roofs and Covers	367
Waste Storage Facility	313
Waste Treatment	629

¹ Conservation practices standards and specifications can be found in the NRCS Field Office Technical Guide, <https://efotg.sc.egov.usda.gov/#/state/PA/documents/section=4&folder=-3>

Table 2. Secondary Conservation Practices under the Preferred Alternative

Name	NRCS Practice Code ¹	Name	NRCS Practice Code ¹
Soil Carbon Amendment	336	Pond Sealing or Lining - Compacted Soil Treatment	520
Critical Area Planting	342	Pond Sealing or Lining - Geomembrane or Geosynthetic Clay Liner	521
Sediment Basin	350	Pumping Plant	533
Well Decommissioning	351	Roof Runoff Structure	558
Monitoring Well	353	Access Road	560
Groundwater Testing	355	Stormwater Runoff Control	570
Waste Treatment Lagoon	359	Structure for Water Control	587
Waste Facility Closure	360	Nutrient Management	590
Diversion	362	Amendments for Treatment of Agricultural Waste	591
Anaerobic Digester	366	Terrace	600
Air Filtration and Scrubbing	371	Subsurface Drain	606
Windbreak/ Shelterbelt Establishment	380	Underground Outlet	620
Fence	382	Waste Separation Facility	632
Filter Strip	393	Waste Recycling	633
Grade Stabilization Structure	410	Waste Transfer	634
Grassed Waterway	412	Vegetated Treatment Area	635
Lined Waterway or Outlet	468	Water and Sediment Control Basin	638
Mulching	484	Constructed Wetland	656
Obstruction Removal	500		

¹ Conservation practices standards and specifications can be found in the NRCS Field Office Technical Guide, <https://efotg.sc.egov.usda.gov/#/state/PA/documents/section=4&folder=-3>

Appendix A-2 (cont'd)

Each accepted project would be installed in accordance with the Chester County Conservation District-approved Mushroom Farm Environmental Management Plan (MFEMP) as well as site-specific permitting. Compliance with NEPA would be documented through preparation of an onsite environmental evaluation (EE) using Form NRCS-CPA-52. This would ensure that an assessment for the effect of the proposed project on applicable resource concerns is properly documented.

Best Management Practices and Mitigation Efforts

Best management practices at all sites such as erosion control devices, the placement of mats, or similar care through sensitive resources, low impact construction techniques, restoration, and the prevention of the establishment of invasive species will be administered pre- and post-construction. During construction sequencing, sediment and erosion controls, silt fences, and/or straw bales, or similar would be employed to avoid impacts to water quality. Disturbed areas would be regraded and vegetated with an appropriate native seed mix and trees will be replanted to help reestablish the site after construction. There are no anticipated adverse wetland or stream impacts; mitigation requirements would not be anticipated.

A NPDES permit would likely be required for some of the anticipated projects due to the amount of disturbed area.

Wildlife and Plants

During review of project proposals, the NRCS would complete site specific reviews for endangered and threatened species using the Pennsylvania Natural Diversity Inventory (PNDI). As warranted, a species survey by a qualified biologist or botanist would be required to inform project siting and design. Projects would be expected to avoid or minimize potential adverse effects on sensitive natural resources by design (e.g., minimum buffer zone requirements). Should potential exist for a project to affect an endangered or threatened species or their suitable habitat, the NRCS would consult with the USFWS on federally listed species, and with the Pennsylvania Game Commission, Pennsylvania Fish and Boat Commission, or PA DCNR for potential effects on state-listed species. In such cases, the consultation process would determine the necessary steps for a project to proceed in compliance with applicable laws and regulations.

With the prerequisite site planning, survey, and assessment required of cost-share applicants, and the NRCS' continued compliance with Section 7 of the ESA, projects may affect, but would not be likely to adversely affect, endangered and threatened species or their suitable habitat. In the long-term, localized improvements to water quality could benefit such species or improve the quality of their habitat.

Therefore, no direct impacts to special status animal species are anticipated to occur as a result of the project work.

Cultural Resources

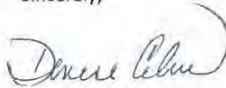
The NRCS and the Pennsylvania Historic Preservation Office have entered into a programmatic agreement regarding the phased approach to compliance with Section 106 of the NHPA (36 CFR § 800.4(b)(2)) for each project site. This has been done in consultation with the Advisory Council on Historic Preservation, Delaware Tribe of Indians, and the Delaware Nation. Pursuant to 36 CFR Part 800.14(b), in considering a proposal for cost-share assistance, the NRCS would administer a site-specific project review under Section 106 of the NHPA. Section 106 consultations would be carried out for each individually proposed project site.

Appendix A-2 (cont'd)

Information and data collected from this solicitation will be included in the Plan-EA which will be finalized next year. Please forward concerns/comments to Heather Smeltz, PE (Assistant State Conservationist for Water Resources), no later than 30 days from the receipt of this letter, so that they can be included in the Supplemental Watershed Plan and Environmental Assessment. If we do not hear anything from you by this date, we will assume you have no objections to or comments on the project.

If you have any questions, please contact Heather Smeltz via email at heather.smeltz@usda.gov. We look forward to your response.

Sincerely,

A handwritten signature in cursive script, appearing to read "Denise Coleman", enclosed in a faint, light-colored oval border.

Denise Coleman
State Conservationist

Appendix A-2 (cont'd)

USFWS Consultation Response (pp. 1-5)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pennsylvania Field Office
110 Radnor Road, Suite 101
State College, Pennsylvania 16801-4850



August 16, 2024

Denise Coleman
U.S. Department of Agriculture
Natural Resources Conservation Services
359 East Park Drive
Suite 2
Harrisburg, PA 17111

RE: USFWS Project #2024-0128071

Dear Ms. Coleman:

Thank you for your correspondence of August 12, 2024, which provided the Fish and Wildlife Service (Service) with information regarding the proposed Programmatic Land Treatment Project to Address Concerns from Mushroom Composting in Watersheds of Southern Chester County, PA. Your project is within the range of the federally threatened bog turtle (*Glyptemys muhlenbergii*), and the federally listed, endangered, Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), and small whorled pagonia (*Isotria medeoloides*). This letter is issued in accordance with section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.) to ensure the protection of endangered and threatened species and the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended; 16 U.S.C. 668-668d).

The project is proposed to address water quality concerns associated with mushroom compost (MC) operations within watersheds of southern Chester County, Pennsylvania. The composting of residual substrate material contributes to pollutant loading in downstream surface waterbodies and groundwater. MC sites are widespread, and most use passive composting prior to land application to remove excess nutrients and salts. During the composting process, excess salts, nutrients, and chemicals in pesticides leach from MC piles. Many of these constituents attach to sediments and move with stormwater to areas downstream for deposition or discharge into surface waters.

MC operators typically do not qualify for traditional NRCS Farm Bill Assistance Programs; thus, the proposed action would authorize funding for an NRCS cost-share program to address water resource concerns from MC sites in southern Chester County. As the proposed project is based on accepted applicant location, the exact project sites have not yet been identified. However, most measures would involve construction of stable, impervious surfaces for MC storage and

Appendix A-2 (cont'd)

treatment; upslope practices to redirect stormwater away from compost piles; or downslope practices to capture, store, and treat leachate from MC piles.

Federally Listed and Proposed Species

We do not expect adverse effects to small-whorled pagonia, Indiana bat, and northern long-eared bat due to the lack of suitable forest habitat within the proposed project area. However, adverse effects to bog turtles are possible due to the large amount of potential habitat in southern Chester County and because these spring-fed wetlands are common in agricultural land throughout the species range.

You plan to complete site specific reviews through PNDI. These individual reviews would result in site specific avoidance and minimization measures; thus, we expect NRCS to avoid adverse impacts to turtles and habitat through individual project coordination.

Bald Eagles

Bald eagles (*Haliaeetus leucocephalus*) are known to nest within the southern Chester County. Consequently, we recommend that you evaluate the project type, size, location and layout in light of the *National Bald Eagle Management Guidelines* to determine whether or not bald eagles might be disturbed as a direct or indirect result of this project. If it appears that disturbance may occur, we recommend that you consider modifying your project consistent with the *Guidelines*. These guidelines, as well as additional eagle information, are available at <http://www.fws.gov/northeast/EcologicalServices/eagle.html>. To assist you in making a decision regarding impacts to bald eagles, a screening form can be found at https://www.fws.gov/northeast/pafo/bald_eagle_map.html.

This response is based on the information submitted to this office and our knowledge of species distribution and habitat needs. No field inspection of the project area has been conducted by this office.

To avoid potential delays in reviewing your project, please use the above-referenced USFWS project tracking number in any future correspondence regarding this project.

Please contact Nicole Ranalli of this office at (814) 206-7455 if you have any questions or require further assistance regarding this matter.

Sincerely,

ROBERT
ANDERSON

Robert M. Anderson
Acting Project Leader

 Digitally signed by ROBERT
ANDERSON
Date: 2024.08.16 13:44:56 -04'00'

Appendix A-2 (cont'd)

Smeltz, Heather - FPAC-NRCS, PA

From: Ranalli, Nicole A <nicole_ranalli@fws.gov>
Sent: Wednesday, December 11, 2024 3:35 PM
To: Smeltz, Heather - FPAC-NRCS, PA
Subject: Re: [EXTERNAL] Programmatic Land Treatment Project to Address Concerns from Mushroom Composting in Watersheds of Southern Chester County, PA

Categories: Chester Co PL-566

Heather,
Thank you for the explanation. We don't want to complete any additional surveys, investigations, or make any recommendations as to the project beyond site/project specific consultation according to Section 7 of the ESA.

Best,
Nicole

Nicole Ranalli (she/her)
Endangered Species Biologist
U.S. Fish & Wildlife Service
Pennsylvania Field Office
110 Radnor Rd; Suite 101
State College, PA 16801
814 206-7455
nicole_ranalli@fws.gov



From: Smeltz, Heather - FPAC-NRCS, PA <heather.smeltz@usda.gov>
Sent: Wednesday, December 11, 2024 11:29 AM
To: Ranalli, Nicole A <nicole_ranalli@fws.gov>
Subject: RE: [EXTERNAL] Programmatic Land Treatment Project to Address Concerns from Mushroom Composting in Watersheds of Southern Chester County, PA

Hi Nicole,

So sorry for any inconvenience this causes. We got dinged on the technical review of the project NEPA documents because we didn't have anything in there specifically saying "Section 12" relating to USFWS. We had sent you our normal consultation letter once we knew what we were planning to do for this project, which was what I was considering Section 12 compliance (we had already checked PNDI and IPAC when we were trying to figure out what was in the watershed that we could be affecting for Section 7). Our letter failed to note "Section 12" and the USFWS response letter back referenced the ESA (my bad, not yours).

