

Chapter XIII:
**Regulations and Legal
Concerns**

Chapter XIII: Regulations and Legal Concerns

Note: Several types of information are needed to develop a business plan. To keep the volume of information in a manageable form, the material has been divided into Chapter XII-Decision Making and Business Planning; Chapter XIII- Regulations and Legal Concerns; Chapter XIV-Liability Insurance; Chapter XV-Marketing; and Chapter XVI-Funding and Assistance Programs. It is necessary to review all of the chapters when developing a comprehensive business and marketing plan.

The Legal Guide for Direct Farm Marketing

Neil Hamilton, Drake Agricultural Law Center.

This book is intended for use as educational material to assist farmers, USDA employees, and other advisors in understanding the effect of various laws and regulations on direct farm marketing. The book is intended to provide general information and advice to help direct farm marketers and their advisors understand how the laws might apply to a particular situation. It also addresses liability insurance questions.

Available at:

Drake University Law Center
Des Moines, IA 50311
Ph: 515-271-2065

4 Steps to Starting A Business

Texas Economic Development

This publication discusses four steps to starting a business: business structure and name, business tax responsibilities, business license and permits by business type, and business employer requirements.

Available online at: <http://www.tded.state.tx.us/guide/>

Selecting an Organizational Structure For Your Business

By Marsha A. Goetting and Alice Mills Morrow

MontGuide Fact Sheet # 9708

Montana State University Extension Service (November 1998)

This publication describes the various types of business structure: sole proprietorship, partnership, corporation, and limited liability corporation.

Available online at: <http://www.montana.edu/wwwpb/pubs/mt9708.pdf> or
<http://www.montana.edu/wwwpb/pubs/mt9708.html>

Small Business Handbook: Laws, Regulations, and Technical Assistance Series

Office of the Assistant Secretary for Policy

Information compiled and organized by Mario DiStasio and Judson MacLaury

Available online at: www.bizoffice.com/library/files/smallbus.txt

NASDA Guide on State Regulations

The guide is designed to help farmers, ranchers, landowners and their consultants understand the effect environmental laws have on agricultural operations.

Available online at www.nasda.org by clicking on NASDA Research Foundation and then click on “state by state guides...”

“Where do I find out about state regulations?”

The place to start is with your state department of agriculture. This website provides a list of state departments of agriculture:

[http:// www.ink.org/public/kda/stateags.html](http://www.ink.org/public/kda/stateags.html)

The Facts on US Farm Policy

The House of Agriculture Committee

This is a free 12 page booklet that provides detailed information on US farm policy and the 2002 Farm Bill.

Available online at: <http://agriculture.house.gov/fbfocus.pdf>

Farmer’s Guide to Processing and Selling Meat or Poultry: What are the rules? Where are the contacts? and Who are the Regulators?

This publication is intended to assist farmers and their advisors in understanding regulations affecting the processing and sale of meat and poultry.

Available online at: http://lehigh.extension.psu.edu/Agriculture/Farmers_Guide.pdf

Hardcopies available from:

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Lehigh County Cooperative Extension

4184 Dorney Park Road

Allentown, PA 18104

Ph: (610) 391-9840

Email: jwb15@psu.edu

A Wildlife Manager’s Field Guide to the Farm Bill

A Wildlife Management Institute Report; 1997

By Donald F. McKenzie

This publication provides technical information and information on what programs are available to help manage wildlife private lands

Copies available from:

Wildlife Management Institute

1101 14th Street, NW, Suite 801

Washington, DC 20005

Ph: (202) 371-1808.

Agri-Environmental Policy at the Crossroads: Guideposts on a Changing Landscape

USDA Economic Research Service

Agricultural Economic Report Number 794

Available at: <http://www.ers.usda.gov/publications/aer794/aer794.pdf>

Hardcopies available from:

1-800-999-6779 (ask for AER 794)

Recreation and Tourism Policy, Objectives, and Responsibilities

NRCS General Manual 190-ECS (1997)

Available online at: http://policy.nrcs.usda.gov/scripts/lpsiis.dll/GMtxt/GM_190_409.htm

Community Rules

This book addresses farm viability issues. One of the chapters is devoted to local strategies for protecting working farms.

Available from: Conservation Law Foundation

Ph: 800-370-0697

Website: <http://www.cif.org>

The New Rules Project

The New Rules Project is dedicated to providing information on innovative public policies enacted around the world, and can be used in your community.

Their website has a search engine where you can search through their database.

