



## Greene County Conservation District

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### **AGRICULTURAL CONSERVATION ASSISTANCE PROGRAM (ACAP) STATEMENTS OF POLICY FOR THE GREENE COUNTY CONSERVATION DISTRICT ADOPTED 2023 PROGRAM IMPLEMENTATION POLICIES & STANDARDS**

The program implementation of the Agricultural Conservation Assistance Program (ACAP) will follow the policies and guidelines outlined in the delegation agreement between the Commonwealth of Pennsylvania through the State Conservation Commission (Commission) and the Greene County Conservation District. These policies set forth are in conjunction with or in addition to the ACAP Guidelines. The following policies and standards have been developed by the District to manage and administer the funds associated with ACAP for the implementation of BMPs.

#### **1. Financial Assistance:**

The District will approve and provide financial assistance at a 90/10 ratio to eligible applicants to install and implement BMPs according to the established policies and guidelines.

Match from program participants can be defined as cash or in-kind services that will be provided towards the construction and implementation of the project.

#### **2. Criteria for Equal Access:**

Correspondence on program and project updates and examples shall be sent to all eligible program participants via the Greene County Conservation newsletter.

Applications will be made available on the Greene County Conservation District webpage hosted by the County of Greene to all eligible program participants at <https://www.co.greene.pa.us/Department-Conservation-District>.

Special efforts shall be made to enlist the cooperation of participants through a telephone conversation or a site visit.

Information, including any application deadlines, can be publicized in local newspapers, social media, radio, and various agency publications.

Prohibit discrimination on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status.

**Pre-Application Site Visit:**

The Conservation District will meet with potential program participants on-site to discuss the potential project before an application is submitted for funding. A pre-application meeting aims to work jointly with the program participant to ensure that the application they submit is in the best interest of both entities. The pre-application meeting allows the district to provide input on the potential project at an early stage before the program participant has invested a large amount of time and resources in developing an application.

**3. Application Process:**

All applications for program funding must be received on the "Agricultural Conservation Assistance Program Application" The form must be signed by the program participants. Applications will be taken on an ongoing basis but will be ranked, at least quarterly, throughout the year. The applications received will be ranked by the ACAP Local Advisory Workgroup (LAW) and approved by the Conservation District Board. The District has the right to extend deadline dates at its discretion.

The conservation district will keep all non-funded projects on file for two (2) years for future allocations. The applying entity may update or cancel the application at any time. Project participants may also choose to revise unfunded existing submitted applications.

The conservation district reserves the right to deny an application due to active compliance and/or enforcement actions, or a court order issued by or on behalf of the Commission or cooperating agency for violations of Act 38 of 2005, the Clean Streams Law, or other program administered by the Commission or any other criteria established by the Commission.

Conservation district staff should review applications for administrative completeness and to ensure they comply with established Program policies and guidance. The location of the project, description of the project, including BMPs, the total cost of the project, the amount, and other sources of funding available for the project, the relevance of the project to the development, improvement, or implementation of the applicant's manure or nutrient management plan, conservation plan, grazing plan or ag. erosion and sediment control plans are required as part of the grant application. Plan development is the responsibility of the applicant.

The project participant represents and agrees that he/she is the sole owner of the real property on which the project is to be performed.

District staff will work with program participants to revise the scope of their applications that do not meet program policies. The district may make minor changes to the application and have the applicant show concurrence by initialing and dating the change. In cases where significant changes are needed to the application work plan, the district should work with the program participant to create a new application that represents an acceptable project. Examples of "significant changes" may include changes in project scope, recommended design changes, considerations for engineering and permitting costs, etc.

Projects funded by ACAP funds in which the estimated cost of **the total project** (materials, equipment, and labor) exceeds prevailing wage limits (currently \$25,000) are subject to Pennsylvania's Prevailing Wage Act provisions.

Applications that the district staff deem complete and potentially acceptable to the program should be forwarded to the local ACAP LAW for review and prioritization. The LAW will review and prioritize applications based on established written criteria and make funding recommendations to the conservation district board.

The LAW operates in an advisory capacity only. All applications for funding must be acted on by the conservation district board at a meeting that follows the PA Sunshine Act. All Program participants should be notified in writing of the funding decisions of the conservation district board.

Within 90 days, the District will approve or disapprove applications for grant awards and determine the amount of the award for approved applicants according to the ACAP Program guidelines and administrative policies established by the Commission and the District.

#### **4. Project Ranking:**

Projects will be ranked by the QAB as outlined in Appendix A of this policy.