From my understanding, we technically only need to notify USFWS. We don't need a response. From my side, I can check the box with my email to you. However, you may still want to run this up your chain through Bob and Sonja and see how they prefer to handle it. It could be as simple as either ignoring the email or sending me a reply.

Appendix A-2 (cont'd)

saying something like "We're good. We don't want to complete any additional surveys, investigations, or make any recommendations as to the project beyond site/project specific consultation according to Section 7 of the ESA."

I have the legislation below, FYI. Of course, we would welcome any additional comments or consultation you may want to have for the project. 😊 There will be another email or two coming through for our Brodhead Dams rehabilitation project as well, since it was a similar letter that failed to mention Section 12. I'm happy to handle this a different way in the future, if you'd prefer.

Public Law 83-566, the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. Parts 1001-1008, 1010, and 1012)

Section 12 (16 U.S.C. Section 1008, "Notification of Secretary of the Interior of approval of assistance; surveys and investigations; report and recommendations; consideration; cost of surveys; investigations and reports")

When the Secretary approves the furnishing of assistance to a local organization in preparing a plan for works of improvement as provided for in section 1003 of this title:

- (1) *The Secretary shall so notify the Secretary of the Interior in order that the latter, as he desires, may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of wildlife resources and participate, under arrangements satisfactory to the Secretary of Agriculture, in the preparation of a plan for works of improvement that is acceptable to the local organization and the Secretary of Agriculture.*
- (2) *Full consideration shall be given to the recommendations contained in any such report of the Secretary of the Interior as he may submit to the Secretary of Agriculture prior to the time the local organization and the Secretary of Agriculture have agreed on a plan for works of improvement. The plan shall include such of the technically and economically feasible works of improvement for wildlife purposes recommended in the report by the Secretary of the Interior as are acceptable to, and agreed to by, the local organization and the Secretary of Agriculture, and such report of the Secretary of the Interior must, if requested by the Secretary of the Interior, accompany the plan for works of improvement when it is submitted to the Secretary of Agriculture for approval or transmitted to the Congress through the President.*
- (3) *The cost of making surveys and investigations and of preparing reports concerning the conservation and development of wildlife resources shall be borne by the Secretary of the Interior out of funds appropriated to his Department.*

Thanks,
~ Heather

Heather L. Smeltz, PE
Assistant State Conservationist – Water Resources

 **USDA** Natural Resources Conservation Service
U.S. DEPARTMENT OF AGRICULTURE
359 East Park Drive, Suite 2, Harrisburg, PA 17111
p: (717) 237-2214 | c: (717) 678-1048
e: heather.smeltz@usda.gov | w: www.nrcs.usda.gov/pennsylvania

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From: Ranalli, Nicole A <nicole_ranalli@fws.gov>
Sent: Wednesday, December 11, 2024 11:03 AM
To: Smeltz, Heather - FPAC-NRCS, PA <heather.smeltz@usda.gov>
Subject: Re: [EXTERNAL] Programmatic Land Treatment Project to Address Concerns from Mushroom Composting in Watersheds of Southern Chester County, PA

Appendix A-2 (cont'd)

Hi Heather,
I'm not sure what this would entail. Could you provide me more info?

Thank you!
Nicole

Nicole Ranalli (she/her)
Endangered Species Biologist
U.S. Fish & Wildlife Service
Pennsylvania Field Office
110 Radnor Rd; Suite 101
State College, PA 16801
814 206-7455
nicole_ranalli@fws.gov



From: Smeltz, Heather - FPAC-NRCS, PA <heather.smeltz@usda.gov>
Sent: Monday, December 9, 2024 11:20 AM
To: Ranalli, Nicole A <nicole_ranalli@fws.gov>
Subject: [EXTERNAL] Programmatic Land Treatment Project to Address Concerns from Mushroom Composting in Watersheds of Southern Chester County, PA

Hi Nicole,

Thank you so much for issuing the attached response to our initial request for consultation regarding the Mushroom Composting PL83-566 project in Chester County (both are attached, for reference).

I am being asked to confirm that you understand that we were also asking for consultation in accordance with Section 12 of Pub. L. 83-566 since NRCS is investigating the development of a water resources project. The intent is to determine if USFWS intends to make surveys, investigations, or recommendations concerning the conservation and development of wildlife resources; or otherwise participate in preparing the plan for works of improvement for this project.

Please let me know if you have any questions. Thanks for the assistance and any confusion this may cause.

Thanks,
~ Heather

Heather L. Smeltz, PE
Assistant State Conservationist – Water Resources

 **Natural Resources Conservation Service**
U.S. DEPARTMENT OF AGRICULTURE
359 East Park Drive, Suite 2, Harrisburg, PA 17111
p: (717) 237-2214 | c: (717) 678-1048
e: heather.smeltz@usda.gov | w: www.nrcs.usda.gov/pennsylvania

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Appendix A-2 (cont'd)

PA Bureau of Recreation and Conservation Environmental Review Letter (pp. 1-2)



BUREAU OF RECREATION AND CONSERVATION

September 16, 2024

Heather Smeltz, PE
Assistant State Conservationist for Water Resources
USDA, NRCS
359 East Park Drive, Suite 2
Harrisburg, PA 17111

RE: Pennsylvania Scenic Rivers Program Reviews – 2024
Project Name: Project to Address Resource Concerns from Mushroom Composting
Description: land treatment project to address concerns from mushroom composting
Location: Chester County
Applicant Code: 1010
Request Date: August 20, 2024

Dear Ms. Smeltz,
Information submitted regarding the subject application has been reviewed. The project lies within the Octoraro Creek Pennsylvania Scenic Rivers Corridor. Because of Scenic River involvement compliance with Sec 2 of the "Pennsylvania Scenic Rivers Act" of 1972, P.L. 1277, No. 283 as amended May 7, 1982, P.L. 379, No. 110, is necessary:

"Many of the rivers of Pennsylvania or sections thereof and related adjacent land areas, possess outstanding aesthetic and recreational values of present and potential benefit to the citizens of Pennsylvania. It shall be the policy of the Commonwealth to protect these values and to practice sound conservation policies and practices within this scenic rivers system."

Based on a review of your letter dated August 12, 2024, Alternative 2 – Programmatic funding to install water quality practices on passive and active MD operations in southern Chester County, PA, aligns with the river's aesthetic and recreational values as protected by the Pennsylvania Scenic Rivers Act.

To protect the river values, it DCNR recommends that the following actions be integrated into each project as appropriate:

- An approved erosion and sedimentation control plan.
- Construction activities which are in proximity to, or are in the waterway, should be done in late fall or early spring when recreational use of the river is minimal.
- The construction staging areas should be set back as far as possible from the river's edge.

P.O. Box 8475, 400 Market Street, Harrisburg, PA 17105-8475 | Phone 717-783-4736 | vedenbo@pa.gov

Appendix A-2 (cont'd)

Ms. Smetz
September 16, 2024
Page #2

- Native vegetation should be incorporated in the disturbed areas to maintain the natural character and the scenic qualities of the area. Additionally, the area around the compost facilities, waste storage and waste treatment facilities should be screened with native vegetation and facilities above ground should be painted with a color that blends in well with the existing environment.
- The end walls of the wastewater pipes should be made less conspicuous by using a brown or light gray aggregate in the concrete mixture so they will blend in with the surrounding area.
- The outfall pipes should not extend beyond the end walls.
- During construction and cleanup, all debris entering Octoraro Creek shall be removed.

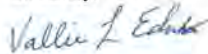
If you concur with implementation of these actions, please sign off on the line provided below and return a copy to me (contact information below). Once signed, you may include this letter with your required permit documentation submission to DEP to verify that the subject plans are consistent with the requirements of the Pennsylvania Scenic Rivers Act.

(Name)

(Position)

Should you have any questions regarding our review, process or recommendations for this or future applications, please contact me.

Sincerely,



Vallie L. Edenbo
Rivers Program Specialist
Partnerships Division

Appendix A-3

General Invitation Letter (Sample) (p. 1 of 1)



United States Department of Agriculture

April 10, 2023

Mary Gay Scanlon, U.S. Congresswoman
Pennsylvania's 5th Congressional District
1227 Longworth House Office Building
Washington, DC 20515

RE: Watershed Programmatic Plan & Environmental Assessment for Addressing Resource Concerns
from Mushroom Composting in Watersheds of Southern Chester County, Pennsylvania

Dear Congresswoman Scanlon,

The United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) is evaluating the need to offer federal financial assistance under its Watershed Protection and Flood Prevention Operations program. In cooperation with mushroom composting operators, the Chester County Conservation District (CCCD), and the American Mushroom Institute (AMI), the USDA-NRCS is preparing a Programmatic Watershed Plan-Environmental Assessment (Plan-EA) to evaluate the environmental, socioeconomic, and cultural effects of such a program.

On February 2, 2021, the USDA-NRCS hosted a virtual public scoping meeting to provide information and obtain public input regarding program objectives, the planning process, and the roles and responsibilities of program participants. Using input received during that meeting, the program participants have identified and evaluated alternatives to implement the program within watersheds of southern Chester County.

You are cordially invited to attend a public meeting where we will provide additional information, identify alternatives under consideration, and discuss the preliminary findings of the Plan-EA.

The meeting will be held on **Tuesday, May 16, 2023, from 1:00 to 3:00 pm**, at the **American Mushroom Institute Headquarters**, 1284 Gap Newport Pike, Suite 2, Avondale, PA 19311

We welcome your continued participation in the planning process, as well as your input respect to our program alternatives or initial findings of the Plan-EA.

For those who prefer to participate virtually, a meeting invitation is available. Please contact Ms. Heather Smeltz, PE, at heather.smeltz@usda.gov or (717) 237-2214, prior to May 12th for details.

Thank you,

A handwritten signature in blue ink, appearing to read "Denise Coleman".