Website: <http://www.newrules.org>

1313 Fifth Street SE

Minneapolis, MN 55414

Ph: 612-379-3815

Fax: 612-379-3920

Email: bailey@ilsr.org

Bed and Breakfast Zoning: A Guide to Regulations

By Jim Huss, N. Brown, S. Huntington, and C. Ouverson

Iowa (1990)

ID: NCR358

Available online at: www.msue.msu.edu/msue/imp/modtd/33420043.html

Tips on Serving Patron With Special Needs

Coastal Tourism Accessibility Fact Sheet

By Linda L. Parks

New York Sea Grant Extension Program (1985)

Available online at: www.msue.msu.edu/imp/modtd/33810001.html

Local County Officials

The names and addresses for state food inspection officials are listed in FDA web site www.fda.gov/ora/fed-state/directorytable.htm Contact your local county officials for guidance on how to obtain the necessary permits and requirements for your business.

DRAKE UNIVERSITY AGRICULTURAL LAW CENTER



The Legal Guide For Direct Farm Marketing

By Neil D. Hamilton[®]

PREPARED UNDER A GRANT FROM THE
UNITED STATES DEPARTMENT OF AGRICULTURE
SUSTAINABLE AGRICULTURE RESEARCH AND EDUCATION (SARE)

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● Farmer's Guide to Processing and Selling Meat or Poultry



What are the rules?

Where are the contacts?

Who are the regulators?

Food safety standards for beef, pork, sheep, goat, poultry, rabbit, game and exotic meats

The “Farmer’s Guide to Processing and Selling Meat or Poultry” was funded through the Extension Program Priority Initiative.

Several people and organizations contributed in the effort to produce this guide. Some asked a question that required research, some provided the research and some assisted with updates and edits. All comments, ideas, references, contacts, interpretations and reviews were valuable. Most were used in some way during the evolution of this publication.

Dr. Cutter, Food Science, College of Agricultural Sciences, PSU; Dr. Becker, Agricultural Economics and Rural Sociology, College of Agricultural Sciences, PSU; Jeff Feirick, Graduate Research Assistant, Dickinson School of Law, PSU; Pennsylvania Department of Agriculture, Food Safety and Laboratory Services; and especially, John Snyder, USDA, Food Safety Inspection Service, Philadelphia District, are recognized as significantly contributing their time and talent to this project.

I thank Diane, Sheri, Jonas, Ed, Barb, Earl and Karen for their interest and enthusiasm.

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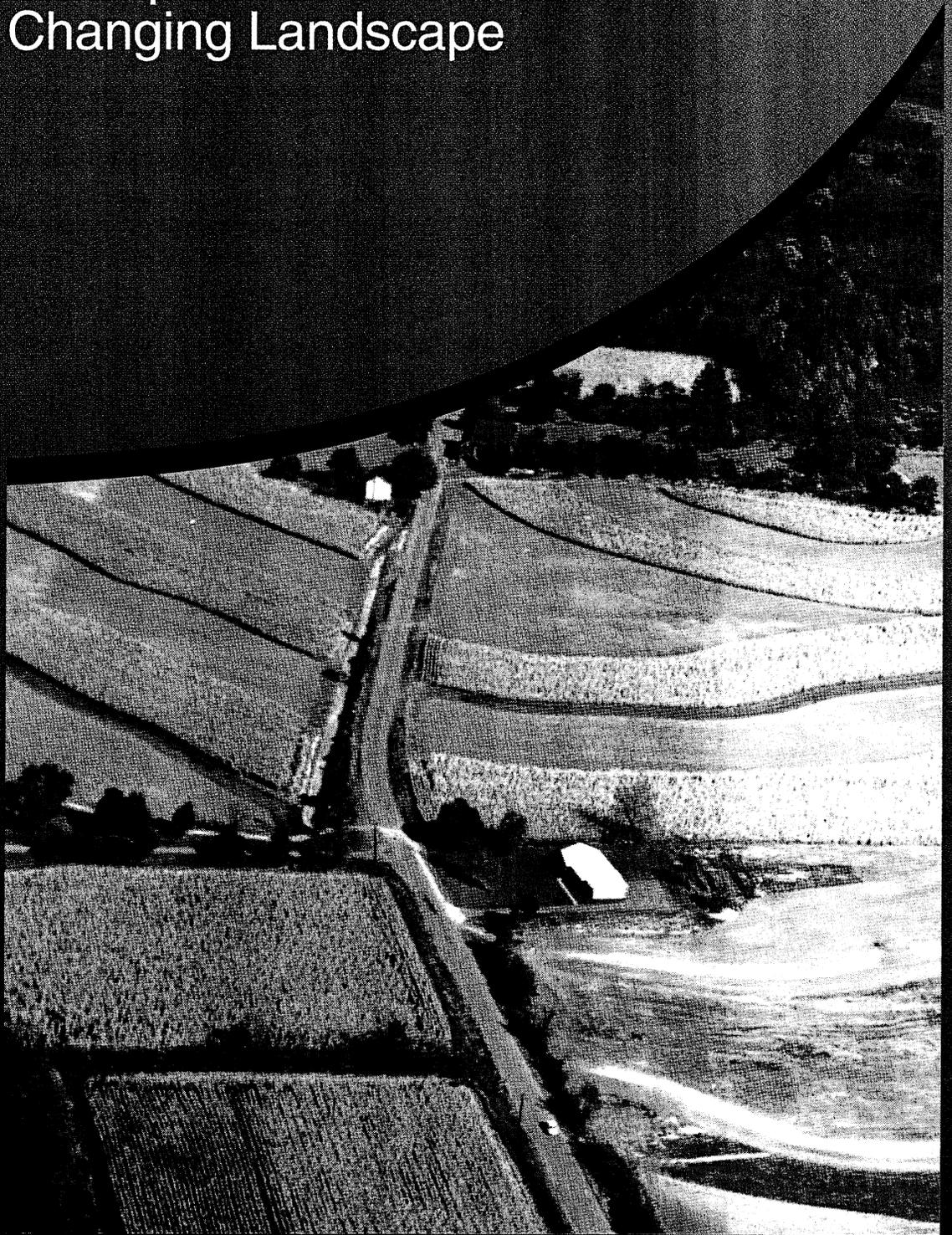


