

# VAAFM 2015 Draft RAP Public Outreach & Comment Summary

January 12, 2016

VAAFM RAP Website: <http://agriculture.vermont.gov/water-quality/regulations/rap>

## Summary of Outreach Meetings (10/15/2016 – 12/18/2015):

### 10 Statewide Public Meetings:

*St. Albans, Enosburg, Middlebury, Rutland, White River Junction, Brattleboro, St. Johnsbury, Newport, Montpelier, Randolph*

**Total Sign-ins: 582**

**Farms: 318 (54% of sign-ins)**

SFO 166

LFO 35

MFO 13

No farm distinction given 104

**Custom applicator: 8**

**Not Categorized: 256**

### + 21 Additional Small Group Meetings:

- Including: *St. Albans Coop; NOFA-VT; Farmers Watershed Alliance; Vermont Grass Farmers Association; VACD & NRCD's Annual Meeting; CLF, ENRLC, Sierra Club, VT conservation Voters, VT Trout Unlimited, Lintilhac Foundation, Lake Champlain Committee; South Lake Farmers (PMNRCD); Farm Bureau; VVBGA; Legislators; WRNCD; CT River Farmers Watershed Alliance; Vermont Planners Association; TROC RPC; Chittenden County RPC; VLCT.*

## Summary of Written Comments Received by 12/31/15:

	Total # Comments	Total # Pages Filed
<b>Total</b>	<b>169</b>	<b>353</b>

## Highlights of Written Comments:

### 2.25 Small Farm Definition

- *Threshold too low; horse # does not correlate; use AU; clarity needed in definition*

### 4.1 Small Farm Certification

- *Make Land transfer annual, not 30 days; 10-year inspection too long; compost application?*

### 5.2 Nutrient, Agricultural Inputs and Waste Storage

- *1 in 4 years, 180 days; property boundary not a WQ consideration; NRCS approved stacking site.*

### 5.3 Nutrient Management Planning

- *590 burdensome for SFOs; annual manure and 3-year soil sampling burdensome; limited 590 TA.*

### 5.4: Soil Health Management Recommendations; Cover Crop Requirements

- *Cover crop will not work for veggie; Regional dates, need flexibility; fertilizer consideration*

### 5.5 Manure and Waste Application Standards

- *20 ppm / 10% slope; different types of manure; fertilizer in buffer*

### 5.7 Buffer Zones and Setbacks

- *Swale—conveyances ditches; 25' inadequate; 'smart buffers' are good flexibility; fertilizer buffer*

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# Required Agricultural Practices (RAPs)

## FARM SIZE DEFINITIONS DRAFT-SHEET

Sections §2.25, §3.1(a-d), §4.10  
in RAPs

Updated November 30, 2015



### What Farm Size are You?



#### Regulatory Authority

#### Type of Farm

#### Requirements Needed to Meet Farm Type

- 1. Local Zoning may apply authority to Non-RAP Operations (NROs).
- 2. NOT Required to follow the RAPs.

#### Non-RAP Operations (NRO)



- 1. Operates LESS THAN 4 continuous acres for farming AND has animal numbers below Uncertified Farm Operation (Example: 1-4 cows; 1-3 horses; 1-99 layers)
- OR -
- 2. Makes LESS THAN \$2,000 Annual Gross Income AND did NOT file a 1040F once in the last 2 years.

- 1. Agency of Agriculture, Food & Market (VAAFAM) regulates Uncertified Farm Operations (UFOs).
- 2. Farm MUST follow RAPs.

#### Uncertified Farm Operations (UFO)



- 1. Operates 4-9.99 acres that are used for farming AND Meets Animal Numbers (Example: 5-19 cows)
- OR -
- 2. Regardless of acreage, any farming operation that makes more than \$2,000 Annual Gross Income AND Filed a 1040F within the last 2 Years
- OR -
- 3. Has an Approved Business Management Plan
- OR -
- 4. 10+ Acres used for cropland with NO manure, compost or wastes applied

- 1. VAAFAM regulates Certified SFOs.
- 2. Farm needs to ANNUALLY Self-Certify -AND- MUST follow RAPs.

#### Certified Small Farm Operations (SFO)



- 1. Operates 10+ acres used for farming
- AND -
- 2a. Meets Animal Numbers (Example: 20-199 cows)
- OR -
- 2b. Applies manure, compost or other waste to farming acres

- 1. VAAFAM regulates MFOs.
- 2. Farm needs a MFO General Permit - AND - MUST follow permit and RAPs.

#### Permitted Medium Farm Operations (MFO)



- 1. Meet Animal Numbers for MFO (Example: 200-699 Cows)

- 1. VAAFAM regulates LFOs.
- 2. Farm needs a LFO Individual Permit - AND - MUST follow permit and RAPs.