Denise Coleman
State Conservationist

Natural Resources Conservation Service
359 East Park Drive, Suite 2
Harrisburg, Pa 17111
Voice: (717) 237-2200 Fax: (855) 813-2861

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Appendix A-3 (cont'd)

Tribal Invitation Letter (Sample) (pp. 1-2)



United States Department of Agriculture

April 10, 2023

The Honorable Shannon Holsey
Tribal President, Stockbridge-Munsee Community, Wisconsin
N8476 MohHeConNuck Road
Bowler, WI 54416

RE: Watershed Programmatic Plan & Environmental Assessment for Addressing Resource Concerns
from Mushroom Composting in Watersheds of Southern Chester County, Pennsylvania

Dear President Holsey,

The United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) is evaluating the need to offer federal financial assistance under its Watershed Protection and Flood Prevention Operations program. In cooperation with mushroom composting operators, the Chester County Conservation District (CCCD), and the American Mushroom Institute (AMI), the USDA-NRCS is preparing a Programmatic Watershed Plan-Environmental Assessment (Plan-EA) to evaluate the environmental, socioeconomic, and cultural effects of such a program.

On February 2, 2021, the USDA-NRCS hosted a virtual public scoping meeting to provide information and obtain public input regarding program objectives, the planning process, and the roles and responsibilities of program participants. Using input received during that meeting, the program participants have identified and evaluated alternatives to implement the program within watersheds of southern Chester County.

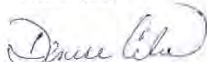
You are cordially invited to attend a public meeting where we will provide additional information, identify alternatives under consideration, and discuss the preliminary findings of the Plan-EA.

The meeting will be held on **Tuesday, May 16, 2023, from 1:00 to 3:00 pm**, at the **American Mushroom Institute Headquarters**, 1284 Gap Newport Pike, Suite 2, Avondale, PA 19311

We welcome your continued participation in the planning process, as well as your input respect to our program alternatives or initial findings of the Plan-EA.

For those who prefer to participate virtually, a meeting invitation is available. Please contact Heather Smeltz, PE, at heather.smeltz@usda.gov or (717) 237-2214, prior to May 12th for details.

Thank you,


Denise Coleman
State Conservationist

Natural Resources Conservation Service
359 East Park Drive, Suite 2
Harrisburg, Pa 17111
Voice: (717) 237-2200 Fax: (855) 813-2861

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Appendix A-3 (cont'd)

CC:

Andrea MacDonald, Deputy SHPO, Pennsylvania Historic and Museum Commission
John R. Johnson, Governor, Absentee-Shawnee Tribe of Oklahoma
Devon Frazier, THPO, Absentee-Shawnee Tribe of Oklahoma
Deborah Dotson, Tribal President, Delaware Nation, Oklahoma
Carissa Speck, Director of Cultural Preservation, Delaware Nation, Oklahoma
Larry Heady, THPO, Delaware Tribe of Indians
Susan Bachor, Historic Preservation Representative, Delaware Tribe of Indians
Brad KillsCrow, Chief, Delaware Tribe of Indians
Paul Barton, THPO, Eastern Shawnee Tribe of Oklahoma
Glenna Wallace, Chief, Eastern Shawnee Tribe of Oklahoma
Michael L. Connors, Chief, Saint Regis Mohawk Tribe
Darren Bonaparte, THPO, Saint Regis Mohawk Tribe
Ben Barnes, Chief, Shawnee Tribe
Tonya Tipton, THPO, Shawnee Tribe
Jeffrey Bendremer, THPO, Stockbridge-Munsee Community, Wisconsin

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Appendix A-4

Tribal Consultation Letter (Sample) (pp. 1-18)



United States Department of Agriculture

September 28, 2023

Honorable President Deborah Dotson
Delaware Nation
Post Office Box 825
Anadarko, Oklahoma 73005

CERTIFIED: # 70112970000194393253

Dear President Dotson,

The Pennsylvania Natural Resources Conservation Service (NRCS), in cooperation with North Wind Resource Group JV and Chester County Commissioners, has begun preliminary research into implementing a series of conservation practices (undertaking) within Chester County, Pennsylvania. The research is intended to evaluate whether financial assistance to address environmental concerns from mushroom composting operations in southern Chester County should be offered under its Watershed Protection and Flood Prevention Operations program.

NRCS seeks to address erosion and sedimentation and to modify mushroom composting operations to prevent, control, and treat nutrient-laden runoff. Currently under consideration are the Octoraro Creek, Little Elk Creek, Big Elk Creek, White Clay Creek, and Red Clay Creek watersheds. The scope of the undertaking, repetitive nature of the considered practices, and non-contiguous Area of Potential Effect (APE) will require NRCS to draft a Programmatic Agreement (PA) in accordance with 36CFR§800.14(b)(1).

The proposed PA will address each consulting party's responsibilities, inadvertent discoveries, dispute resolution, review procedures, the disconnected nature of the multiple APE and include three general classes of NRCS conservation practices (examples enclosed) :

1. Practices unlikely to affect cultural resources.
 - a. Critical Area Planting (Practice 342)
2. Implementations that have some potential to affect historic or archaeological properties.
 - a. Roofs and Covers (Practice 367)
3. Conservation methods that will always require review and comment by the consulting partners.
 - a. Obstruction Removal (Practice 500), under the specific circumstances to be defined within this Project's Programmatic Agreement

Natural Resources Conservation Service
359 East Park Drive, Suite 2
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Appendix A-4 (cont'd)

The list of appropriate conservation practices is still in development. A full library of Pennsylvania's practices can be found at <https://efotg.sc.egov.usda.gov/#/state/PA/documents>. Not all the practices in the digital library will be relevant to the Chester County watershed projects.

NRCS seeks your government's participation in the drafting and execution of the PA. If declined, NRCS will conduct consultation, as the multiple APE and conservation practices are refined, in accordance with 36CFR800.2(a)(4).

Please direct questions or comments to Christopher A. Plount, NRCS State Archaeologist. He can be reached at (717) 237-2228 or Christopher.Plount@usda.gov.



Denise Coleman
State Conservationist.

Enclosures

cc: Andrea Lowery, Pennsylvania State Historic Preservation Officer
Brad KillsCrow, Chief, Delaware Tribe of Indians
Carissa Speck, Tribal Historic Preservation Officer, Delaware Nation
Susan Bachor, Tribal Historic Preservation Officer, Delaware Tribe of Indians

Appendix A-4 (cont'd)



United States Department of Agriculture

342-CPS-1

Natural Resources Conservation Service

CONSERVATION PRACTICE STANDARD

CRITICAL AREA PLANTING

CODE 342

(ac)

DEFINITION

Establishing permanent vegetation on sites that have, or are expected to have, high erosion rates, and on sites that have physical, chemical, or biological conditions that prevent the establishment of vegetation with normal seeding/planting methods.

PURPOSE

This practice is used to accomplish one or more of the following purposes—

- Stabilize areas with existing or expected high rates of soil erosion by wind or water
- Stabilize stream and channel banks, pond and other shorelines, earthen features of structural conservation practices
- Stabilize areas such as sand dunes and riparian areas

CONDITIONS WHERE PRACTICE APPLIES

This practice applies to highly disturbed areas such as—

- Active or abandoned mined lands.
- Urban restoration sites.
- Construction areas.
- Conservation practice construction sites.
- Areas needing stabilization before or after natural disasters such as floods, hurricanes, tornados, and wildfires.
- Eroded banks of natural channels, banks of newly constructed channels, and lake and pond shorelines.
- Other areas degraded by human activities or natural events.

CRITERIA

General Criteria Applicable to All Purposes

Earth Disturbance Activities

For earth disturbance activities other than agricultural plowing and tilling or animal heavy use areas, follow the erosion and sediment control requirements of Pennsylvania's Erosion and Sediment Control and Stormwater Management Chapter 102 regulations.

Site preparation

Conduct a site investigation to identify any physical, chemical, or biological conditions that could affect the successful establishment of vegetation.

NRCS reviews and periodically updates conservation practice standards. To obtain the current version of this standard, contact your Natural Resources Conservation Service State office or visit the Field Office Technical Guide online by going to the NRCS website at <https://www.nrcs.usda.gov/> and type FOTG in the search field.

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NRCS, PA
June 2017

Appendix A-4 (cont'd)

342-CPS-2

Clear areas to be planted of unwanted materials and smooth or shape, if needed, to meet planting purpose(s).

Prepare a suitable seedbed for all seeded species. Rip compacted layers and re-firm the soil prior to seedbed preparation, as needed.

As site conditions dictate, when grading slopes, stockpile topsoil to be redistributed over area to be planted.

Species selection

Select species for seeding or planting that are suited to local site conditions and intended uses, and common to the site or location.

Selected species will have the capacity to achieve adequate density and vigor to stabilize the site within an appropriate period.

Establishment of vegetation

Plant seeds using the method or methods best suited to site and soil conditions.

Limit sod placement to areas that can naturally supply needed moisture or sites that can be irrigated during the establishment period. Place and anchor sod using techniques to ensure that it remains in place until established.

Specify species, rates of seeding or planting, legume inoculation, minimum quality of planting stock (e.g., pure live seed (PLS) or stem caliper), method of seedbed preparation, and method of establishment before application. Use only viable, high-quality seed or planting stock.

Seed or plant at a time and in a manner that best ensures establishment and growth of the selected species.

Plant during approved times for the species to be used.

Apply soil amendments (e.g., lime, fertilizer, compost, manure) according to the requirements in the local Field Office Technical Guide.

Mulch or otherwise stabilize (e.g., polyacrylamide (PAM)) plantings as necessary to ensure successful establishment.

Additional Criteria to Stabilize Stream and Channel Banks, Pond and Other Shorelines, Earthen Features of Structural Conservation Practices

Bank and channel slopes

Shape channel side slopes so that they are stable and allow establishment and maintenance of desired vegetation.

A combination of vegetative and structural measures may be necessary on slopes steeper than 3:1 to ensure adequate stability.

Species selection

Plant material used for this purpose must—

- Be adapted to the hydrologic zone into which they will be planted.
- Be adapted and proven in the regions in which they will be used.
- Be compatible with existing vegetation in the area.
- Protect the channel banks but not restrict channel capacity.

NRCS, PA
June 2017

Appendix A-4 (cont'd)

342-CPS-3

Establishment of vegetation

Specify species, planting rates, spacing, methods and dates of planting based on local planting guides or technical notes. Refer to guidance found in the PA Practice Guide for Critical Area Planting (342), PA Construction Specification for Critical Area Planting, and A Guide to: Conservation Plantings on Critical Areas for the Northeast.

Identify and protect desirable existing vegetation during practice installation.

Use a combination of vegetative and structural practices with living and inert material when flow velocities, soils, and bank stability preclude stabilization by vegetative establishment alone. Use Conservation Practice Standard (CPS) Streambank Stabilization (Code 580) for the structural measures.

