

# Agricultural and Forestry Activities

EROSION AND SEDIMENTATION CONTROL PLANNING AND DESIGN WORKSHOP

APRIL 14, 2015



DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES

## Presentation Overview...

### Agricultural Exemption

- Sedimentation Pollution Control Act (SPCA)
- Case Study

### Forestry Exemption

- Sedimentation Pollution Control Act (SPCA)
- Forest Practice Guidelines (FPGs)



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## Sedimentation Pollution Control Act of 1973

### § 113A-52.01. Applicability of this Article.

This Article shall not apply to the following land-disturbing activities:

- (1) Activities, including the breeding and grazing of livestock, undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:
- a. Forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts.
  - b. Dairy animals and dairy products.
  - c. Poultry and poultry products.
  - d. Livestock, including beef cattle, llamas, sheep, swine, horses, ponies, mules, and goats.
  - e. Bees and apiary products.
  - f. Fur producing animals.



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## Sedimentation Pollution Control Act of 1973

- (2) Activities undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with best management practices set out in Forest Practice Guidelines Related to Water Quality, as adopted by the Department.
- (3) Activities for which a permit is required under the Mining Act of 1971, Article 7 of Chapter 74 of the General Statutes.
- (4) For the duration of an emergency, activities essential to protect human life, including activities specified in an executive order issued under G.S. 166A-19.30(a)(5). (1993 (Reg. Sess., 1994), c. 776, s. 2; 1997-84, s. 1; 2014-100, s. 14.7(k).)



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## Agricultural Exemption



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# General Guidelines

1. If the activity is clearly for the production of plants and/or animals it is to be considered exempt.
2. If the activity is in support of production activities it should be considered exempt.
  - Example: Barn or other similar building which has as its sole purpose the support of production activities (i.e. Storage or preservation needs for the raw products).



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# General Guidelines

3. If the activity is for processing or selling the products (i.e. strictly commercial operations) it is not exempt.
4. If the activity is in support of commercial activities, it is not exempt.
  - Example: Barn or other similar building which is intended as a commercial warehouse, distribution center, processing facility or commercial sales facility which is in support of marketing operations.



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## Agricultural Exemption Affidavit

Land Quality Section staff can request a notarized affidavit from the property owner addressing the intended land use for a site in question.

### SWORN DECLARATION OF AGRICULTURAL EXEMPTION FOR LAND-DISTURBING ACTIVITIES IN NORTH CAROLINA

I, \_\_\_\_\_, am the owner of a tract of land in \_\_\_\_\_ County, North Carolina, and I have undertaken a land-disturbing activity on this property located at:

\_\_\_\_\_

The approximate size of the area disturbed is: \_\_\_\_\_ acres.

I hereby declare that this land-disturbing activity is undertaken on agricultural land for the production of plants and animals as particularly set forth in G.S. 113A-52.01(1) of the General Statutes of North Carolina.

It is my intent to follow all applicable Best Management Practices for agriculture as recommended by the \_\_\_\_\_ County Soil and Water Conservation District, the Natural Resources Conservation Service and the Agricultural Extension Agent. By my sworn testimony to the statements I now make, I realize that the State of North Carolina will no longer pursue any course of action under the Sedimentation Pollution Control Act of 1973 (as amended), as recorded in North Carolina General Statutes Chapter 113A Article 4. I also realize that by my declaration of agricultural activity on this property that the County Building Inspection Office will be notified, and that no permits can be issued for this property subsequent to the execution of this document, other than by submission and approval of an acceptable Erosion and Sedimentation Control Plan. It is not my intent to develop this property for business, commercial or residential purposes. I am exempt from regulation by the North Carolina Sediment Control Commission pursuant to G.S. 113A-52.01(1).

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_(Seal)

Signature of Owner

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires:

\_\_\_\_\_  
Notary Public

# CASE STUDY...

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INITIAL INSPECTION\_NOVEMBER 12, 2014



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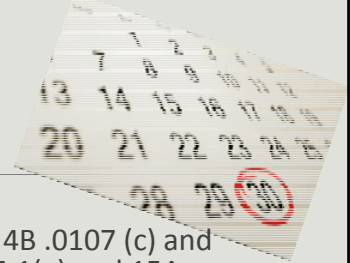


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## NOTICE OF VIOLATIONS Issued...