#### Permitted Large Farm Operations (LFO)



- 1. Meet Animal Numbers for LFO (Example: 700+ Cows)

To learn more about the DRAFT agricultural water quality regulations (RAPs), visit:  
[www.Agriculture.Vermont.gov/water-quality/regulations/rap](http://www.Agriculture.Vermont.gov/water-quality/regulations/rap)



# Required Agricultural Practices (RAPs)

## TRAINING & CERTIFICATIONS

### DRAFT-SHEET

Sections §4.10, §4.12, §10.0  
in RAPs

Updated November 30, 2015

#### What Trainings and Certifications Will You Need?



#### SMALL FARM CERTIFICATION



#### FARM OPERATOR TRAINING



#### CUSTOM MANURE APPLICATOR CERTIFICATION

#### Who Needs It?

All farms meeting the Certified Small Farm Operations (SFOs) definition will certify that the farm is in compliance with all Required Agricultural Practices (RAPs).

Training will be for all Certified Small Farm Operations (SFOs), Medium Farm Operations (MFOs), and Large Farm Operations (LFOs).

Certification is required by a person who is engaged in the business of applying manure or other nutrients to land, except commercial fertilizer, and who charges or collects other consideration for the service.

#### What information will be provided?

- Understand and comply with all Required Agricultural Practices (RAPs).
- Required to notify the Secretary of any changes in ownership or land base, including changes to leased land of the farm within 30 days.
- Meets training requirements of the Farm Operator Training.

- Regulatory requirements of farm operations and financial assistance available to meet requirements.
- Prevention of discharges.
- Methods and techniques used to minimize nutrient runoff.
- Management of stormwater runoff.
- Knowledge of weather & soil conditions that increase risk of runoff.
- Understand the value of following Nutrient Management Plans (NMPs).

- Will learn and must demonstrate knowledge of Required Agricultural Practices (RAPs) and NRCS 590 Nutrient Management and Application Standard.
- Will learn and must demonstrate competency in methods and techniques to ensure appropriate nutrient application in compliance with environmental standards.
- Be able to train all employees and seasonal workers in methods and techniques to meet RAPs and NRCS Nutrient Application Standards.

#### How Often?

Shall certify annually and shall be inspected within 10 years of initial certification.

Shall obtain 4 hours of approved training at least every 5 years.

Certification shall be valid for 5 years.  
Shall obtain 8 hours of approved training in every 5 year period.

To learn more about the proposed agricultural water quality regulations (RAPs), visit: [www.Agriculture.Vermont.gov/water-quality/regulations/rap](http://www.Agriculture.Vermont.gov/water-quality/regulations/rap)



# Required Agricultural Practices (RAPs) HIGHLIGHTED REGULATIONS DRAFT-SHEET

Sections §5.7, §6.0, and §5.4 in RAPs

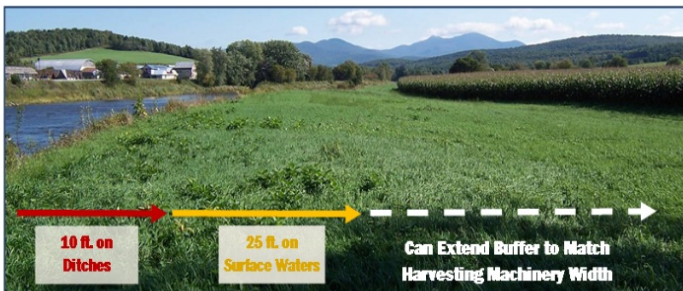
Updated October 30, 2015

## BUFFER WIDTHS

Section §5.7

## LIVESTOCK EXCLUSION

Section §6.0



- **Intermittent waters, ditches, diversions, swales and conveyances shall be buffered 10 feet**
- **Surface waters shall be buffered 25 feet**
  - Harvesting of vegetated buffers are allowed
  - No spreading manure or wastes in the vegetated buffers
  - Fertilizer may be used per Nutrient Management Plan recommendations to establish or maintain buffer
  - Site specific variances are possible as approved by Secretary.



### **In Production Areas - Livestock will have no access to surface water except:**

- At defined crossings or watering areas
- Where prescribed rotational grazing plan exists (minimum of 3" of vegetative growth will need to exist in pasture)
- In areas approved by the Secretary

### **Outside of Production Areas - Livestock will have no access to surface water when:**

- Erosion of unstable surface water banks is present
- The Secretary designates areas of actual or potential threat

## SOIL HEALTH MANAGEMENT AND COVER CROPPING

Section §5.4



Annual croplands subject to flooding from adjacent surface waters are required to have cover crops planted (Broadcast by Sept. 15th; Drilled by October 1st)



Field borne gully erosion shall be managed using appropriate management strategies such as the establishment of grassed waterways, filter strips or other methods.