Control existing vegetation on a site that will compete with species to be established vegetatively (e.g., bare-root, containerized, ball-and-burlap, potted) to ensure successful establishment of the planted species.

Plant streambank stabilization vegetation in accordance with the NRCS Engineering Field Handbook Part 650, Chapter 16, "Streambank and Shoreline Protection," and Chapter 18, "Soil Bioengineering for Upland Slope Protection & Erosion Reduction."

Site protection and access control

Restrict access to planted areas until fully established.

Additional Criteria to Stabilize Areas Such As Sand Dunes and Riparian Areas

Plants for sand dunes and coastal sites must be able to survive being buried by blowing sand, sand blasting, salt spray, salt water flooding, drought, heat, and low nutrient supply.

Include sand trapping devices such as sand fences or brush matting in the revegetation/stabilization plans where applicable.

CONSIDERATIONS

Species or diverse mixes that are adapted to the site and have multiple benefits should be considered. Native species may be used when appropriate for the site.

Follow the requirements of Pennsylvania's Dam Safety and Waterway Management Regulations, Chapter 105, as applicable.

To benefit pollinators and other wildlife, flowering shrubs and wildflowers with resilient root systems and good soil-holding capacity also should be considered for incorporation as a small percentage of a larger grass-dominated planting. Where appropriate consider a diverse mixture of forbs to support pollinator habitat.

Planning and installation of other CPSs such as Diversion (Code 362), Obstruction Removal (Code 500), Subsurface Drain (Code 606), Underground Outlet (Code 620), or Anionic Polyacrylamide Application (Code 450) may be necessary to prepare the area or ensure vegetative establishment.

Areas of vegetation established with this practice can create habitat for various type of wildlife. Maintenance activities, such as mowing or spraying, can have detrimental effects on certain species. Perform management activities at the times and in a manner that causes the least disruption to wildlife.

PLANS AND SPECIFICATIONS

Prepare plans and specifications for each field or management unit according to the criteria and operation and maintenance sections of this standard. Record practice specifications using approved Implementation Requirements document.

NRCS, PA
June 2017

Appendix A-4 (cont'd)

342-CPS-4

Address the following elements in the plan, as applicable, to meet the intended purpose(s):

- Practice purpose(s).
- Site preparation.
- Topsoil requirements.
- Fertilizer/manure/compost application.
- Seedbed/planting area preparation.
- Timing and method of seeding/planting.
- Selection of species.
- Seed/plant source.
- Seed analysis/pure live seed (PLS).
- Seeding rate/plant spacing.
- Mulching, PAM, or other stabilizing materials.
- Supplemental water needed for establishment.
- Protection of plantings.
- Describe successful establishment (e.g., minimum percent ground/canopy cover, percent survival, stand density).

OPERATION AND MAINTENANCE

- Control access to the area to ensure the site remains stable.
- Protect plantings shall be protected from pests (e.g., weeds, insects, diseases, livestock, or wildlife) as necessary to ensure long-term survival.
- Inspections, reseeding or replanting, and fertilization may be needed to ensure that this practice functions as intended throughout its expected life.
- Observe establishment progress and success at regular intervals until the practice has met the criteria for successful establishment and implementation.
- Description of successful establishment (e.g., minimum percent ground/canopy cover, percent survival, stand density).

REFERENCES

- Federal Interagency Stream Restoration Working Group. 1998. Stream corridor restoration: principles, processes, and practices. USDA NRCS National Engineering Handbook, Part 653.
- USDA NRCS. 2007. National Engineering Handbook, Part 654. Stream restoration guide.
- USDA NRCS. 2015. The PLANTS Database (<http://plants.usda.gov>, 8 December 2015). National Plant Data Team, Greensboro, NC.
- USDA NRCS. 2012. A Guide to: Conservation Plantings on Critical Areas for the Northeast. Big Flats Plant Materials Center, Corning, NY.
- Practice Guide for Critical Area Planting (342). 2012. PA Field Office Technical Guide, Section IV.
- Construction Specification for Critical Area Planting. 2012. PA Field Office Technical Guide, Section IV.
- Vegetative Stabilization. March 2012. Erosion and Sediment Pollution Control Program Manual. Pennsylvania Department of Environmental Protection.

NRCS, PA
June 2017

Appendix A-4 (cont'd)



United States Department of Agriculture

367-CPS-1

Natural Resources Conservation Service

CONSERVATION PRACTICE STANDARD

ROOFS AND COVERS

CODE 367

(no)

DEFINITION

A rigid, semi-rigid, or flexible manufactured membrane, composite material, or roof structure placed over a waste management facility, agrichemical handling facility, or an on-farm secondary containment facility.

PURPOSE

Provide a roof or cover to:

- protect clean water from dilution in waste water in an existing or planned animal waste handling or storage area
- improve waste management and utilization to protect nearby surface water quality
- capture biogas emissions from an existing or planned animal waste storage facility to reduce the net effect of greenhouse gas emissions, improve air quality, and reduce odor as a result of: biological treatment with composite cover material, combustion by flare, combustion by engine generator for energy production
- protect clean water by excluding it from a chemically contaminated area

CONDITIONS WHERE PRACTICE APPLIES

This practice applies where:

- Precipitation should be excluded from contaminated areas, such as animal feeding and management areas, facilities for waste storage, animal mortality, composting, waste transfer or waste treatment, and agrichemical handling.
- Biotreatment of emissions using a porous cover on a wastewater storage facility is needed to improve air quality, limit odors, and moderate the net effect of greenhouse gas emissions.
- A cover is needed to exclude precipitation from a wastewater storage facility. Auxiliary elements of the cover will also capture and manage biogas emissions, improve air quality, limit odors, and reduce the net effect of greenhouse gas emissions.
- Biogas capture for energy production is a component of an existing or planned waste management system. Biogas capture and utilization will also improve air quality, limit odors, and reduce the net effect of greenhouse gas emissions.

This practice does not apply to Conservation Practice Standard PA325, High Tunnel System

NRCS reviews and periodically updates conservation practice standards. To obtain the current version of this standard, contact your Natural Resources Conservation Service State office or visit the Field Office Technical Guide online by going to the NRCS website at <https://www.nrcs.usda.gov> and type FOTG in the search field.
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Appendix A-4 (cont'd)

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CRITERIA

General Criteria Applicable to All Purposes

Laws and Regulations

Roof and cover systems for animal waste facilities must be planned, designed, and constructed to meet all federal, state, local, and tribal laws and regulations.

Materials

Select the type, thickness, and material properties of the roof or cover and any supporting members after accounting for all loads and stresses due to operational, environmental, and climatic conditions.

Loads

Include all anticipated loads in the structural design for facility components that serve as part of the foundation or support for a roof or cover. See section below, Additional Criteria for Rigid and Semi-rigid Roofs and Covers, and Flexible Covers.

Design

Refer to PA313, Waste Storage Facility, or PA309, Agrichemical Handling Facility, for structural design criteria of the foundations associated with these respective practices. The roof or cover manufacturer and/or installer shall provide maintenance instructions and certify that the roof or cover is properly installed. Account for all items that will influence the performance of the roof or cover, including strength, durability, serviceability, material properties and construction quality in the current editions of the following material references as appropriate:

- Steel.—Manual of Steel Construction, AISC, American Institute of Steel Construction
- Timber.—National Design Specifications for Wood Construction, American Forest and Paper Association
- Concrete.—Building Code Requirements for Structural Concrete, ACI 318, American Concrete Institute
- HDPE/LLDPE Geomembrane.—HDPE and LLDPE Geomembrane Installation Specification, International Association of Geosynthetic Installers

Access

Provide suitable access for normal operation and maintenance of a facility which is enclosed as the result of a roof or cover.

Venting

For an enclosed roof structure located over animals, manure storage, or petroleum product storage, provide ridge or end vent openings of at least 2 inches per 10-foot-width of building. This prevents buildup of moisture and gases in the attic area.

For enclosed buildings, provide mechanical (exhaust fans) or natural (adequate openings) ventilation in order to maintain a safe working environment when human entry is intended.

Safety

Provide safety features, including fences and warning signs, as appropriate, to prevent undue hazards from biogases and drowning. Refer to American Society of Agricultural and Biological Engineers' (ASABE's) document, *ASAE EP470.1, Manure Storage Safety* for guidance.

Design covers and grating over openings such that livestock or humans cannot accidentally displace them and fall into the facility. Equip openings in covered tank with grills or secure covers for safety, and for odor and vector control.

Include provisions in the design to prevent the unintentional conveyance of biogas to any facilities connected to the installed roof or cover.

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Additional Criteria for Rigid and Semi-rigid Roofs and Covers

Design rigid and semi-rigid roofs and covers to withstand all anticipated loads including, but not limited to, internal and external loads, uplift pressure, concentrated surface and impact loads and load combinations in compliance with this standard. Design roofs, covers and associated support systems to resist all applicable loads including wind, snow, and seismic loads as specified in the current version of American Society of Civil Engineers (ASCE), Standard ASCE 7, *Minimum Design Loads for Buildings and Other Structures*.

Design covers intended for vehicle, equipment and/or livestock traffic to withstand anticipated dead and live loads. The minimum live load design values for covers are contained in ASABE ASAE EP378.4, *Floor and Suspended Loads on Agricultural Structures Due to Use*, and ASAE EP393.3, *Manure Storages*. For tank wagons having more than a 2,000 gallon capacity, use the actual axle load for design.

Design roof structures to prevent waste located under the roof from becoming a pollution problem. Follow criteria outlined in PA558, *Roof Runoff Structure*, for structural practices to collect, control and convey roof runoff away from the contaminated area. Divert any outside surface water from entering the roofed area.

Treated Wood

Use preservative-treated wood when wood members are exposed to animal waste or elements that deteriorate wood. Preservative-treated wood must meet the applicable American Wood Protection Association (AWPA) Standards or have an evaluation service report prepared by an organization recognized by the International Code Council (ICC). Treated wood in contact with animal wastes or as critical components that are difficult to replace, should meet AWPA UC4B or equivalent for heavy-duty ground contact. Allowable preservatives include but are not limited to CCA (Chromated Copper Arsenate), ACQ-C (Alkaline Copper Quat Type C), ACQ-D Carbonate (Alkaline Copper Quat Type D, Carbonate formulation), CuN (Copper Naphthenate), ACZA (Ammoniacal Copper Zinc Arsenate), CA-A, CA-B and CA-C (Copper Azole Types A, B and C), MCA (Micronized Copper Azole), μ CA-C (Dispersed Copper Azole).

