

**Revised Policy on Act 38 Nutrient Management Plans  
as they Relate to  
Programs Administered by the LCCD:  
(Board Approval 10/5/06)  
(FP Board Approval 10/26/06)**

**Agricultural Conservation Program:**

Unless the farmer is a CAO and a full Act 38 Nutrient Management Plan (NMP) is required, the farmer needs to get a NMP meeting basic ACT 38 (an “ACT 38 level” plan) requirements. The plan need not be approved by the District Board unless it is a CAO under ACT 38 **or** the farmer wants to “**volunteer**” for ACT 38. It is the farmer’s choice as to whether or not he would like to have a full NMP with the limited liability protection offered under the ACT by doing the record keeping and having it reviewed/approved by the District. In cases where a NMP is prepared by a Lebanon County Conservation District employee for certification or licensing, a review would be completed by another District, who would then recommend approval/disapproval of the plan to our Board. An “Act 38 level” NMP does not count as an “ACT 38 volunteer” **(unless they do the record keeping and get it approved to ACT 38 standards by the Board)**. Farmers seeking a full ACT 38 plan are encouraged to seek PDIP funding, however they will not qualify if the plan is being funded by another program.

**Farm Preservation Program**

As a minimum requirement for the Lebanon County Agricultural Land Preservation Program, The Lebanon County Conservation District, shall require an “ACT 38 level” of plan or balance sheet as stipulated by ACT 38. It is the interpretation of the Lebanon County Conservation District, that the nutrient management component requirements of the Agriculture Security Law of 1981 (ACT 43 and all its subsequent amendments) are close enough to the components of an “ACT 38 level” of plan or balance sheet as ACT 38 may stipulate. However, the Lebanon County Conservation District will not require record keeping and approval/disapproval by our board. It should be the applicant’s choice whether he wants it to be reviewed and do the record keeping to gain the limited liability coverage and qualify as an “ACT 38 volunteer” making him eligible for the Plan Development Incentives Program (PDIP). In all cases except those involving preparation of plans by District employees for certification and licensing, the farmer will be referred to a consultant to have a plan written to meet ACT standards. In cases where no manure is generated on the farm , or a farm is only importing manure, an ACT 38 **nutrient balance sheet** is required at a minimum, rather than a full Act 38 NMP.

**Points**

- It should be the farmer’s choice.
- We can and should promote ACT 38 and PDIP wherever possible. We can promote ACT 38 involvement without mandating the review, the record keeping, and managing coordination of a pan review/approval with an easement closing date. This is further complicated when a plan

must be sent out to a consultant to be done and a fee charge decision haggled over by the District if the District is requested to do it.