WETLANDS PROTECTION AND AGRICULTURE

Introduction
Wetlands, more commonly known as marshes, bogs, swamps, wet meadows and shallow ponds, frequently occur in low areas of agricultural fields. In Pennsylvania, activities in wetlands are regulated by the Dam Safety and Encroachments Act and the Department of Environmental Protection’s (DEP) Chapter 105 rules and regulations. As a result of these requirements, DEP reviews all water-related activities to protect and conserve the natural resources of the commonwealth.

How Wetlands Work
Wetlands often are vegetated with grasses, rushes, sedges and other flowering plants. But despite their seemingly unmanicured appearance, wetlands help reduce natural runoff and protect the waters of the commonwealth. Plants in wetlands help slow the movement of the water, allowing the sediment to drop out. Nutrients such as phosphorus, which cling to the soil, are deposited in the wetland where they can be used by the plants. Pesticides also may be trapped in the wetland and broken down by sunlight and microorganisms. The wetlands “scrub” the water as it travels through them, thus greatly improving the quality of water. While wetlands naturally provide these functions, they should not intentionally be used to control erosion and sedimentation from earth disturbance activities.

Regulatory Topics
DEP’s Chapter 105 regulations make specific exemptions for agriculture. Farmers can plow, cultivate, seed and harvest on wetlands as long as the activity is for the production of food, fiber and forest products. Farmers also may maintain existing field drainage systems without a permit, as long as the fields continue to be used for crop production. Crop production includes:
- Plowing, cultivating, seeding, grazing or harvesting;
- Crop rotation; and
- Government set aside programs.

Other agricultural activities involving wetlands require a permit. In an effort to support farmers through the permitting process, DEP has developed two types of general permits (GP) specifically for farming: GP-6 Agricultural Crossings and Ramps and GP-9 Agricultural Activities.

Activities on prior converted croplands are not regulated under the Federal Clean Water Act or DEP’s Chapter 105 regulations. For more information, refer to DEP Fact Sheet “Wetland Identification Policies, 1987 Manual and Prior Converted Cropland” (3930-FS-DEP1950).

GP-6 Agricultural Crossings and Ramps
GP-6 authorizes the installation, operation and maintenance of agricultural crossings and ramps in streams. An agricultural ramp is defined as “the stabilization of the bed or banks of a stream to provide protection of the bed and banks from livestock and agricultural equipment use.” GP-6 is often used in combination with fencing to limit livestock access to streams. When using GP-6, you must first complete the registration form and attach a photocopy of the United States Geological Survey topographic map indicating quadrangle name and project location.

GP-9 Agricultural Activities
GP-9 authorizes the construction, operation and maintenance of the following agricultural activities in wetlands: grassed or lined waterways, filter strips, terraces, diversions, waste storage facilities, spring development and minor drainage that supports these activities, or is necessary for contour strips in accordance with the terms and conditions of the GP-9.
The agricultural activities must be essential for the maintenance of existing agricultural operations and **may only be implemented as part of a conservation plan consistent with Chapter 102** (relating to erosion control), and approved by the county conservation district.

The local county conservation district acknowledges that the activities for which the general permit is going to be used are an essential component of the conservation plan for that agricultural operation. There is **no expiration date**; therefore, the registration to use the GP-9 should be part of the planning process in developing the individual conservation plan and should be kept with those documents. If the county conservation district does not have delegation for the DEP Chapter 105 Program, the registration is processed through the DEP regional office.

The design criteria for the activities are found in the Pennsylvania Technical Guide (available for reference at the county conservation district) and the conditions outlined in the general permit.

**GP-5 Utility Line Stream Crossing**

In addition to the GP-6 and the GP-9, farmers may also need a GP-5. The GP-5 Utility Line Stream Crossing authorizes the installation, operation and maintenance of utility lines through streams and wetlands. In instances where a nonperforated tile line must pass through a wetland, GP-5 may be appropriate. If the project qualifies for GP-5, the applicant should send a completed registration form to DEP. It is important that trenches are the minimum width necessary, and appropriate new or previously excavated subsoil (not topsoil) material be placed in the trench. The area is then restored to its original condition and elevation and stabilized. Great care should be taken in bedding the solid tile so that "piping" does not drain the wetland.

An alternative to GP-5 may be to end the tile line upslope of the wetland and to use an energy dissipator to disperse the water to the wetland. Where this is possible, neither a general permit nor an individual permit is required.

**Plan Ahead**

All general permits require notification of the Pennsylvania Fish and Boat Commission 10 days prior to the start of construction activity. Contact the county conservation district early in your planning process to learn about conservation practices and the use of general permits mentioned in this fact sheet. There is no cost for a general permit, and the completed registration form is usually returned within 10 working days of application. Many of the county conservation districts have DEP Chapter 105 delegation and provide "one stop" processing of general permits.

General permit registration forms are available from your county conservation district and from DEP regional offices.

**Restoring Farmed Wetlands**

"Partners for Wildlife" is a cooperative effort of landowners, the United States Fish and Wildlife Service, the Natural Resource Conservation Service, the Pennsylvania Game Commission and Ducks Unlimited to increase wildlife habitat by restoring farmed wetlands. If you have drained wetlands and would like more information on technical assistance and cost sharing to restore the area for wildlife habitat, contact your county conservation district or the United States Fish and Wildlife Service Field Office at 814-234-4090.

For more information, visit [www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword: Wetlands, or contact:

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