

Frank Kampf
84 McKinstry Rd
Cabot VT 05647

April 23rd, 2025

House Committee on Agriculture, Food Resiliency, and Forestry
Vermont State House

RE: Right to Farm Bill

I am writing to the committee to express support and concern regarding the Right to Farm Bill. As a small farmer, and one with numerous farming friends, I support protecting farmers and farm land, but I also have reservations that bad actors could also be protected by the bill. Not all farmers are the same, and not all farmers have good intentions.

Who am I

My wife and I live on a 15 acre farm in Cabot Vermont. Our farm could be called a hobby farm, a homestead, or a small farm. It is a multi-use farm where we raise and sell cows for meat, layer chickens, meat chickens, vegetables, fruit and berries, along with bees. We produce most of our own food and also sell chicken, beef, eggs, jam, vegetables, fruit, and honey. In Cabot there are countless small farms and homesteads, as well as larger farming operations.

Why I support the Bill

As a small farmer and beekeeper I can see the need for protection. I have a neighbor who publicly disparages me regarding my bees as one of his methods of harassment, even though I have accommodated his every request and positioned my few hives on the opposite side of my barn, hundreds of feet from his pastures. I can foresee a time he may attempt a frivolous lawsuit against me because a bee stung him in his yard or pastures.

Likewise, I accommodate all my other wonderful neighbors, always making sure none of my farming activities interfere with their enjoyment in life. I communicate to them when I am changing over my compost piles so they are aware there might be a smell for a couple of days. I also inform them when we intend to do on-farm slaughter of our cows so they are not alarmed by the gun shots. We have the butcher perform her operations in a location that neighbors can avoid witnessing the process from their houses.

I fully understand the issue of new people buying next to an existing farm operation and then filing a nuisance lawsuit, and the need to protect farmers from that kind of action. Cabot was one of towns that saw a huge influx during COVID, so much so that the grand list increased by 50%. I know my neighbors will not always be the same neighbors. Even

though we are on a dead end, 0.2 mile, Class 4 road, there are 6 residences, 3 of which are active farms.

Concerns of a Right to Farm Bill

My uphill neighbor is also a small farmer, on 5 acres, that buys and sells livestock and raises various types of poultry. This neighbor engages in harassing us by utilizing the fact one of his pastures lies just about 100 feet from our house.

When we bought our dream house, we never thought a pasture could be used as a mechanism to interfere with the enjoyment of our lives. At the time, there wasn't a house on the uphill parcel of land, just pastures and a falling down barn. My wife and I have always strived to live a farming style of life.

I am very concerned that my neighbor could use the right to farm bill to protect himself from my only recourse, civil action, to stop him from harassing us.

As you know, many farms are small, and not regulated by the state. I have not been able to find any regulations regarding noise or odor, and the RAPs exist to control water quality in the state.

Several years ago my neighbor dumped a windrow of manure along the edge of our shared property line, within one of his pastures. The windrow of manure was just 30 feet from our well, and adjacent to our vegetable garden. It was also a mere 90 feet from my house.

After more than a year from the date of my complaint to the state, ***the state sent a letter stating its determination that his operation did not fall under the jurisdiction of the RAPs*** (attached). During the couple weeks between the time I filed a complaint with the state and their subsequent inspection, the number of cows on my neighbor's property went from 10 to 3. Thus, the state determined his farm didn't fall under the regulations.

I want to stress a mind set that does exist among some farmers. In a small claims court case my neighbor filed against me regarding a shared spring, he brought up the State's investigation of his manure piling along the property line and testified that ***his land is agricultural and he can do whatever he wants***, and we (the neighbors) have to deal with the consequences.

This same neighbor obtained and then relocated a flock of guinea fowl within his pasture, just 40' from the shared property line. He did not keep them in the area where he raises chickens, and I could find no laws or rules at my disposal to prevent him from purposely creating a nuisance. ***He even admitted to another neighbor that it was done just to "get***

at us". Guinea fowl can make much more noise than crowing roosters.

I have a great fear that since my only way to regulate my neighbor's actions against us is through civil action, an update to the right to farm bill might take away the only avenue of enforcement available to me. An update could protect farmers of any size who are irresponsible, not very considerate, or act with malice and intentionally create a nuisance.

Suggestions

While I support the concept of "Right to Farm", it must be weighed against the right of neighbors. I can only hope you will work diligently on the wording to ensure that farmers who are bad actors are not protected from creating bad situations for their neighbors.

- There needs to be wording to prevent protection of bad actors. It could be as simple as adding a word like "malicious", in addition to "negligent".
- What considerations are given to the size of a farming operation. My reading of the bill does not seem to indicate the protections apply to a farm of any size, including the smallest possible. Perhaps, limiting the protections to the farms that are of some set size would make sense.
- "Generally accepted agricultural practices", as a farmer I am not sure how this is determined. In my own experience, many of my neighbors and friends all manage their cows differently, as well as they're manure.

In my experience as a beekeeper, I have learned that if I ask a question of 10 beekeepers how they do something I can get 11, or more, answers. At least with beekeeping the Vermont Beekeeping Association, as well as other Bee Organizations, have published best practices.

- The state seems to lack any regulation on many of the artifacts defined nuisances: **"(4) "Nuisance" means any interference with reasonable use and enjoyment of land, including interference from smoke, odors, dust, noise, or vibration."**
- The removal of the limitations in the current Right-to-Farm law:
 - (C) it is established prior to surrounding nonagricultural activities; and
 - (D) it has not significantly changed since the commencement of the prior surrounding nonagricultural activity.creates new scenarios that could arise when someone starts a farming operation in a neighborhood where no farming operation has been for a long time, if ever.

I would be appalled if my neighbor built a hog house in the pasture next to my home. It would force me off my farm, which would lose value. My only recourse would be to subdivide my property in an attempt to recoup my losses.

Please consider that many small farms in Vermont are not large enough to be regulated, and their actions can not be given protection without limitation, be the actions the result of negligence, or purposefully taken.

Respectively,

Frank Kampf

Agency of Agriculture, Food and Markets
Water Quality Division
94 Harvest Lane - Suite 201
Williston, VT 05495
www.agriculture.vermont.gov

[REDACTED]
[REDACTED]
Cabot, VT 05647

Dear [REDACTED],

On August 19, 2021, following a complaint received by the Agency of Agriculture, Food and Markets (the Agency) alleging the stacking of agricultural waste near a property line and well, Agency Agricultural Water Quality Specialist David Wardrop and I conducted an investigation of your property located at 34 McKinstry Road, Cabot, Vermont, for compliance with the Required Agricultural Practices (RAP) Rule. A copy of the report summarizing the Agency's findings during that investigation, was sent to you on, or around, September 9, 2021.

While no impacts to water quality were observed during that visit, and because you had fewer than 5 cattle at the time of our investigation, it has been determined that your operation does not fall under the jurisdiction of the RAPs at this time.

However, the Agency advises you to cease the stacking of agricultural wastes in this area and to consult the RAPs (copy enclosed) and follow the setbacks for the stacking of agricultural wastes outlined in Section 6.02(e) of the RAPs. If, at some point in the future, the stacking of agricultural wastes on your property is determined, after the opportunity for a hearing, to be impacting neighboring private water supplies, your operation may be brought under the jurisdiction of the RAPs, and you may be required to take corrective action at that time.

If you have any questions, please contact me at 802-636-7289.

Sincerely,



Luke Hughes

Agricultural Water Quality Specialist

Enclosure(s) Vermont Required Agricultural Practices Rule