Agri-Environmental Policy at the Crossroads

Guideposts on a Changing Landscape



Agricultural
Economic
Report
Number 794



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**A Wildlife Manager's Field Guide
to the
Farm Bill**

by
Donald F. McKenzie

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January 30, 1997

GENERAL MANUAL (GM)
190-ECS
AMENDMENT 5 (PART 409)

SUBJECT: ECS - RECREATION AND TOURISM POLICY, OBJECTIVES, AND
RESPONSIBILITIES

Purpose. To transmit a newly revised Part 409 of GM Title 190.

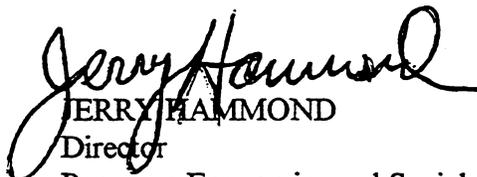
Effective Date. This part is effective as of this date.

Explanation of Changes. Part 409 of GM-190-ECS on Recreation has been amended and updated. The term tourism was added to expand the scope of our education/information assistance opportunities in this area. This amendment clarifies organizational responsibilities for considering recreation and tourism alternatives in our natural resources planning activities. The changes are needed to reflect the reorganized agency structure and functions associated with recreation and tourism policy.

The authority to develop and maintain this policy is shared by the Resource Economics & Social Sciences Division and Biological Conservation Services Division, at the national level. This revision included a comprehensive review which incorporated input from selected personnel in states, regions, institutes, and other divisions.

This policy can also be retrieved electronically from the NRCS homepage by selecting NRCS Operating Policy. Next, click on general manual, then ecological sciences, and scroll to Part 409.

Filing Instructions. Replace the outdated version of Part 409, dated Nov. 1983. Insert Part 409, pages i through 409-4.



JERRY HAMMOND
Director

Resource Economics and Social Sciences Division

Enclosure

DIST: GM

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PART 409 - RECREATION AND TOURISM

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PART 409 - RECREATION AND TOURISM POLICY, OBJECTIVES
AND RESPONSIBILITIES

409.1 (c) (5)

409.0 Purpose.

This section addresses the policy, objectives and responsibilities of the Natural Resources Conservation Service in carrying out the mission of the agency with regards to land, water, and related resources for outdoor recreation and tourism.

409.1 Policy.

(a) It is the policy of the Natural Resources Conservation Service to provide technical and, when authorized, financial assistance to individuals, groups, and units of government to plan natural resource conservation systems in relation to recreation and tourism activities. Recreation and tourism are acceptable uses of all natural resources.