Aluminum fasteners, connectors, or cladding must not be used in direct contact with treated wood unless specifically allowed by the preservative manufacturer. Use hot-dipped galvanized or stainless steel bolts, washers, nuts, nails, and other hardware which meet American Society for Testing and Materials (ASTM) specifications A153 for fasteners and ASTM A653 coating designation G185 for sheet metal connectors, or ASTM A240 for Type 304 or 316 stainless steel, except as noted in *Supplement A*, below. Fasteners and connectors of other materials may be used if specifically allowed by the preservative manufacturer.

Repair

Use of sectional replacement repair for rigid or semi-rigid roof and cover material is allowable.

Additional Criteria for Flexible Covers

For fabrication of flexible membrane inflated and floating covers, use only membrane materials which have been certified by the manufacturer as suitable for the intended application.

Design flexible membrane cover systems to resist snow, wind, and wind uplift loads as appropriate. They shall also include a system to properly tension the liner and to hold it down during up to a 100 mph wind.

Design floating covers to fluctuate with rising and falling liquid levels to properly manage the waste storage facility.

Include floatation materials on floating membrane covers as necessary for proper cover performance, and operation and maintenance tasks.

Design impermeable floating covers with a biogas collection, transfer, and control system to provide protection for the cover and convey biogas to a flare, release, or control point. They shall include methods to address moisture, sedimentation, and flame trap. Such systems shall also include method(s) to collect and remove rainfall and snowmelt, and emergency release vents for excessive gas buildup. Manure to be

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Appendix A-4 (cont'd)

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under such covers shall be processed to reduce solids and remove sand, unless otherwise approved by the State Conservation Engineer. All systems shall have a method to circulate/agitate and unload the waste material.

Design the biogas handling system with the capacity to handle the large range in gas production that can occur as a result of changing ambient temperatures and substrate conditions.

Inflated covers must be—

- Equipped with a warning system to notify operator of blower failure for mechanically forced air systems.
- Provided with a support system to limit cover collapse.

Table 1. Flexible geomembrane cover materials

Type for Purpose	Minimum Thickness Criteria	
	Contain Biogas	Divert Clean Water
HDPE	40 mil	30 mil
LLDPE	40 mil	30 mil
LLDPE-R	36 mil	24 mil
PVC	40 mil	30 mil
EPDM	45 mil	—
FPP	40 mil	30 mil
FPP-R	36 mil	24 mil
PE-R	NR	24 mil

1 mil = 1/1000 of an inch

HDPE – High Density Polyethylene Geomembrane

LLDPE – Linear Low Density Polyethylene Geomembrane

LLDPE-R – Reinforced Linear Low Density Polyethylene Geomembrane.

PVC – Polyvinyl Chloride Geomembrane

EPDM – Ethylene Propylene Diene Terpolymer Geomembrane

FPP – Flexible Polypropylene Geomembrane

FPP-R – Reinforced Flexible Polypropylene Geomembrane

PE-R – Reinforced, Slit –Film, Woven Polyethylene Geomembrane

NR – Not Recommended

Repair

Use only flexible cover material which is readily repairable. Repair may be made by solvent, adhesive, thermoplastic welding, or other methods according to manufacturer's recommendation.

Additional Criteria for Biogas Control/Utilization

Biogas Emissions

The cover system will provide for bio-reduction and treated release of gaseous emissions, contain and manage release of gaseous emissions, or capture and control or utilization of biogas, as appropriate.

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Bioreduction and Treated Release

Select a cover fabricated of a permeable composite membrane designed to promote biological treatment of gaseous emissions which pass through the membrane for treated release to the atmosphere. Maintenance of the cover media will be required for the life of the practice to ensure proper biofilter operation.

Contain and Manage Biogas when Excluding Rainfall

Design the cover system for rainfall exclusion on the stored manure and organic wastes with auxiliary elements to manage any biogas produced. For storage cover systems which collect biogas, provide for the safe handling, transfer and combustion of the biogas.

Capture Biogas and Control/Utilization

Design the cover system to capture biogas emissions and transfer biogas to the point of discharge without mixing with air. Equip the point of discharge with a flare or biogas utilization equipment as appropriate.

Equipment and material exposed to biogas must be resistant to corrosion and suitable for use within a potentially explosive environment. Materials, controls, motors and their installation must conform to the National Electrical Code (NEC). Motors must be rated explosion proof and properly sealed.

Design of aboveground pipe for biogas transfer must include pipe with fittings for expansion and contraction effects.

Aboveground biogas transfer pipe intended for pressurized biogas systems must be of steel or plastic materials. Steel pipe must meet the requirements of AWWA Specification C-200 or ASTM A53/A211 for stainless steel. Plastic pipe must be HDPE meeting AWWA Specification C-906 or ASTM D-3350. PVC is only acceptable for aboveground biogas transfer when pipe meets ASTM D2241, is ultraviolet light inhibited and pipe material is modified for high impact strength.

Anchorage

Design the cover anchorage system to withstand internal gas pressures, corrosive environment, wind loads, air tightness (as necessary), and other forces as appropriate to the cover system.

Pressure

Covers associated with biogas production must include provisions for fail-safe pressure relief when interior pressures exceed design operating pressures. Maximum pressure must not exceed manufacturer's recommendations.

Precipitation

Design features to direct precipitation on impermeable covers to collection points for removal by pumping or by controlled release to suitable grassed or otherwise stabilized areas for discharge or infiltration.

Biogas Capture

Design the cover materials and all appurtenances such as weights and floats, to capture and convey biogas to the gas collection system. The cover design shall provide for the following:

- Air Exclusion.—Design the cover system and appurtenances, including perimeter soil slopes above the water line, for in-ground liquid waste storage, to exclude the entrance of air under all operating conditions.
- Gas Collection, Control, and Utilization.—The collection, control, and utilization of biogas must meet appropriate criteria in PA366, Anaerobic Digester.

Biogas Safety

As a minimum for all roofs and covers that contain or control biogas, post the following warning signs:

- "Warning Flammable Gas"
- "No Smoking"

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Appendix A-4 (cont'd)

367-CPS-6

- When human entry is possible: "Do Not Enter – Hazardous Gases"

Where biogas is captured, design the gas collection, transfer and control/utilization system in accordance with standard engineering practice for safely handling a flammable gas including safety criteria noted in NRCS CPS Code 366, Anaerobic Digester.

CONSIDERATIONS

To further improve water quality, consider eliminating or reducing feedlot areas when placing livestock under roof.

Screening with vegetative plantings, landforms, or other measures may be implemented for aesthetic purposes.

When designing the gas handling system, consider the large range in gas production that can occur as a result of changing climate and/or substrate conditions.

Maintain storage capacity and functionality of covered liquid waste storage by minimizing solids accumulation. Consider the use of manure management practices such as solid/liquid separation, PA632, Waste Separation.

For organic applications, consider using special construction material such as qualifying lumber as documented by an evaluation service recognized by the International Code Council (ICC). Other application considerations may also need to be made to address organic issues.

For areas where energy production is an option, consider adding energy recovery or production to the gas handling system. Energy recovery or production can offset air emissions from fossil fuel combustion.

Consider storage of biogas when installing flexible covers over waste storage facilities or waste treatment lagoons to attenuate gas supply for end use or treated release.

Waste facility covers which capture biogas may reduce nutrient volatilization of the stored manure. Consider the effect this may have on the nutrient management plan.

Waste facility covers which capture biogas may increase the odor nuisance during agitation, pump out, and land application. Consider the effect these activities may have on the surrounding areas and waste management options.

PLANS AND SPECIFICATIONS

Prepare plans and specifications that describe the requirements for applying this practice to meet its intended purpose.

As a minimum, the plans and specifications will provide the following:

- Define the purpose, goals and objectives of the practice installation.
- Include information about the location and sequence of the phases of construction.
- Specify layout and location of agricultural waste storage and handling facility, access, or agrichemical handling facility.
- Include roof or cover footprint and any waste collection points and all planned access features.
- Grading plan showing excavation and fill. Include appropriate drainage features and revegetation plan as needed.
- Materials and structural details of the roof or cover including all necessary appurtenances as appropriate for the complete system.
- For flexible geomembrane cover systems with biogas combustion, include a listing of associated biogas collection and transfer equipment, and necessary appurtenances.

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Appendix A-4 (cont'd)

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- Specify that the manufacturer or installer of the geomembrane cover system must certify the installation of the cover. Require the same manufacturer or installer to provide the project owner with maintenance instructions for the cover material.
- Biosecurity measures during installation.
- Warning and safety signage placement.

OPERATION AND MAINTENANCE

Prepare an operation and maintenance (O&M) plan and review the plan with the landowner or operator responsible for the application of this practice. Provide specific instructions for proper operation and maintenance of each component of this practice and detail the level of inspection and repairs needed to maintain the effectiveness and useful life of the practice.

- Address biosecurity concerns in all aspects of operation and maintenance.
- For enclosed waste facilities, exercise caution and care during cover removal or access. If opening of the cover is required for facility management, include provisions to prevent exposure of workers to hazardous gases.
- If personnel are or may be required to enter an enclosed waste facility, include safety provisions recommended by the National Institute for Occupational Safety and Health (NIOSH) for working in confined spaces including, but not limited to, using a positive-pressure self-contained breathing apparatus, safety line, and standby personnel.
- Develop an emergency action plan for covered systems associated with biogas production. Include instructions as to limits of cover performance and emergency procedures if control equipment fails. Provide contact(s) and phone numbers of person(s) to contact for the event of an emergency.

Supplement A – “Guidelines for Selecting Corrosion-Resistant Fasteners for Use with Preservative-Treated Wood”

Based on a review of technical information posted by the major U. S. preservative manufacturers and selected fastener and connector manufacturers, the following guidelines summarize the current state-of-practice regarding the selection of metal fasteners and connectors for use with ACQ, ACZA, CA, MCA, or μ CA-C preservative-treated wood:

AWPA Use Category and Description	Appropriate Fastener/Connector Types
UC 3A or B – Exterior Construction, Above Ground	<u>Fasteners</u> - Hot-Dipped (HD) Galvanized per ASTM A153 or Stainless Steel (SS), Type 304 or 316
UC 4A – Ground Contact or Fresh Water, Non-critical components	<u>Connectors</u> - HD Galvanized per ASTM A653, Class G185 or Stainless steel, Type 304 or 316
UC 4B - Ground Contact or Fresh Water, Critical components or difficult to replace	Stainless steel, Type 304 or 316

Other Preservatives:

1. For CCA-treated wood, HD galvanized fasteners and connectors as specified above are recommended. CCA is less corrosive than ACQ and CA.
2. For ACZA-treated wood, SS fasteners and connectors as specified above are recommended. ACZA contains ammonia and is significantly more corrosive than ACQ and CA.
3. For other preservatives, the more stringent of the preservative manufacturer's recommendations and the fastener/connector manufacturer's recommendations should be followed.