When considering your ranking questions priority must be given to the following criteria:

1. Project Meets the goals of and WIP or County Action Plan
2. If applicable to the ag operation, the applicant has a plan (Con Plan, Grazing Plan, Ag E&S, MMP, or NMP). Development of such plans shall be included in the application if not yet developed prior to the application.
3. The project implements BMPs included in the plan. Priority is given to those that reduce or control N, P, and/or sediment.
4. Ag operations with ACA shall implement BMPs necessary to abate stormwater runoff, and loss of sediment, nutrients, and other pollutants from the ACA.
5. Proximity to surface waters, public drinking sources, or karst geology with underground drainage systems or open sinkholes.
6. The project must meet the design and construction standards established by the commission
7. Any other criteria considered by the conservation district, as applicable, and approved by the Commission

#### **5. Agreement:**

When an application has been accepted and approved by the conservation district board, the conservation district will enter into a contract agreement with the successful program participant. The contract, when signed by both parties, is a legally binding document between the applicant and the conservation district that describes in detail the responsibilities of both parties. No funding transfers can take place with program participants, and no project work can begin, without a signed contract. The contract states the terms and conditions for the project. All contracts must be made using the "Agriculture

Conservation Assistance Program Grantee-District Agreement” form that has been approved by the Commission.

By offering the premises for the implementation of this project, the project participant agrees to allow access, design preparation, and implementation of the project, subject to available funds, for the duration of construction and for the time period identified in the contract.

The project participant agrees not to destroy, alter or modify the BMPs, except to perform needed repairs, for the period covered by the contract, nor to undertake any action on land under the project participant’s control that tends to defeat the purposes of this contract.

The project participant shall be considered to be in breach of this contract if he/she does not maintain and repair the project in compliance with the Operation and Maintenance plan or willfully neglects any other terms of this contract. The project participant shall be responsible for all normal, routine maintenance and normal, routine repair of the site and project.

Project participant agrees to refund all or part of the program funds paid to them, as determined by the conservation district, if before the expiration of the term of this contract, the project participant (a) destroys, alters, or modifies the BMPs installed, or (b) then a new contract shall be executed by the new landowner/program participant.

This contract shall be binding on the parties, their heirs, legal representatives, successors, and assigns.

The term of this contract shall be for the duration of project construction and for the term of the longest lifespan of any particular BMP.

Projects will be ranked by the LAW as outlined in Appendix A of this policy.

## **6. Project Work:**

The following is a list of general pre-project work requirements:

PA One Call must be notified at various stages of the project, including the design phase and also prior to construction. One Call assigns a serial number to each call they receive. These serial numbers must be recorded and kept in the project file.

Many projects will require some type of environmental permit. Program participants are encouraged to work with the district to determine what environmental permits, if any, may be required. Any required permits must be obtained by the grant recipient before advances can be given or work can begin. Under no circumstance can any project work begin until all required permits are in hand.

Some projects may require an Erosion and Sediment Control (E&S) plan. The district will help determine if an E&S plan is necessary.

**A. Pre-Project Meeting:**

A pre-project meeting is required prior to the beginning of a project. This will allow the District to meet in person with the program participants and any contractors or sub-contractors to discuss each contract item or element of the approved plan to avoid misunderstanding about how the plan will be implemented and how payment will be made.

**B. Notification of Project Work:**

Program participants MUST notify the district 10 days before beginning work on a project. The district must also be notified before beginning a new phase of the project. The district may withhold payments and cancels a contract if a program participant fails to comply with notification requirements.

**C. Performing Project Work:**

Program participants must follow the bidding procedures for contractors and materials as outlined in Appendix B of this policy. The project must be conducted in accordance with the standards and specifications of the PA Technical Guide or according to a licensed Professional Engineer or others as defined by the District. The project will follow standards that prohibit the use of materials or practices that are environmentally harmful.

Work must be performed in accordance with the accepted application, work plan, and/or design unless both parties agree to project changes in writing. The District is responsible for oversight of only contract documents relating to change orders, plan revisions, and/or any project changes. Participants must contact GCCD if any proposed changes in the current contract are needed. Work must be performed within the contracted scope, budget, and timeframe.

If an increase in costs or extension of time is required, the district must be contacted as soon as possible. At the district's discretion based on existing policies and funding availability, contracts may be amended for cost overruns up to 20 percent of the original contract amount, or to extend the timeframe for completion. When cost overruns exceed 20 percent of the original contracted amount, an additional or new contract will be required. Remember that if a contract is between \$20,800 and \$25,000 (barely under the prevailing wage threshold for contracted work), an amendment may increase the project's total value so that the prevailing wage would apply to contractor costs.

Any contractors or subcontractors may be asked to sign a statement certifying that the installed components meet or exceed the Natural Resource Conservation Service (NRCS) standards and specifications. All contractors or subcontractors are responsible to protect workers from environmental conditions such as temperature extremes, weather events, wind, surface water, and groundwater.

**7. Certification and Final Payment:**

Payment shall be made upon satisfactory completion of the project for actual services performed consistent with the project application, the work plan, and the satisfaction of the District. Payments will be made after the phases are complete.

20% of the contracted amount will be held until satisfactory completion of the project for actual services performed consistent with the project application, the work plan, and the satisfaction of the District. A 50% upfront payment to participants may be made at the time of the project's commencement. If receipts and payments exceed 50% participants may ask for an additional 30% upfront. 20% must be withheld until entire project is certified.

