

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

****POLICY/PROCEDURE DIRECTIVE****

Permitting 89-2

Subject: Review of Prime Farmland Information

Effective: December 1, 1989

Purpose: To formalize procedures for dealing with prime farmland (PFL) issues and to ensure proper communication with the Division's soil scientist and the Soil Conservation Service (SCS).

This Policy/Procedure Directive replaces a memorandum from Michael Nishimura dated April 4, 1988 concerning permitting procedures for PFL.

Pre-Initial Review of Applications Containing Attachment 15, PFL Restoration Plan

When an application containing an Attachment 15 is initially submitted to Columbus, is deemed complete, and has the additional copies of the application map and Attachment 15 as required in PPD, Regulatory 88-3, the pre-initial reviewer will:

1. send the soil scientist the "Due Date Letter" with a copy of the Attachment 15, application map, and a copy of any Attachment 16, Negative Determination of Prime Farmland, contained in the application, and
2. send SCS the "Prime Farmland Restoration Letter" by certified mail with a copy of the Attachment 15 and application map. SCS does not receive Attachment 16s.

Field Environmental Scientist (ES) Contact with Soil Scientist During Field Review

If during the course of the field review the soil scientist is contacted for advice on PFL or negative determinations, the field ES revision comments should indicate the topic of discussion, any events that took place (e.g. the soil scientist did a field review, reviewed the plans, contacted another agency, etc.), and the resolution, if any, of the problem. This documentation should eliminate contacting the soil scientist more than once on the same issue.

Field Environmental Scientist Review of Attachment 16

If the field ES reviews and questions an Attachment 16 (for example, it contains unfamiliar or very technical information), it's the ES's responsibility to conduct additional review to verify the accuracy of the determination. Depending upon the information in the negative determination, additional review might include, but isn't limited to, thorough documentation of site conditions using photographs and/or land measurements, prudent discussions with landowners, consultation with the soil scientist, and/or review of agricultural records at local governmental offices (e.g. ASCS, SCS). The ES's review comments should document the additional reviews and the findings.

Application Manager (AM) Communication With Soil Scientist During Application Review

If during the review of an application which contains an Attachment 15, the applicant submits an Attachment 16 which wasn't submitted during the pre-initial review, or revises one that was originally submitted, the AM will send the new or revised information to the soil scientist. Accompanying the new or revised information will be the cover form, "Revision Review Due Date Letter," establishing a date revision review comments are to be returned to the AM.

If, however, during the application review process, the applicant submits an Attachment 15 which wasn't submitted during the pre-initial review, the AM must notify the soil scientist and SCS by following the procedures previously addressed under "Pre-Initial Review of Applications Containing Attachment 15, PFL Restoration Plans."

Review of PFL Information by Soil Scientist

It is the responsibility of the soil scientist to review all Attachment 15s and, if included within the same application, the Attachment 16s. The soil scientist's comments will, when appropriate, also include valid comments received from SCS.

When the soil scientist comments on PFL information in either Attachments 15 or 16, he will clearly indicate if he needs to review the requested revisions. If so, it is the AM's responsibility to ensure the soil scientist receives and reviews the PFL revisions.

The soil scientist has the same amount of time for review of and comment on PFL information as do other field reviewers. The amount of time is indicated in the "Due Date Letter" sent out after an application's pre-initial review or in the "Revision Review Due Date Letter" sent out after revisions have been received from the applicant.

Permitting Procedures at Time of Application Approval and Permit Issuance

When an application is approved, the permitting section will provide the soil scientist with a copy of the approved Attachment 15 and application map (which delineates the PFL area to be restored and the number of PFL acres). The blue approval checklist, an internal permitting administrative document, includes the appropriate reminder to the AM.

When a permit is issued, the soil scientist must be notified of the D-permit number so he can match the permit number to the proper application number. The blue approval sheet includes an appropriate reminder to the person who issues the permit.

PFL Information Submitted With Applications to Revise a Permit (ARP)

When an ARP contains PFL information (Attachment 15 or Attachment 16) which affects an approved PFL restoration plan already contained in the permit, the Columbus ARP reviewer will send the soil scientist a copy of the ARP for his review. Accompanying the soil scientist's copy will be a cover memo from the Columbus ARP reviewer establishing a due date. The soil scientist will have up to sixty (60) days to return comments to Columbus.

If the soil scientist determines the revision involving the PFL restoration plan is substantive, he will forward a copy of the ARP to the SCS for review and notify the Columbus ARP reviewer of SCS's involvement in the review process. The soil scientist will give SCS forty-five (45) days to review and comment on the ARP. If the soil scientist believes the SCS review will delay his sixty day due date, the Columbus ARP reviewer must be notified and given an estimated date for receipt of comments. The SCS comments will be returned to the soil scientist who will incorporate them into his comments to Columbus as appropriate. The soil scientist will also indicate if he needs to review the requested revisions.

When the ARP is approved, the Columbus ARP reviewer will send the soil scientist a copy of the approved ARP for his files.

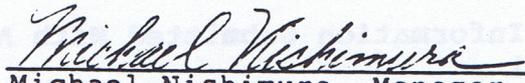
PFL Information Submitted With Incidental Boundary Revisions (IBR)

An IBR usually is initially submitted to the district office for review, then forwarded to Columbus. An IBR containing an Attachment 15, however, must be initially submitted to Columbus in order to properly process it. When an IBR containing an Attachment 15 is submitted to Columbus, the IBR reviewer will distribute the PFL information to the soil scientist and SCS.

The IBR reviewer will follow the procedures previously addressed under "Pre-Initial Review of Applications Containing Attachment 15, PFL Restoration Plans." The IBR reviewer will then distribute the IBR package to the appropriate district office for field review. The IBR will be reviewed, as normally done in the district office, by the inspection staff.

The soil scientist will follow the procedures previously addressed under "Review of PFL Information by Soil Scientist."

When the IBR is issued, the IBR reviewer will send the soil scientist a copy of the issued IBR package for his files.


Michael Nishimura, Manager
Permitting Section