Notes regarding NRCS-type structures:

1. Use Category UC 3A and B include railings, decking, bracing, and slats on composter bins.

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Appendix A-4 (cont'd)

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2. Use Category UC 4A includes posts such as those used in composter bins.
3. Use Category UC 4B includes structural building poles and permanent wood foundations.

REFERENCES

- American Concrete Institute. *Building Code Requirements for Structural Concrete*. ACI 318. ACI Committee 318. ACI, Farmington Hills, MI.
- American Wood Council. 2012. *National Design Specifications for Wood Construction*. AF&PA, Washington, DC.
- American Institute of Steel Construction. *Steel Construction Manual*, 14th Edition. AISC, Chicago, IL.
- American Society for Testing and Materials. Annual Book of ASTM Standards. *Standard Specification for Zinc Coating (Hot-Dip) on Iron and Steel Hardware*, A 153. ASTM, Philadelphia, PA.
- American Society for Testing and Materials. Annual Book of ASTM Standards. *Standard Specification for Steel Sheet, Zinc-Coated (Galvanized) or Zinc-Iron Alloy-Coated (Galvannealed) by the Hot-Dip Process*, A 653. ASTM, Philadelphia, PA.
- American Society of Agricultural and Biological Engineers. *Floor and Suspended Loads on Agricultural Structures Due to Use*, ASAE EP378.4. ASABE, St. Joseph, MI.
- American Society of Agricultural and Biological Engineers. *Manure Storages*, ASAE EP393.3. ASABE, St. Joseph, MI.
- American Society of Agricultural and Biological Engineers. *Manure Storage Safety*, ASAE EP470.1. ASABE, St. Joseph, MI.
- American Society of Civil Engineers. *Minimum Design Loads for Buildings and Other Structures*, ASCE/SEI 7-10. ASCE, Reston, VA.
- American Wood Protection Association. 2014. *AWPA Book of Standards*. AWP, Birmingham, AL.
- International Association of Geosynthetic Installers. *HDPE and LLDPE Geomembrane Installation Specification*. IAGI, St. Paul, MN.
- International Building Code*. 2012. International Code Council (ICC). ICC, Whittier, CA.
- International Code Council Evaluation Service. International Code Council (ICC). ICC, Whittier, CA.
- Natural Ventilating Systems for livestock housing. *Midwest Plan Service*, MWPS-33, 1989.

NRCS, PA
January 2016

Appendix A-4 (cont'd)



United States Department of Agriculture

500-CPS-1

Natural Resources Conservation Service

CONSERVATION PRACTICE STANDARD

OBSTRUCTION REMOVAL

CODE 500

(no)

DEFINITION

Removal and disposal of buildings, structures, other works of improvement; vegetation, debris, or other materials.

PURPOSE

This practice may be applied to achieve one or more of the following purposes:

- Improve water quality for surface and ground water
- Prevent future flood damage
- Facilitate other conservation practices

CONDITIONS WHERE PRACTICE APPLIES

This practice applies to site conditions where obstruction removal is required to address a resource concern or support other conservation practices. This practice is not intended for removal of—

- Obstructions from natural or constructed channels.
- Trees, stumps, or other vegetation from wooded areas.
- Underground tanks.
- Unidentifiable or hazardous materials such as solvents, petroleum oils, and asbestos.

For removal and disposal of trees, stumps, or other vegetation from wooded areas, refer to NRCS Conservation Practice Standard (CPS) Land Clearing (Code 460).

For removal and disposal of obstructions from natural or constructed channels, refer to NRCS CPSs Clearing and Snagging (Code 326) or Aquatic Organism Passage (Code 396).

CRITERIA

General Criteria Applicable to All Purposes

Use methods that are appropriate for the obstruction to be removed, such as—

- Demolition.
- Excavation.
- Disassembly.
- Burning.

Plan removal to meet all federal, state, and local laws and regulations. The landowner must obtain all necessary permissions from regulatory agencies, or document that no permits are required.

NRCS reviews and periodically updates conservation practice standards. To obtain the current version of this standard, contact your Natural Resources Conservation Service State office or visit the Field Office Technical Guide online by going to the NRCS website at <https://www.nrcs.usda.gov/> and type FOTG in the search field.

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October 2022

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The landowner and/or contractor is responsible for locating all buried utilities in the project area, including drainage tile and other structural measures. Ensure that all utilities are shut off and disconnected from structures by a licensed electrician or utility company prior to removal.

If universal waste materials (e.g., batteries, pesticides, mercury-containing equipment, and lamps) or nonhazardous secondary materials (e.g., tires, asphalt shingles, treated wood, or contaminated construction and demolition materials) are expected or encountered, contact State or local solid waste management authorities for appropriate methods of handling and disposal.

Do not mulch, compost, or burn contaminated construction and demolition materials such as wood products treated with creosote, pentachlorophenol (PCP), or chromated copper arsenate (CCA). Treated wood products can be difficult to identify by color, particularly when they are weathered. When in doubt, assume the wood is treated and select a different disposal method.

Dispose of materials in sequence with the proposed construction schedule so it does not impede subsequent work. Materials, such as rocks, timber, fence posts, lumber products, concrete, masonry, and metal may be disposed by recycling, reuse, burial, burning, or offsite transport to a regulated landfill or recycling facility.

Shape and grade areas disturbed by obstruction removal so they drain and blend with the surrounding landscape. Maintain at least 12 inches of soil cover over buried foundations or other obstructions belowground which are not removed.

Vegetate and stabilize all disturbed areas as soon as possible after construction to prevent erosion and offsite sedimentation. Refer to NRCS CPSs Critical Area Planting (Code 342) or Mulching (Code 484).

Follow state guidelines for material disposal for locations within Pennsylvania covered by invasive species regulations.

CONSIDERATIONS

When applicable, recycling or reuse of materials should be considered as the first option for disposal of materials from obstruction removal.

Consider onsite disposal of wood infected with transmittable insects or diseases.

Consider the use of dust suppression methods such as the application of water, tackifiers, or polymers if the demolition will generate large amounts of dust.

Obstruction removal can result in the disturbance of large areas that are subject to erosion during the demolition process. Where necessary, consider provisions in the plans to control erosion and offsite sedimentation.

When revegetation is needed, consider revegetating using species or diverse mixes that are native or adapted to the site and have multiple benefits. In addition, where appropriate, consider a diverse mixture of forbs and wildflowers to support pollinator and other wildlife habitat.

Obstruction removal often involves heavy equipment working in environmentally sensitive areas. Consider servicing and refueling equipment in a manner that minimizes spills and volatilization.

Obstruction removal can present hazards to those doing the work. Consider how the work will be performed, the hazards it will present to personnel, and what safety equipment and training may be appropriate.

Work performed in poorly ventilated areas can present hazards to workers. In areas that are potentially oxygen deprived, provide workers with a supplemental oxygen breathing apparatus. In areas where there

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October 2022

Appendix A-4 (cont'd)

500-CPS-3

are concentrations of mice, roosting birds, and bats, airborne pathogens can be a problem. Provide workers with appropriate breathing protection to reduce risks from inhaled pathogens.

Old buildings, structures, and trees that are slated for removal can provide critical habitat for some types of wildlife. Prior to removal consider how to protect at-risk species that are identified.

PLANS AND SPECIFICATIONS

Prepare plans and specifications to address the requirements in this standard. As a minimum, include the following information on the plan drawings:

- Plan view showing the location and extent of the obstruction to be removed
- The location of utilities
- Profile(s) showing the natural ground surface, anticipated depth of obstruction removal, soil cover, and final surface grading, if necessary
- Details and site location for the disposal of materials from the obstruction removal

As a minimum, include the following construction specifications that provide written instructions for:

- If underground tanks or hazardous or unidentifiable materials are encountered during construction, terminate the application of this practice. Refer the landowner to State or local solid waste management authorities.
- Details for proper handling and disposal of materials.
- Compaction requirements for all earthwork, if necessary.
- Details for temporary or permanent soil stabilization on removal and disposal areas.

OPERATION AND MAINTENANCE

Prepare a site-specific operation and maintenance plan for the landowner or operator. As a minimum, include—

- Periodic inspection for excessive settlement at removal and disposal areas which may cause ponding or equipment damage. Promptly fill areas with excessive settlement.
- Periodic inspection of disturbed areas for sheet and rill erosion. Repair any problems as soon as possible.
- Periodic inspection of vegetative cover. Perform needed maintenance of vegetative protection which may include mowing, fertilization, weed control, repair of seedbed damage, or reseeding of bare soil.