### 1. Violations

- a) No Approved Plans – G.S. 113A-57 (4) and 15A N.C.A.C. 4B .0107 (c) and Discharge of stormwater without a permit, G.S. 143-215.1(a) and 15A N.C.A.C. 02H .0126
- f) Failure to take all reasonable measures – 15A N.C.A.C. 4B .0105

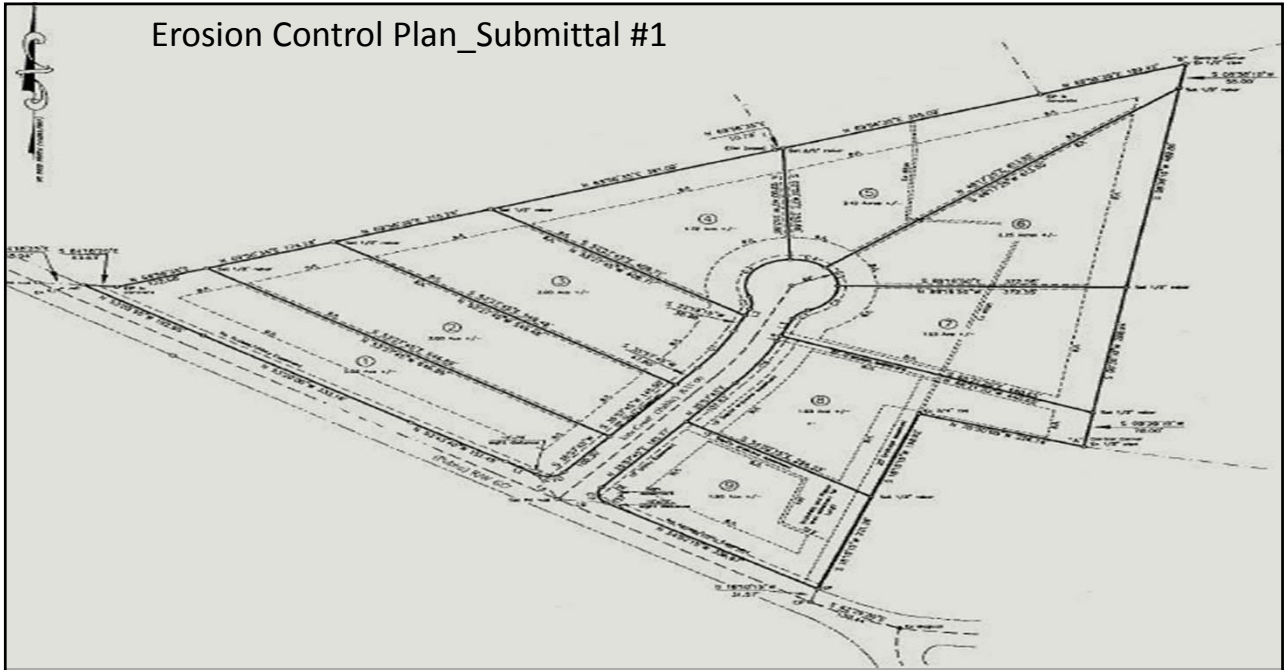
### 2. Corrective Actions

- Submit an adequate sedimentation and erosion control plan for approval, covering all areas disturbed or to be disturbed
- Install erosion and sediment control devices sufficient to retain sediment on the tract, including but not limited to construction entrances and silt fences.