Any requests for payment (i.e., materials purchase) should include an itemized summary of bills/receipts documenting the utilization of funds in accordance with the approved project application and work plan.

If a project's BMP(s) require review and certification by a registered professional engineer under the applicable laws or regulations of this Commonwealth, the BMP shall be certified by a registered professional engineer.

Those BMPs required to meet the Natural Resource Conservation Service (NRCS) standards and specifications shall be certified by a technical service provider, staff from a conservation district having the appropriate job approval authority, the USDA-NRCS, or any other qualified person who has appropriate training and expertise and is approved by the Commission.

Payment may be withheld on account of defective work not remedied, liens filed, and damage by the Contractors to others.

Within 30 days of project completion, the applicant shall notify the District by submitting the ACAP "Certification/Verification Form." Attached to the form should be any unpaid invoices with an itemized summary of bills/receipts documenting the utilization of funds in accordance with the approved project application and work plan. Payments will be made within 45 days and will be addressed to the program participant. All related bid bonds will be returned to the contractor upon satisfactory completion of the project.

All claims submitted by the program participant pursuant to this agreement shall be submitted to the district in accordance with the Schedule of Payments and the terms and conditions contained in the approved project agreement. The claims shall be itemized and show that the utilization of funds is in accordance with the approved project application and work plan. Claims shall include receipts, and/or other appropriate supporting information to document actual expenditures on the project. Payments will be addressed to the program participant and any contractors or subcontractors associated with the implementation of the project.

## PROCEDURES FOR ACAP LAW FORMATION & CONDUCT

### **1. ACAP LAW Formation:**

A committee will be appointed by the conservation district board to advise the program and identify local priorities and opportunities to complement other programs. According to the program guidelines, the committee shall include, at a minimum, one staff member of the conservation district and one local representative of the United States Department of Agriculture Natural Resources Conservation Service and may include up to three other local representatives who are knowledgeable of agricultural operations and conservation.

### **2. Meeting Schedule and Procedures:**

The LAW may meet at a on a monthly or an as needed basis. Specific dates and time will be determined by the members. Additional meetings may be held or meetings may be cancelled at the discretion of the LAW. All recommendations of the LAW must be presented to the District Board for final approval. All meetings will meet the requirement of the Sunshine Act.

Meeting minutes must be kept and made available to the district board and general public.

### **3. Conflict of Interest:**

If an ACAP Project application involves an applicant that is a district board member, LAW member, District staff member or an immediate family member, or a business with which he/she is associated, that individual may not participate in the evaluation, ranking, or any deliberation for approval or disapproval of the application or approval of a reimbursement payment of grant funds. These individuals will exclude themselves from voting.

## APPENDIX A: ACAP Scoring Sheet

Date:  
Applicant Name:  
Project Location:  
Score:

Is the project located in High Priority Watersheds?

Most points - 25

Yes (25 pts)	25
No (0 pts)	0

Is the project located within a WIP or CAP?

Most points -10

Yes (10 pts)	10
No (0 pts)	0

Does the applicant have the following? (Check up to 4)

Most points - 25

Conservation Plan	5
Ag. E&S Plan	5
Manure Management Plan	5
Nutrient Management Plan	5
Grazing Plan	5

What Local Priority Best Management Practices will be installed for this project?

Most points - 35

Cover Crops	5
Stream Corridor Practices	5
Diversion	5
Watering Systems	5
Rotational Grazing Systems	5
Animal Concentration Area Practices	5
Manure Management Practices	5

Is the project located in High Priority Watersheds or TMDL watershed that has either sediment and/or N or P indicated as pollutants?

Yes	5
No	0

Is the area(s) of most concern within this project within 500 feet of a stream?

Most points - 5

Within 100 feet (5 pts)	5
Within 200 feet (4 pts)	4
Within 300 feet (3 pts)	3
Within 400 feet (2 pts)	2
Within 500 feet (1 point)	1

Is the applicant contributing to the project? Most points - 5

Yes (5 pts)	5
No (0 pts)	0

Does this applicant on this operation have BMPs implemented or will be implemented that abate runoff, loss of sediment, nutrients, and other pollutants? Most points-15

Runoff	5
Soil Loss	5
Nutrient reduction	5

How are the ACAs being managed?

Managed	5
Unmanaged not wanting planning	0
Unmanaged and requesting planning	10

Has this applicant applied for County's GRACE program in the past?

Yes	5
No	0

If applicable, has this applicant successfully completed the past contract within the contract deadline for GRACE?

Yes	5
No	0

Have the current plans developed for this application been updated or developed within the last 5 years?

Yes	5
No	0

Is the Farm under compliance for AG-related issues?

Yes	Not eligible
No	Eligible

Scoring Total: \_\_\_\_\_  
POSSIBLE TOTAL POINTS 150 PTS

\*Disclaimer: If a farmer or landowner is not in compliance, then they aren't eligible for ACAP. \*