REFERENCES

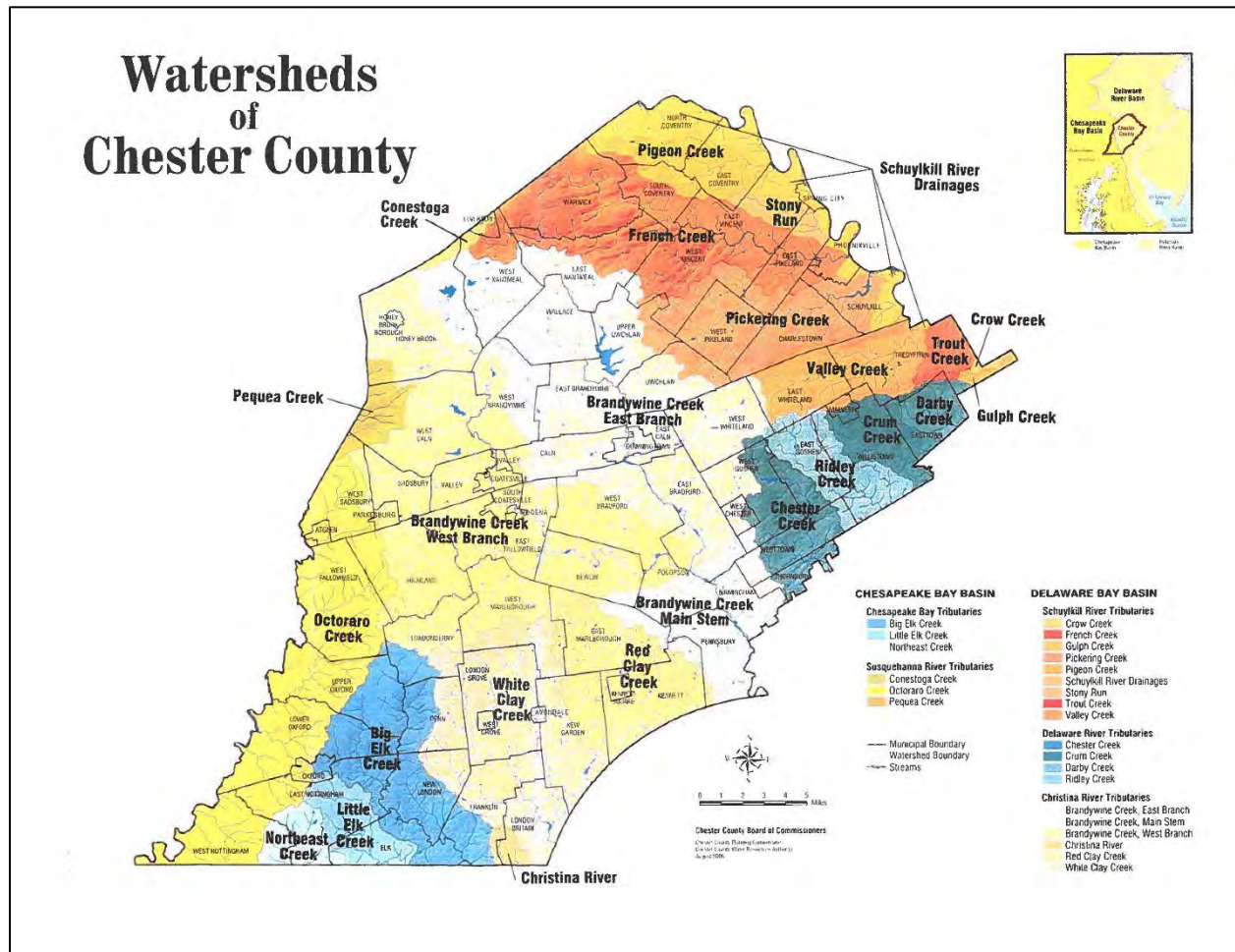
Wood Preservative Science Council. 2008. CCA Treated Wood Disposal. Manakin-Sabot, Virginia.
<http://www.woodpreservativescience.org/disposal.shtml>.

U.S. Department of Labor, Occupational Safety and Health Administration. Safety and Health Regulations for Construction, [29 CFR 1926](#). Washington, D.C.

U.S. Environmental Protection Agency. Official website: <https://www.epa.gov/ingredients-used-pesticide-products> and <https://www.epa.gov/asbestos>.

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October 2022

Appendix A-4 (cont'd)



Appendix A-4 (cont'd)

Tribal Consultation Letters (Copy to POCs) (pp. 1-18)



United States Department of Agriculture

September 28, 2023

Honorable Chief Brad KillsCrow
Delaware Tribe of Indians
5100 Tuxedo Boulevard
Bartlesville, Oklahoma 74006

Dear Chief KillsCrow,

The Pennsylvania Natural Resources Conservation Service (NRCS), in cooperation with North Wind Resource Group JV and Chester County Commissioners, has begun preliminary research into implementing a series of conservation practices (undertaking) within Chester County, Pennsylvania. The research is intended to evaluate whether financial assistance to address environmental concerns from mushroom composting operations in southern Chester County should be offered under its Watershed Protection and Flood Prevention Operations program.

NRCS seeks to address erosion and sedimentation and to modify mushroom composting operations to prevent, control, and treat nutrient-laden runoff. Currently under consideration are the Octoraro Creek, Little Elk Creek, Big Elk Creek, White Clay Creek, and Red Clay Creek watersheds. The scope of the undertaking, repetitive nature of the considered practices, and non-contiguous Area of Potential Effect (APE) will require NRCS to draft a Programmatic Agreement (PA) in accordance with 36CFR§800.14(b)(1).

The proposed PA will address each consulting party's responsibilities, inadvertent discoveries, dispute resolution, review procedures, the disconnected nature of the multiple APE and include three general classes of NRCS conservation practices (examples enclosed) :

1. Practices *unlikely* to affect cultural resources.
 - a. Critical Area Planting (Practice 342)
2. Implementations that have *some potential* to affect historic or archaeological properties.
 - a. Roofs and Covers (Practice 367)
3. Conservation methods that will *always require* review and comment by the consulting partners.
 - a. Obstruction Removal (Practice 500), under the specific circumstances to be defined within this Project's Programmatic Agreement

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Appendix A-4 (cont'd)



United States Department of Agriculture

September 27, 2023

Director Andrea Lowery
Pennsylvania Historical and Museum Commission
State Historic Preservation Office
Commonwealth Keystone Building, Second Floor
400 North Street
Harrisburg, PA 17120-0093

Dear Director Lowery,

The Pennsylvania Natural Resources Conservation Service (NRCS), in cooperation with North Wind Resource Group JV and Chester County Commissioners, has begun preliminary research into implementing a series of conservation practices (undertaking) within Chester County, Pennsylvania. The research is intended to evaluate whether financial assistance to address environmental concerns from mushroom composting operations in southern Chester County should be offered under its Watershed Protection and Flood Prevention Operations program.

NRCS seeks to address erosion and sedimentation and to modify mushroom composting operations to prevent, control, and treat nutrient-laden runoff. Currently under consideration are the Octoraro Creek, Little Elk Creek, Big Elk Creek, White Clay Creek, and Red Clay Creek watersheds. The scope of the undertaking, repetitive nature of the considered practices, and non-contiguous Area of Potential Effect (APE) will require NRCS to draft a Programmatic Agreement (PA) in accordance with 36CFR§800.14(b)(1).

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Appendix A-4 (cont'd)

SHPO Consultation Response No. 1 (pp. 1-2)



Pennsylvania State Historic Preservation Office
PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

October 16, 2023

Sent Via PA-SHARE

RE: ER Project # 2023PR04742.001, Programmatic Agreement-Five Watersheds Chester County, US Department of Agriculture, Valley Township, Chester County

Dear Submitter,

Thank you for submitting information concerning the above referenced project. The Pennsylvania State Historic Preservation Office (PA SHPO) reviews projects in accordance with state and federal laws. Section 106 of the National Historic Preservation Act of 1966, and the implementing regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, is the primary federal legislation. The Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988) is the primary state legislation. These laws include consideration of the project's potential effects on both historic and archaeological resources.

Above Ground Resources

SHPO Sends Comments - Environmental Review - SHPO Sends Above Ground Comments

Based on the information provided regarding NRCS' evaluation of possible conservation practices associated with mushroom composting operations in southern Chester Count, PA SHPO would be interested in participating in the draft and execution of a Programmatic Agreement if the number of projects anticipated warrants the effort to do so. It is unclear from the documentation provided what the anticipated number is; however, we do agree that based on NRCS' assessment that the scope of the undertaking repetitive nature of the considered practices (some of which have little to no potential to affect historic properties), and the non-contiguous Area of Potential Effects (APE), the undertaking lends itself to the development of a PA, again if there are numerous projects anticipated as part of the undertaking. We look forward to continued consultation.

For questions concerning above ground resources, please contact Emma Diehl at emdiehl@pa.gov.

Archaeological Resources

SHPO Sends Comments - Environmental Review - SHPO Sends Archaea Comments

Based on the information provided regarding NRCS' evaluation of possible conservation practices associated with mushroom composting operations in southern Chester Count, PA SHPO would be interested in participating in the draft and execution of a Programmatic Agreement if the number of projects anticipated warrants the effort to do so. It is unclear from the documentation provided what the anticipated number is; however, we do agree that based on NRCS' assessment that the scope of the undertaking repetitive nature of the considered practices (some of which have little to no potential to affect historic properties), and the non-contiguous Area of Potential Effects (APE), the undertaking lends itself to the

Appendix A-4 (cont'd)

ER Project # 2023PR04742.001
Page 2 of 2

development of a PA, again if there are numerous projects anticipated as part of the undertaking. We look forward to continued consultation.

For questions concerning archaeological resources, please contact Emma Diehl at emdiehl@pa.gov.

Sincerely,



Emma Diehl
Environmental Review Division Manager

Appendix A-4 (cont'd)

Tribal Consultation Response (p. 1 of 2)

From: Susan Bachor <sbachor@delawaretribe.org>
Sent: Wednesday, November 15, 2023 11:20 PM
To: Plount, Christopher - FPAC-NRCS, PA <Christopher.Plount@usda.gov>; Brad Killscrow <bkillscrow@delawaretribe.org>
Cc: Smeltz, Heather - FPAC-NRCS, PA <heather.smeltz@usda.gov>
Subject: RE: Programmatic Agreement for Chester County Pennsylvania

Christopher,

Thank you for contacting Delaware Tribe of Indians regarding this proposed project. We would like to participate by submitting our inadvertent discovery plan, discussing using our food or medicinal plants when applicable, and any earthworks (although this looked all above ground).

Wanishil

Susan Bachor

Susan Bachor
Historic Preservation Officer
Delaware Tribe of Indians
Historic Preservation
5100 Tuxedo Blvd.
Bartlesville, OK 74006
P-(539)529-1671

From: Plount, Christopher - FPAC-NRCS, PA <Christopher.Plount@usda.gov>
Sent: Wednesday, November 15, 2023 12:25 PM
To: Brad Killscrow <bkillscrow@delawaretribe.org>
Cc: Susan Bachor <sbachor@delawaretribe.org>; Smeltz, Heather - FPAC-NRCS, PA <heather.smeltz@usda.gov>
Subject: Programmatic Agreement for Chester County Pennsylvania

Dear Chief Killscrow,

At the end of September, my agency sent a request for participation in the development of a Programmatic Agreement for a Phased Application of Section 106 for federally funded undertakings that may occur in Chester County, Pennsylvania (attached). Our records show that the USPS letter was received on October 5, 2023. Pursuant to 36CFR800.3(c)(4), the 30 day response window has closed.

Occasionally, USPS delivered material gets lost or is not routed to the correct office so I reach out today to request your Government's participation. If no participation is desired, no action from your government is needed. If the Delaware Tribe of Indians does wish to participate, I respectfully request a response via email.

