

## Best Management Practices (BMP) Law:

### §4820. Definitions

For purposes of this subchapter:

- (1)"AAPs" means "Accepted Agricultural Practices" as defined by the Commissioner of Agriculture, Food and Markets pursuant to subchapter 1 of this chapter.
- (2)"Commissioner" means the Commissioner of Agriculture, Food and Markets.
- (3)"Department" means the Department of Agriculture, Food and Markets.
- (4)"FSA" means the "Farm Service Agency," formerly named the "Agricultural Stabilization and Conservation Service," of the U.S. Department of Agriculture.
- (5)"NRCS" means the "Natural Resources Conservation Service," formerly named the "Soil Conservation Service," of the U.S. Department of Agriculture.

### §4821. Assistance Program Created; Administration

(a)Program created. A program is created to provide state financial assistance to Vermont farmers in support of their voluntary construction of on-farm improvements designed to abate non-point source agricultural waste discharges into the waters of the state of Vermont, consistent with goals of the federal Water Pollution Control Act and with state water quality standards. The program shall be conducted in a manner which makes maximum use of federal financial aid for the same purpose, as provided by this subchapter, and which seeks to use the least costly methods available to accomplish the abatement required.

(b)Program administration. The Commissioner shall:

(1)administer the state assistance program, for which purpose the Commissioner shall coordinate with officials of the U.S. Department of Agriculture or other federal agencies, and shall adopt rules pursuant to chapter 25 of Title 3 concerning farmer application and eligibility requirements, financial assistance award priorities, and other administrative and enforcement conditions; and

(2)may provide technical assistance to individual farmers with the preparation of on-farm

agricultural waste management plans, applications for state and federal financial assistance awards, installation of on-farm improvements, and maintenance of acceptable operating standards during the life of a state assistance award contract. For this purpose, state employees of the department shall cooperate with federal employees of the U.S. Department of Agriculture or other federal agencies.

#### **§4822. Eligibility For State Assistance**

Vermont farmers shall be eligible to receive available state financial assistance with the installation of on-farm improvements designed to control agricultural non-point source waste discharges, provided that:

(1) for farmers who also seek federal financial assistance for this purpose, the improvements:

(A) are eligible for federal assistance through programs of the U.S. Department of Agriculture; and

(B) are consistent with a "nutrient management plan" prepared by the Vermont field office of the NRCS, or with an animal waste management plan based on standards equivalent to those of the NRCS; or

(2) for farmers who decline to seek or accept federal financial assistance for this purpose, the improvements:

(A) are determined by the Commissioner to be equivalent to those eligible for federal assistance through programs of the U.S. Department of Agriculture; and

(B) are consistent with an animal waste management plan based on standards determined by the Commissioner to be equivalent to those of the NRCS.

#### **§4823. Priorities; State Financial Assistance Awards**

(a) Priorities. State financial assistance available under this subchapter shall in each fiscal year be allocated according to the following priorities, except as provided by subsection (b) of this section, and as further defined by rule by the Commissioner:

(1) First priority shall be given to proposed improvements on individual farms which do not meet AAPs because of physical constraints of a farm site, which are located, in descending order: within the boundaries of the Lake Champlain Basin, the Lake Memphremagog Basin, the Connecticut River Basin, or the Hudson River Basin as these boundaries are defined by the state water quality plan prepared by the agency of natural resources.

(2) Next priority shall be given to proposed improvements on all other individual farms which are located, in descending order, within the boundaries of the Lake Champlain Basin, the Lake Memphremagog Basin, the Connecticut River Basin, or the Hudson River Basin.

(b) Exceptions. The Commissioner may award financial assistance under this subchapter for

improvements on a farm which otherwise would not receive assistance under the priorities established by this section, when the Commissioner determines a severe condition of non-point source waste discharge exists which requires immediate abatement.

#### **§4824. State Financial Assistance Awards**

(a)State grant. State financial assistance awarded under this subchapter shall be in the form of a grant. When a state grant is intended to match federal financial assistance for the same on-farm improvement project, the state grant shall be awarded only when the federal financial assistance has also been approved for awarded. An applicant for a state grant shall pay at least 15 percent of the total eligible project cost. The dollar amount of a state grant shall be equal to the total eligible project cost, less 15 percent of the total as paid by the applicant, and less the amount of any federal assistance awarded, except that a state grant shall not exceed 50 percent of the total eligible project cost.

(b)Farmer contract. A state grant awarded to an applicant under this subchapter shall be awarded in accordance with a state contract containing contract terms substantially the same as those required for receipt of a federal award for the same purpose from the U.S. Department of Agriculture, except as provided by the Commissioner by rule.

#### **§4825. Reports**

Annually by January 15 of each year, the Commissioner shall report to the general assembly regarding activities in support of the objectives of this subchapter, including use of state, federal and private funds:

- (1)undertaken during the preceding fiscal year;
- (2)in progress during the current fiscal year;
- (3)projected for the following fiscal year; and
- (4)remaining to be undertaken after the following fiscal year.