

1 * * * Nutrient Management Plans; Surface Inlets; Tile Drains * * *

2 Sec. A. 6 V.S.A. § 4802 is amended to read:

3 § 4802. DEFINITIONS

4 As used in this chapter:

5 (1) “Agency” means the Agency of Agriculture, Food and Markets.

6 (2) “Farming” shall have the same meaning as used in 10 V.S.A. §
7 6001(22).

8 (3) “Healthy soil” means soil that has a well-developed, porous
9 structure, is chemically balanced, supports diverse microbial communities, and
10 has abundant organic matter.

11 (4) “Manure” means livestock waste in solid or liquid form that may
12 also contain bedding, spilled feed, water, or soil.

13 (5) “Secretary” means the Secretary of Agriculture, Food and Markets.

14 (6) “Top of bank” means the point along the bank of a stream where an
15 abrupt change in slope is evident, and where the stream is generally able to
16 overflow the banks and enter the adjacent floodplain during an annual flood
17 event. Annual flood event shall be determined according to the Agency of
18 Natural Resources’ Flood Hazard Area and River Corridor Protection
19 Procedure.

20 (7) “Waste” or “agricultural waste” means material originating or
21 emanating from a farm that is determined by the Secretary or the Secretary of

1 Natural Resources to be harmful to the waters of the State, including:
2 sediments; minerals, including heavy metals; plant nutrients; pesticides;
3 organic wastes, including livestock waste, animal mortalities, compost, feed
4 and crop debris; waste oils; pathogenic bacteria and viruses; thermal pollution;
5 silage runoff; untreated milkhouse waste; and any other farm waste as the term
6 “waste” is defined in 10 V.S.A. § 1251(12).

7 (8) “Water” shall have the same meaning as used in 10 V.S.A. §
8 1251(13).

9 (9)(A) “Cropland” means land on which one or more of the following
10 occur:

11 (i) plants are grown for food, feed, or fiber;

12 (ii) Christmas trees are grown;

13 (iii) maple sap is collected;

14 (iv) horticultural, viticultural, or orchard crops are grown; or

15 (v) livestock are pastured.

16 (B) “Cropland” shall not mean land on which trees are grown for
17 silvicultural or timber purposes.

18 (10) “Surface inlet” means any aboveground structure that receives,
19 collects, or redirects water from cropland to an underground drainage, a ditch,
20 or a surface water.

21 Sec. B. 6 V.S.A. § 4829 is added to read:

1 § 4829. NUTRIENT MANAGEMENT PLANS; PUBLIC RECORD

2 (a) A nutrient management plan required under this chapter or rules
3 adopted under this chapter shall identify all surface inlets located on a farm and
4 all known tile drainage on a farm. If a surface inlet or tile drain is installed
5 after the creation, revision, or update to a nutrient management plan, the
6 location of surface inlet or tile drain shall be included within or attached to the
7 nutrient management as an addendum.

8 (b) On or before January 1, 2020, the owner or operator of a farm required
9 to maintain a nutrient management plan under this chapter or rules adopted
10 under the chapter shall submit an electronic copy of the nutrient management
11 plan to the Secretary of Agriculture, Food and Markets.

12 (c) Notwithstanding the authority of the Secretary of Agriculture, Food and
13 Markets to withhold identifying information under section 61 of this title, and
14 except as provided in subsection (d) of this section, a nutrient management
15 plan required under this chapter shall be available for public inspection and
16 copying under the Public Records Act.

17 (d) When the Secretary of Agriculture, Food and Markets receives a
18 request to inspect or copy a nutrient management plan, the Secretary shall
19 redact information that is protected from disclosure to the public under
20 7 U.S.C. § 8791 or other provision of law.

1 (2) A management report of whatever activity has occurred, signed by
2 the owner, has been filed with the Department of Taxes' Director of Property
3 Valuation and Review on or before February 1 of the year following the year
4 when the management activity occurred.