To learn more about the DRAFT agricultural water quality regulations (RAPs), visit:  
[www.Agriculture.Vermont.gov/water-quality/regulations/rap](http://www.Agriculture.Vermont.gov/water-quality/regulations/rap)



# Required Agricultural Practices (RAPs) HIGHLIGHTED REGULATIONS DRAFT-SHEET

Sections §5.3, §5.2 (e) and §5.5 (b,c,e,f) in RAPs

Updated October 30, 2015

## NUTRIENT MANAGEMENT PLANNING =

Section §5.3



**Soil Tests**



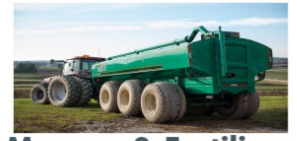
**Manure Analysis**



**Crop Rotations  
and Yields**

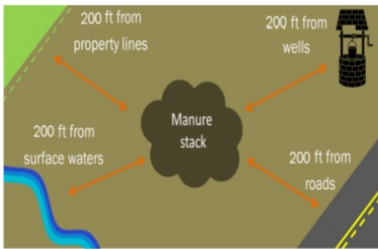


**Environmental  
Factors and  
Erosion Potential**



**Manure & Fertilizer  
Application Rates  
and Records**

All Large, Medium, and Certified Small Farm Operations shall develop and implement a Nutrient Management Plan (NMP) that meets USDA NRCS Practice Code Standard (590). Uncertified Small Farms are required to have soil tests, manure analysis, nutrient application rates & manure spreading records.



### MANURE STACKING

Section §5.2 (e)



### MANURE APPLICATION STANDARDS

Sections §5.5 (e,f), §5.7 (b)



### WINTER SPREADING BANS

Sections §5.5 (b,c)

Manure is prohibited to be stacked in a floodway or in an area subject to flooding.

#### Manure stacking must meet the following setbacks:

- 200' from property lines or domiciles
- 200' from surface waters
- 200' from private water supplies
- 100' from intermittent waterways, ditches, swales, diversions or other conveyances

#### Manure shall not be applied to fields that:

- Exceed soil test phosphorus of 20 ppm
- Exceed 10% slope WITHOUT having a 100' vegetated buffer around surface waters
- Are saturated with water
- Are frozen and/or snow covered

#### No Application of Manure within:

- 10' of an intermittent waterway
- 25' of a surface water
- 100' of a private well
- 200' of a public water supply

#### No manure or waste application between December 15th & April 1st.

Depending on winter weather conditions, the Secretary may prohibit application of manure to land between:

- December 1st and 15th
- April 1st and 30th

After October 15th to April 15th, manure may NOT be spread within 100' of top of bank of adjacent surface waters.

To learn more about the DRAFT agricultural water quality regulations (RAPs), visit: [www.Agriculture.Vermont.gov/water-quality/regulations/rap](http://www.Agriculture.Vermont.gov/water-quality/regulations/rap)



# Optional Public Comment Form

Required Agricultural Practices (RAP) Regulations For  
The Agricultural Non-point Source Pollution Control Program




*Continue on Reverse*

E-mail Comment to: [AGR.RAP@Vermont.gov](mailto:AGR.RAP@Vermont.gov)  
**Or mail to:**  
Vermont Agency of Agriculture, Food and Markets  
116 State Street  
Montpelier, VT 05620

Name		
Address		
City	State	Zip

1 **Optional:** VAAFM is offering non-regulatory Technical Assistance visits for Vermont Farmers to discuss and evaluate a farm’s water quality responsibilities under the draft RAPs. Would you like to request a visit from a partner water quality organization to discuss options specific to your farm?  
 Yes       No 7





## VAAFM RAP Public Meeting Schedule

<i>Group/Subject Matter</i>	<i>Location</i>	<i>Time</i>	<i>Date</i>
<b>RAP Public Input Meetings</b>			
St. Albans	St. Albans Historical Society 9 Church St, St Albans City, VT 05478	9am - 11am	11/17/2015
Enosburg	Enosburg Opera House 123 Depot St, Enosburg Falls, VT 05450	2pm - 4pm	11/17/2015
Middlebury	American Legion Middlebury 49 Wilson Rd, Middlebury, VT 05753	9am - 11am	11/19/2015
Rutland	Fox Room Rutland Free Library 10 Court St, Rutland, VT 05701	2pm - 4pm	11/19/2015
White River Junction	Hotel Coolidge 39 S Main St, White River Junction, VT 05001	9am - 11am	12/3/2015
Brattleboro	Fraternal Order of the Eagles 54 Chickering Dr, Brattleboro, VT 05301	2pm - 4pm	12/3/2015
St. Johnsonbury	Comfort Inn and Suites 703 Route 5 South, St Johnsbury, VT 05819	9am - 11am	12/8/2015
Newport	Eastside Reastaurant 47 Landing St # 3, Newport, VT 05855	2pm - 4pm	12/8/2015
Montpelier	Room 11 @ Vermont State House 115 State St, Montpelier, VT 05633	9am - 11am	12/10/2015
Randolph	Chandler Music Hall 71-73 Main St, Randolph, VT 05060	2pm - 4pm	12/10/2015