

Subject	August 7, 2023 Published Rule Proposal	SPS Subcommittee Recommendations (March 15, 2024)	Comment
What disturbance counts toward the limit?	All disturbance – past, present, and future 2020 imagery used to produce SPS “baseline maps”	“Grandfather” existing disturbance (does not count toward limit) Utilize 2023 NearMap imagery	Grandfathering all disturbance addresses, in large part, concern about counting disturbance that existing at the time of preservation and/or at the time of rule proposal. Imagery closest in time to new rule proposal in 2024
Disturbance limit:	12% of preserved farm, or 4 acres – whichever is greater OR An additional 2% or 1 acre over existing disturbance (beneficial for farms approaching or over the limit)	No change DELETE additional 2% or 1-acre provision	Additional disturbance allocation is no longer needed due to grandfathering of disturbance existing in 2023.
Production Waiver: up to 15% or 6 acres	Allow maximum disturbance up to 15% or 6 acres Additional disturbance subject to construction standards, including “low impact design criteria”	Delete Delete construction standards	Production waiver was primarily intended to provide additional relief to those at or near the 12% limit today; no longer needed. No longer needed. Response to public comment re: “complexity” and “red tape”. Simplifies the process.
Innovation Waiver	No limit on new/innovative practices that SADC determines do not harm soil and water resources	No change Add description of SADC’s consultation process with other agencies and entities, as needed.	Response to public comments re: ensuring SADC consults with outside agencies and experts, and clarify options for landowners seeking technical assistance.

Subject	August 7, 2023 Published Rule Proposal	SPS Subcommittee Recommendations (March 15, 2024)	Comment
General Waiver requirements:	Implementation of a “Stewardship Conservation Plan” that addresses water, soil and woodland resources	Delete	Innovation waiver already found not to cause negative impacts to farm resources, therefore, stewardship plan no longer needed.
	Public notice to property owners within 200-feet	Delete	No need for public notice for acceptable innovation practice
Transfer of disturbance:	“Contiguous cluster” of disturbance on adjacent preserved farms permitted	No change	

https://sonj.sharepoint.com/sites/AG-SADC-PostClosing/Actions/Soil.Protection-Draft.Regulation-8680/Draft.Proposal-SPS.Subcommittee.Recomendations.9_7_80.docx