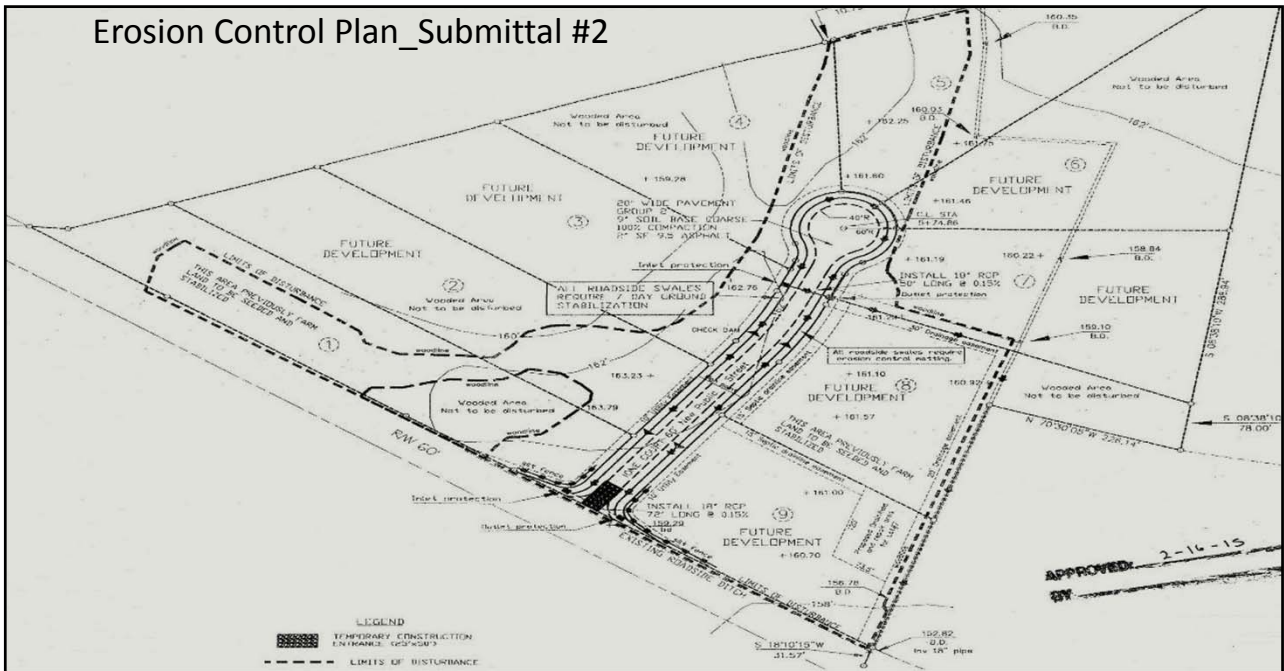
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### Erosion Control Plan\_Submittal #1



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### Erosion Control Plan\_Submittal #2



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# NOTICE OF VIOLATION COMPLIANCE INSPECTION #1

JANUARY 21, 2015



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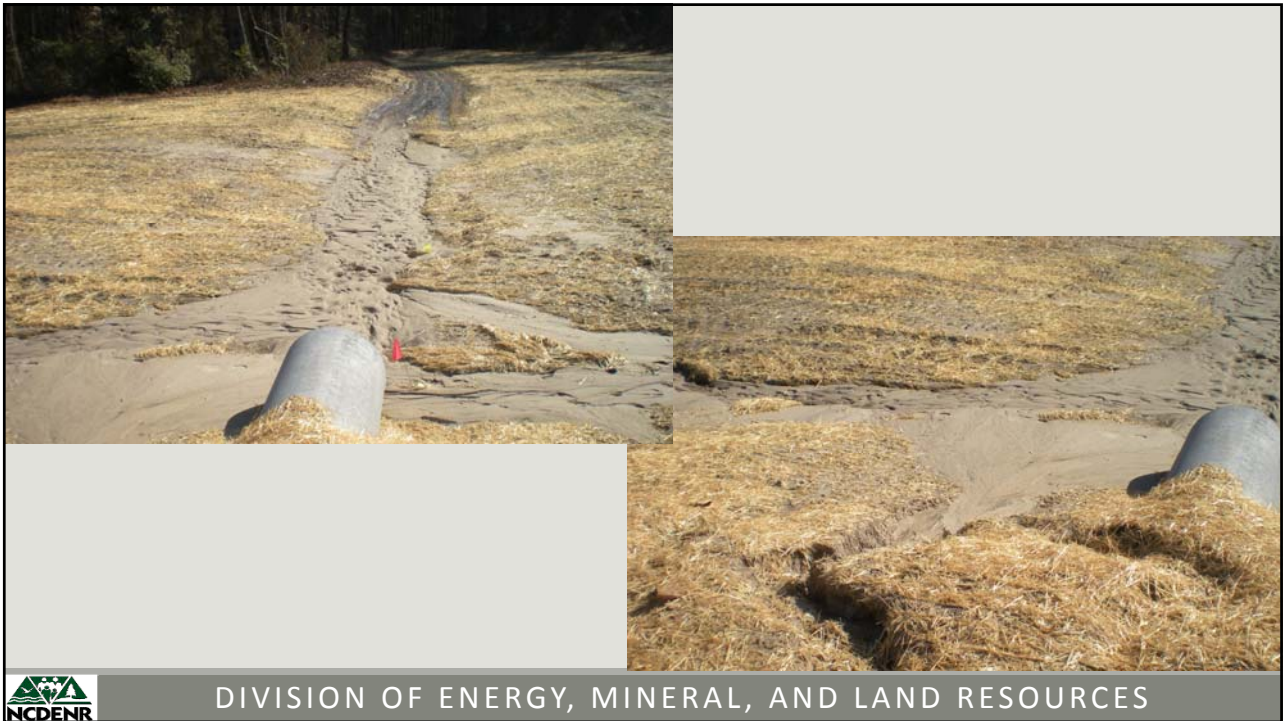
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# FOLLOW-UP INSPECTION #1