All the best,

Christopher Plount
State Archaeologist-SCRS
USDA Natural Resources Conservation Service
359 E Park Drive, Suite 2, Harrisburg, PA 17111
(O) 717.237.2228
(C) 717.216.6508

Appendix A-4 (cont'd)

From: [Susan Bachor](#)
To: [Plount, Christopher - FPAC-NRCS, PA](#)
Cc: [Brad Killscrow; Smeltz, Heather - FPAC-NRCS, PA; Peters, Timothy - FPAC-NRCS, PA](#)
Subject: RE: Participation in Programmatic Agreement for Chester County PA
Date: Friday, January 5, 2024 12:30:17 PM
Attachments: [Inadvertant Discovery Guidelines \(3\).pdf](#)
[Medicinal Herbs plus of NJ usda nt final2 common sort \(5\).xlsx](#)

Mr. Plout,

Thank you for reaching out to the Delaware Tribe of Indians. We are sorry we missed your call on December 18th. Please see the attached documents. Any project that is Earth moving, for example: stump removal, should be discussed with us.

We require:

- stump grinding instead of removal
- grading requires consultation
- removal or addition of new below surface structures requires consultation

Best,
Susan

Susan Bachor
Historic Preservation Officer
Delaware Tribe of Indians
Historic Preservation
5100 Tuxedo Blvd.
Bartlesville, OK 74006
P-(539)529-1671

From: Plount, Christopher - FPAC-NRCS, PA <Christopher.Plount@usda.gov>
Sent: Friday, January 5, 2024 7:33 AM
To: Susan Bachor <sbachor@delawaretribe.org>
Cc: Brad Killscrow <bkillscrow@delawaretribe.org>; Smeltz, Heather - FPAC-NRCS, PA <heather.smeltz@usda.gov>; Peters, Timothy - FPAC-NRCS, PA <tlm.peters@usda.gov>
Subject: Participation in Programmatic Agreement for Chester County PA

On November 15th 2023, NRCS sent an email requesting your nation's participation in the construction of a Programmatic Agreement for a Phased Application of Section 106 for federally funded undertakings that may occur in Chester County, Pennsylvania. NRCS received a positive response on the same day stating, "We would like to participate by submitting our inadvertent discovery plan, discussing using our food or medicinal plants when applicable, and any earthworks (although this looked all above ground)." No information was attached to the email.

The NRCS State Archaeologist called your office on December 18th, 2023 and left a message requesting the proffered information so it could be included in the draft. No information was received.

On January 11th, NRCS shall proceed with the promulgation of a draft Programmatic Agreement for comment and review. A copy will be provided to your government, the Pennsylvania State Historic Preservation Office and local sponsors.

All the best,

Christopher Plount
State Archaeologist-SCRS
USDA Natural Resources Conservation Service
359 E Park Drive, Suite 2, Harrisburg, PA 17111
(O) 717.237.2228
(C) 717.216.6508

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Appendix A-4 (cont'd)

Tribal Consultation Teleconference (pp. 1-3)

From: [Smeltz, Heather - FPAC-NRCS, PA](#)
To: shachon@delawaretribe.org
Cc: [Blount, Christopher - FPAC-NRCS, PA](#)
Subject: Teleconference notes from January 18, 2024
Date: Friday, January 19, 2024 7:05:12 AM
Attachments: [image001.png](#)

Hi Susan,

Below are notes I took from our call yesterday. Besides setting up the recurring calls for the next months to discuss the NRCS conservation practices applicable to this project, I also had a "To Do" item for you to **determine criteria for consultation on slopes over 15%**.

- Project overview (with aerial images/photos)

HS covered background of EA development and reason for PA. These included providing a funding mechanism to a subset of the Mushroom Industry who normally isn't eligible for traditional Farm Bill Funding. Passive operators may have relatively undisturbed sites; active are generally improved. The goal is to address water quality concerns from leachate and runoff from spent mushroom compost.

NRCS does not know the sites that will be enrolled yet, hence the need for the PA. At time of enrollment, each will have its own conservation plan, which will require an EE and clearances from T&E species and Cultural Resources.

- Delaware Tribe's Concerns & How to Address
 - Food and Medicinal Plants
 - Highlighted ones in the spreadsheet are the ones of concern
 - Need to add ginger to list - this was NJ's list, not PA's - PA doesn't have a list
 - If plant is found, need to GPS and take photos, then notify Delaware Tribe.
 - If area will be disturbed by project, relocate plant as close as possible
 - If not possible, collect seeds or bare root plant
 - Could bring to West Chester University (WCU) to transplant, propagate, send back to OK, if appropriate
 - Gordon Natural Area (has ginger stand)
 - Trying to revive natural collection which has been lost over the years
 - Grading/Clearing
 - Active composting sites that are already in use and modifying to make better may be exempted from review by Delaware Tribe.
 - New disturbance/"green" sites would need to be reviewed.
 - Susan and Christopher discussed Christopher's background and qualifications.
 - >10 years archaeologist over 3 agencies, BIA in OK
 - 2 years for archaeology in east
 - Susan was concerned that Christopher has limited experience in PA. Methods are methods are methods, but slightly different in east. Her concern is soils since significantly different in layering.
 - Prefer monitors to either be tribal or with specialty in

Appendix A-4 (cont'd)

- mid-Atlantic
 - Christopher prefers to go to tribe first with experience and institutional knowledge - tribe has monitors
 - Class through WCU - ACCRA approved, allows to apply for RPA minor...
 - NRCS can pay for the monitor that Delaware Tribe supplies
 - Contract directly with the Tribe
- While most sites that will be enrolled are heavily previously disturbed, some may be in agricultural fields. Most finds in ag fields have been over 50 cm deep in stratigraphic layers.
 - Work directly with Tribe
 - They would contract out to WCU. (Dr. Heather Wholey)
- Absolute "No's" include:
 - Usually don't like ripping out stumps - prefer grinding
 - Doing radial STPs around tree would help inform.
 - Even don't like removing roots of invasives
 - NRCS will try to avoid disturbing wooded area/tree stumps if possible
 - Tree lines around fields have generally been preserved and in place a long time
 - Plow zones in fields can go down 24"
- Inadvertent Discoveries
 - PASP need to be notified, can't stop police from taking photos...
 - The Delaware Tribe can deal with PASP and Coroner directly for photo destruction.
 - Local NRCS will stay onsite until higher-ups arrive (Christopher)
- Christopher's review process – conservation practices are sorted by potential to have an effect on cultural resources.
 - NE - Small subset of practices that don't need to be consulted on
 - No earthwork involved
 - Lining existing storage ponds.
 - 342 – Susan would like to see more low-growing native plants instead of lawn type seedings
 - NRCS will try to accommodate providing the proposed planting meets standards and specifications.
 - 380 - planting small 4" plants is destructive depending on where and how.
 - Inadvertent discovery at Delaware Water Gap, <5" from surface
 - Burials typically at depth of arm length of person doing the burying
 - can move some NE to PE during official review of PA...
 - PE - is it in letter and spirit of PA? If not, consult
 - Generally if a practice is planned for a slope over 15%, don't need to consult. Susan would like that to be different and will get back to NRCS with additional criteria.
 - E - OK with mandatory consultation for all of these.

Appendix A-4 (cont'd)

- Timelines/Next Steps
 - PA Conservation Practice Review
 - Start in February - 2nd Thursday of Month at 8 AM – 4 recurring meetings
 - Christopher to send appendices with practices

Please let me know if you have any questions or edits to my above notes.

Thanks,
~ Heather

Heather L. Smeltz, PE
Assistant State Conservationist – Water Resources



359 East Park Drive, Suite 2, Harrisburg, PA 17111
t: (717) 237-2214 | c: (717) 878-1048
e: heather.smeltz@usda.gov | w: www.nrcs.usda.gov/pennsylvania

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Appendix A-4 (cont'd)

NRCS Tribal Consultation Update (p. 1 of 1)

From: Smeltz, Heather - FPAC-NRCS, PA <heather.smeltz@usda.gov>
Sent: Wednesday, February 7, 2024 12:17 PM
To: sbachor@delawaretribe.org
Cc: Plount, Christopher - FPAC-NRCS, PA <Christopher.Plount@usda.gov>
Subject: Chester County Spent Mushroom Compost PA Development

Hi Susan,

Thanks again for scheduling time to meet with us tomorrow to discuss conservation practices relating to implementing a program for spent mushroom composters in Chester County.

We have been given guidance that the Programmatic Agreement developed needs to specify that we do straight Section 106 on all projects that we plan to fund, which is very different than what we had originally presented to you. Because of this, I'm cancelling tomorrow's and the following calls. As soon as we have a draft PA reflecting straight Section 106, we'll be back in touch.

I apologize for any inconvenience this may cause. We look forward to working with you once we have something more appropriate for your consultation – hopefully in the next month or two.

Thanks,
~ Heather

Heather L. Smeltz, PE
Assistant State Conservationist – Water Resources



Natural Resources Conservation Service
U.S. DEPARTMENT OF AGRICULTURE

359 East Park Drive, Suite 2, Harrisburg, PA 17111
p. (717) 237-2214 | c. (717) 678-1048

e. heather.smeltz@usda.gov | w. www.nrcs.usda.gov/pennsylvania

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Appendix A-4 (cont'd)

SHPO Consultation Response No. 2 (p. 1 of 1)



Pennsylvania State Historic Preservation Office
PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

August 12, 2024

Sent Via PA-SHARE

RE: ER Project # 2023PR04742.003, Programmatic Agreement-Five Watersheds Chester County, US Department of Agriculture, Valley Township, Chester County

Dear Submitter,

Thank you for submitting information concerning the above referenced project. The Pennsylvania State Historic Preservation Office (PA SHPO) reviews projects in accordance with state and federal laws. Section 106 of the National Historic Preservation Act of 1966, and the implementing regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, is the primary federal legislation. The Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988) is the primary state legislation. These laws include consideration of the project's potential effects on both historic and archaeological resources.

Above Ground Resources

SHPO Sends Comments - Environmental Review - Send Comments - Letter

Thank you for sending information concerning Supplemental Watershed Plan and Environmental Assessment for Mushroom Composting in Watersheds of Southern Chester County. As noted in your correspondence, we are entering into a programmatic agreement in accordance with Section 106 of the National Historic Preservation Act and therefore have no comments or concerns regarding the proposed Plan-EA. We look forward to execution and consultation under the Programmatic Agreement.

For questions concerning above ground resources, please contact Emma Diehl at emdiehl@pa.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Emma Diehl".

Emma Diehl
Environmental Review Division Manager