(b) Recreation and tourism considerations are an integral part of natural resource planning. Such planning is provided in accordance with the National Planning Procedures Handbook, National Watershed Manual and other pertinent directives.

(c) Within the scope of this policy, the Natural Resources Conservation Service has responsibility for:

(1) Determining the suitability of land and related resources for proposed recreation and tourism use in keeping with natural resource capabilities and proper conservation treatment;

(2) Planning recreational use and treatment of land, water and related resources to minimize erosion and maintain the productive capability of the natural resource base while ensuring safe and enjoyable recreation and tourism opportunities in the future;

(3) Planning and monitoring the installation of conservation measures to facilitate prudent recreational use of soil, water, plants, animals, and air;

(4) Establishing and using proper recreation and tourism and other practice standards in selecting and applying natural resource conservation measures and in ensuring uniform technical quality of these measures;

(5) Providing technical assistance with operation and maintenance of recreation and tourism activities to ensure conservation of natural resources; safe and beneficial operation; and effective use of public funds, when applicable; and

409-1

Part 409 - Recreation and Tourism Policy, Objectives and Responsibilities

409.1 (c) (6)

(6) Developing and maintaining appropriate information in all sections of the Field Office Technical Guides (FOTG).

409.2 Objectives.

The primary objectives of outdoor recreation and tourism related to the conservation of natural resources are to:

- (a) Provide technical assistance to landowners, primarily on private and nonfederal public lands, in recognizing and, where appropriate, developing recreation or tourism opportunities on their lands within the capabilities of natural resources and that meets the needs of the local residents and landowners;
- (b) Cooperate with the recreation and tourism industry to maintain or improve economic conditions and life styles within the local area through existing or potential recreation or tourism opportunities;
- (c) Use current conservation technology to ensure that natural resource conditions are maintained or improved as a result of planned recreation or tourism activity;
- (d) Cooperate with the recreation and tourism industry to ensure that new and existing recreation and tourism enterprises utilize the conservation treatments necessary to sustain the supporting resources; and
- (e) Ensure that planning activities consider the identification of outdoor recreation and tourism opportunities that are consistent with the wise use of natural resources.

409.3 Means of accomplishing objectives.

The Natural Resources Conservation Service will cooperate with the recreation and tourism industry to:

- (a) Inform land users, managers, and developers about the need to evaluate the potential recreation and tourism opportunities;
- (b) Use current, technically sound procedures in planning and applying natural resource conservation practices and measures on lands used for recreation or tourism;

409.4 (a) (1)

(c) Propose recreation as an alternative to more intensive land uses if the resource base is deteriorating under present use when recreation is a feasible alternative. Identify recreation and tourism opportunities that complement the existing on-farm enterprises and may result in multiple benefits, such as:

- (1) Additional income to the landowner and/or local economy;
 - (2) Increased wildlife management;
 - (3) Enhanced water quality;
 - (4) Increased soil and water conservation;
 - (5) Maintenance and enhancement of natural ecosystems; and
 - (6) Social benefits such as increased knowledge of natural resources and agriculture.
- (d) Establish and maintain effective working relations with Federal, State, and local agencies; educational institutions; tourism groups; and private organizations involved in planning, developing, managing, operating, or maintaining outdoor recreation or tourism;
- (e) Provide appropriate training to agency personnel in planning, evaluating, developing, managing, and conserving natural resources used for outdoor recreation and tourism and in relating recreation and tourism to other disciplines in all agency programs;
- (f) Evaluate the economic impact and benefits of new and additional recreation and tourism opportunities could have on the local residents and natural resources; and
- (g) Cooperate with the recreation and tourism industry to inform their customers on the benefits of conservation of natural resources.

409.4 Responsibilities.

(a) National Headquarters.

(1) The National Technical Guide Committee will establish national practice standards for outdoor recreation, tourism, or related activities. Recreation, tourism, and related activities will be included in other national practice standards in the purposes, condition where practice applies, criteria, and consideration sections, where applicable;

Part 409 - Recreation and Tourism Policy, Objectives and Responsibilities

409.4 (a) (2)

(2) National recreation and tourism practice standards will be supported by technical policy leaders; and

(3) National technical leaders will provide liaison with other agencies, groups, and individuals.

(b) Regional Offices.

Periodic review and assessment of recreation and tourism activities will be conducted in the states.

(c) State Offices.

States will modify national practice standards as needed to meet state and local resource needs and test proposed national standards to ensure adaptability and suitability.