FEBRUARY 13, 2015



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## FOLLOW-UP INSPECTION #2

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FEBRUARY 27, 2015



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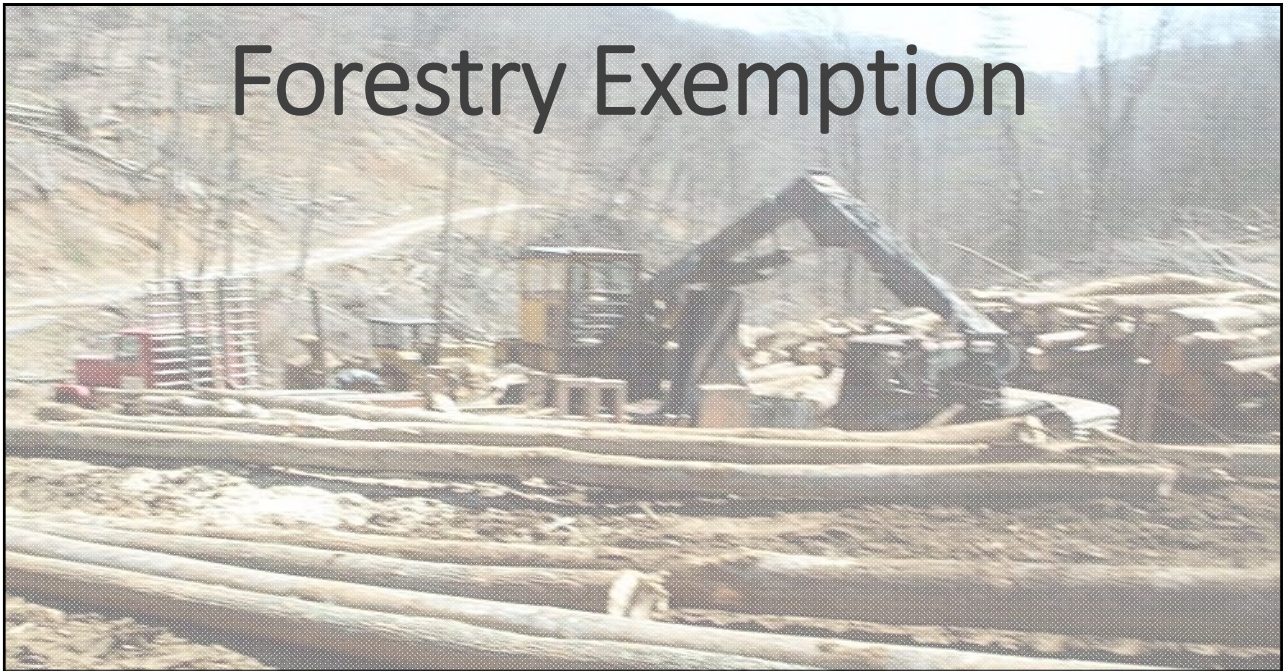


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# Forestry Exemption



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# Sedimentation Pollution Control Act of 1973

## § 113A-52.1. Forest Practice Guidelines.

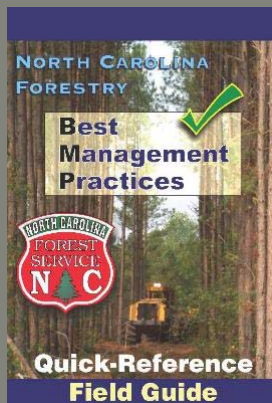
(a) The Department shall adopt Forest Practice Guidelines Related to Water Quality (best management practices). The adoption of Forest Practices Guidelines Related to Water Quality under this section is subject to the provisions of Chapter 150B of the General Statutes.