5 (3) There has not been filed with the Director an adverse inspection
6 report by the Department stating that the management of the tract is contrary to
7 the forest or conservation management plan, or contrary to the minimum
8 acceptable standards for forest or conservation management. The management
9 activity report shall be on a form prescribed by the Commissioner of Forests,
10 Parks and Recreation in consultation with the Commissioner of Taxes and shall
11 be signed by all the owners and shall contain the tax identification numbers of
12 all the owners. All information contained within the management activity
13 report shall be forwarded to the Department of Forests, Parks and Recreation,
14 except for any tax identification number included in the report. If any owner
15 satisfies the Department that he or she was prevented by accident, mistake, or
16 misfortune from filing an initial or revised management plan that is required to
17 be filed on or before October 1, or a management plan update that is required
18 to be filed on or before April 1 of the year in which the plan expires, or a
19 management activity report that is required to be filed on or before February 1
20 of the year following the year when the management activity occurred, the
21 owner may submit that management plan or management activity report at a

1 later date; provided, however, no initial or revised management plan shall be
2 received later than December 31, and no management plan update shall be
3 received later than one year after April 1 of the year the plan expires, and no
4 management activity report shall be received later than March 1.

5 (4) The owner files a notice of intent to cut with a Department of
6 Forests, Parks, and Recreation county forester at least 15 days before
7 commencing a harvest activity that would be included in a management
8 activity report under subdivision (2) of this subsection. The notice of intent to
9 cur shall contain, at a minimum, the following information:

10 (1) the owner's name, mailing address, physical address of residence,
11 and ax identification numbers of all the owners;

12 (2) the name of the logger or contractor conducting the harvest and his
13 or her mailing address, address of the principal place of business or residence,
14 e-mail address, and telephone number.

15 (3) the location of the timber harvest, including the town and the nearest
16 public town highway used to access the timber harvest;

17 (4) the date the timber harvest will commence and the estimated date the
18 harvest will be completed;

19 (5) the estimate of the acreage of the timber harvest area; and

20 (6) an estimate of the volume of the timber harvest in thousand board
21 feet, cords, or tons of wood chips; and

1 Sec. D. 32 V.S.A. § 3752 is amended to read:

2 (5) “Development” means, for the purposes of determining whether a
3 land use change tax is to be assessed under section 3757 of this chapter, the
4 construction of any building, road, or other structure, or any mining,
5 excavation, or landfill activity . “Development” also means the subdivision of
6 a parcel of land into two or more parcels, regardless of whether a change in use
7 actually occurs, where one or more of the resulting parcels contains less than
8 25 acres each; but if subdivision is solely the result of a transfer to one or more
9 of a spouse, parent, grandparent, child, grandchild, niece, nephew, or sibling of
10 the transferor, or to the surviving spouse of any of the foregoing, then
11 “development” shall not apply to any portion of the newly created parcel or
12 parcels which qualifies for enrollment and for which, within 30 days following
13 the transfer, each transferee or transferor applies for reenrollment in the use
14 value appraisal program. “Development” also means the cutting of timber on
15 property appraised under this chapter at use value in a manner contrary to a
16 forest or conservation management plan as provided for in subsection 3755(b)
17 of this title during the remaining term of the plan, or contrary to the minimum
18 acceptable standards for forest management if the plan has expired; or a
19 change in the parcel or use of the parcel in violation of the conservation
20 management standards established by the Commissioner of Forests, Parks and
21 Recreation. “Development” also means failure to provide a notice of intent to

1 cut under subdivision 3755(d)(4) two or more times in any three year period.
2 “Development” also means notification of the Director by the Secretary of
3 Agriculture, Food and Markets under section 3756 of this title that the owner
4 or operator of agricultural land or a farm building is violating the water quality
5 requirements of 6 V.S.A. chapter 215 or is failing to comply with the terms of
6 an order issued under 6 V.S.A. chapter 215, subchapter 10. The term
7 “development” shall not include the construction, reconstruction, structural
8 alteration, relocation, or enlargement of any building, road, or other structure
9 for farming, logging, forestry, or conservation purposes, but shall include the
10 subsequent commencement of a use of that building, road, or structure for
11 other than farming, logging, or forestry purposes.