(b) If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with Forest Practice Guidelines Related to Water Quality, the provisions of this Article shall apply to such activity and any related land-disturbing activity on the tract.



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## Forest Practice Guidelines



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## 9 Performance Standards...

1. Streamside Management Zone
2. Prohibition of Debris Entering Streams and Waterbodies
3. Access Road and Skid Trail Stream Crossings
4. Access Road Entrances
5. Prohibition/Waste Entering Streams/ Waterbodies/Groundwater
6. Pesticide Application
7. Fertilizer Application
8. Stream Temperature
9. Rehabilitation of Project Site



## 02 NCAC 60C .0201 STREAMSIDE MANAGEMENT ZONE

- (a) A streamside management zone (SMZ) shall be established and maintained along the margins of intermittent and perennial streams and perennial waterbodies. The SMZ shall be of sufficient width to confine within the SMZ visible sediment resulting from accelerated erosion.
- (b) Ground cover, or other means, within the SMZ shall be sufficient to restrain accelerated erosion.
- (c) Access roads, skid trails, except as provided in Rule .0203 of this Section, logging decks and mill sites shall be placed outside of SMZs. When barriers such as property lines or limiting land features prohibit the location of any of these outside of SMZs, they can be located within the SMZs. When located within SMZs they shall have effective erosion control and sediment control structures or measures installed to restrain accelerated erosion and prevent visible sediment from entering intermittent or perennial streams or perennial waterbodies.



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## 02 NCAC 60C .0202 PROHIBITION OF DEBRIS ENTERING STREAMS AND WATERBODIES

Stream obstruction and the impediment of stream flow and/or degradation of water quality shall be prevented by keeping debris from construction, harvesting, mill site residue, and site preparation out of intermittent and perennial streams and perennial waterbodies.



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## 02 NCAC 60C .0203 ACCESS ROAD AND SKID TRAIL STREAM CROSSINGS

Stream crossings shall be avoided when possible. Access roads and skid trails which must cross intermittent or perennial streams or perennial waterbodies shall be constructed so as to minimize the amount of sediment that enters the streams because of the construction. These crossings shall be installed so that:

- (1) stream flow will not be obstructed or impeded;
- (2) no stream channel or perennial waterbody shall be used as an access road or skid trail;
- (3) crossings are provided with effective structures or ground cover to protect the banks and channel from accelerated erosion;
- (4) they shall have sufficient water control devices to collect and divert surface flow from the access road or skid trail into undisturbed areas or other control structures to restrain accelerated erosion and prevent visible sediment from entering intermittent and perennial streams; and
- (5) ground cover, or other means, sufficient to prevent visible sediment from entering intermittent and perennial streams and perennial waterbodies shall be provided within ten working days of initial disturbance and will be maintained until the site is permanently stabilized.



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## 02 NCAC 60C .0204 ACCESS ROAD ENTRANCES

Access road entrances intersecting public highways shall be constructed and maintained with measures, devices or techniques effective to prevent excessive soil and other debris from being carried to and deposited on the highway to the extent that sedimentation problems will result.



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## 02 NCAC 60C .0205 PROHIBITION / WASTE ENTERING STREAMS / WATERBODIES / GROUNDWATER

Measures shall be taken to prevent equipment servicing waste, petroleum, fertilizers or other chemical waste from entering streams, perennial waterbodies, and groundwater which result in a violation of an adopted water quality standard of the Environmental Management Commission in Sections 15A NCAC 02B .0200 - Classifications and Water Quality Standards Applicable to Surface Waters of North Carolina, and 15A NCAC 02L .0200 - Classifications and Water Quality Standards (related to groundwater).



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## 02 NCAC 60C .0206 PESTICIDE APPLICATION

Application of pesticides shall be limited to those labeled for that intended use, shall be used in accordance with labeling and rules adopted by the N.C. Pesticide Board as set forth in 2 NCAC 9L .1005, Restricted Areas, and applied in a manner to prevent adverse impacts on water quality.

## 02 NCAC 60C .0207 FERTILIZER APPLICATION

When used, fertilizers shall be applied in a manner to prevent adverse impacts on water quality.



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## 02 NCAC 60C .0208 STREAM TEMPERATURE

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Adequate shade within SMZs associated with natural perennial streams shall be retained to protect those streams from adverse temperature fluctuations which result in a violation of an adopted water quality standard of the Environmental Management Commission as contained in Rule 15A NCAC 02B .0211 - Fresh Surface Water Classifications and Standards.



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## 02 NCAC 60C .0209 REHABILITATION OF PROJECT SITE

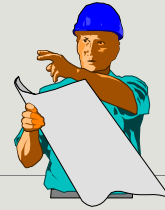
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Areas on the project site that have the potential for accelerated erosion, resulting in concentrated flow directly entering an intermittent or perennial stream or perennial waterbody, shall be provided with ground cover or other means of adequate sedimentation control within 30 working days after ceasing any phase of an operation or beginning a period of inactivity. Treatment and maintenance of those areas shall be sufficient to restrain accelerated erosion and prevent visible sediment from entering intermittent and perennial streams and perennial waterbodies until the site is permanently stabilized.



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# Forest Management Plan



## DEFINITION:

A forest management plan is a site specific plan developed for a client, which addresses one or more resource concerns on land where forestry-related conservation activities or practices will be planned and applied.

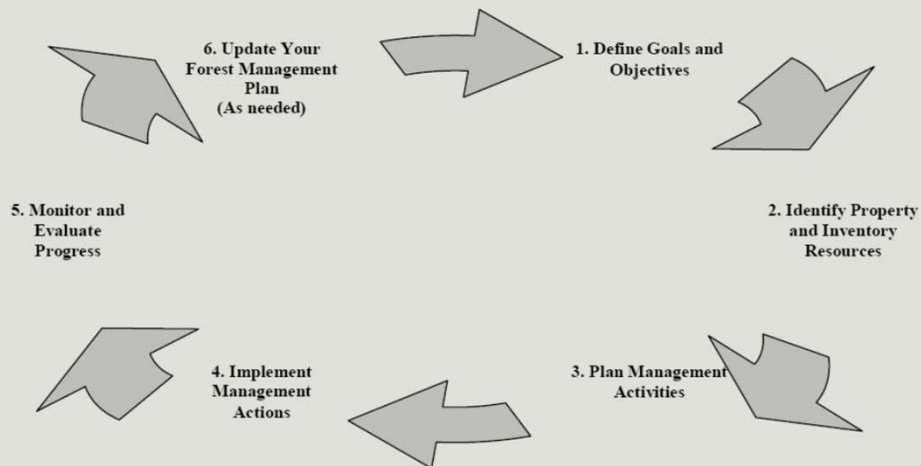
## SUCCESSFUL MANAGEMENT PLAN:

- Each plan is unique to its owner.
- Each plan is based on owner objectives.
- Plans should be current and updated every decade.
- Plans should be modified as markets, ownership, and forest conditions change.



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# 6 Steps of Forest Management Planning



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- Commissions

## Land Quality Section

#### Mission

- To allow development within our state while preventing pollution by sedimentation.
- To prevent property damage, personal injury and loss of life from the failure of dams.
- To provide for the mining of mineral resources while ensuring the usefulness, productivity and scenic value of all lands and waters of our state.

#### Vision Statement

We believe that the natural resources of North Carolina enhance the quality of life of its citizens, providing the foundation for growth and prosperity. Their wise use enables present and future generations to have an opportunity for a versatile and generous environment.

[Organizational Chart](#)

#### Programs


[Sediment & Erosion Control](#)  
Permits, Applications, Technical Assistance, Local Programs, Laws & Rules, more...

<http://portal.ncdenr.org/web/lr/land-quality>

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