

# Watershed Agricultural Program SOP

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## 1.1.08.1

### **WATERSHED AG PROGRAM PARTICIPANT STATUS SOP**

The purpose is to determine the status for each WAP Participant for the protection of water quality. This Standard Operating Procedure (SOP) will list each status category and outline how participants can move between status categories. The 6 status categories are: Prospective, Active, Inactive, Suspended, Withdrawn and Terminated.

#### 1. Prospective

Potential participants (known as Prospective) will complete and submit an application for the WAP. (Refer to the WAP application Form, Attachment A) The WAP application will be made available on the WAC website and through the Whole Farm Planning and administrative support staff of the WAP.

Whole Farm Planning and administrative support staff will be available to describe the program mission and vision, guidelines and other details as a prospective participant becomes involved in the WAP. WAP Staff may solicit potential participants by means necessary to promote the WAC mission and vision through mailings, personal invites, outreach and educational events and web site inquiries. In addition, potential participants may be identified through visual identification of a potential environmental issue from reports or requests from partnering agencies. Upon receipt of a completed WAP application, WAC/WAP managers will determine if the landowner/producers agricultural operation meets the minimum eligibility criteria for an individual program area (large, small, EoH) of the WAP. The WAP reserves the right to request financial documentation of an agricultural operation to show that the applicant meets program eligibility. Requested financial documentation will be kept confidential by the CCE DC Extension Team Leader.

There are two types of prospective entities:

- A. Prospective Ineligible- If the current agricultural operation does not meet the minimum criteria for WAP participation, WAP support staff will respond to the prospective participant in writing with a letter stating to the prospective participant the reasons why the agricultural operation did not currently qualify. The correspondence should also state that if conditions on the farm changes that allow the farm to be eligible, the prospective participant would need to reapply to the WAP. WAP support staff will maintain in FAME a list of prospective ineligible participants. The prospective Ineligible agricultural operation and its landowner/producer(s) will be eligible for all educational programs offered by the WAC/WAP and the WAC Farm to Market Program if applicable.
- B. Prospective Eligible- If the current agricultural operation meets the minimum criteria for a program area (large, small, or EoH) of the WAP, then a Tier II Environmental assessment or an ERPD for the farm will be completed and the current agricultural operation will be ranked for WFP development following WAP guideline 2.0.02 and

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corresponding “Criteria for New Whole Farm Plan (WFP) and WFP Revision Yearly Work Load Development” SOP (2.0.02.1).

## 2. Active

The following criteria must be met to be assigned an “active” status:

- A. A participant status will be changed from Prospective to Active once all signatures are obtained on the WFP-0 (Voluntary Participation Agreement), WFP-1 (BMP Funding Agreement) and WFP-2 approved Whole Farm Plan.
- B. Participants must be in the Active status to be included in the farm ranking and annual BMP implementation schedule.
- C. WAP staff will conduct an Annual Status Review (ASR) each year and a Comprehensive Status Review (CSR) every fourth year to verify farm status and compliance with existing Operation & Maintenance Agreements (O&Ms).
- D. If a change to Active status is identified, a Farm Status Change Form will be completed and brought to the Ag Program Committee for approval and the change will be recorded in the WAC database (FAME) by WAP support staff. (Attachment B, Farm Status Change Form)
- E. If this person is involved in any of the following activities as part of an operation they own or manage they would be considered “Active” (examples include, but are not limited to the following)
  - a. Harvesting crops for sale
  - b. Raising livestock for sale
  - c. Producing maple syrup or similar products for sale
  - d. Boarding horses or other livestock for a fee

## 3. Inactive

The participant is no longer actively involved in commercial agricultural production.

- A. If the participant currently has an active status, submit a change of status form to the Ag Program Committee to move the participant to “Inactive” status.
- B. A verification Annual Status Review must be completed yearly to document that the operation continues to be inactive.
- C. If the participant currently has an inactive status and has now resumed active involvement in agricultural production, submit a change of status form to the Ag Program Committee to move the participant to “Active” status, for those farms that meet minimum Ag eligibility criteria.

## 4. Withdrawn

A participant may choose to withdraw themselves from the Watershed Agricultural Program for any reason. They will cease to have a relationship with the WAP and as such will cease to receive all program benefits.

- A. The participant will be required to send a certified letter to the WAP Program Manager requesting to withdraw from the program.

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- B. The WAP Ag Program Manager will forward letter to the WAC Executive Director and WAC Council Chairman.
- C. Upon receipt of the notification the WAP Program Manager will prepare a withdrawal agreement including the following:
  - a. A listing of all BMPs implemented on the farm that are within lifespan, stating:
    - 1. BMP implementation cost.
    - 2. The end of lifespan date.
    - 3. The potential reimbursement amount that the participant would be responsible for if the BMP is destroyed or improperly maintained (see 4.0.01 Operations & Maintenance Guideline).
    - 4. Any known existing WFP compliance issues.
    - 5. The procedure for the farm to re-apply for future participation.
    - 6. The signature of the participant and the WAP Program Manager.
- D. A Farm Status Change Form must be completed and brought to the Ag Program Committee for approval.
- E. Before the participant may be approved for a “Prospective Eligible” status, any prior WFP compliance issues at the time of withdrawal must be satisfactorily addressed.

### 5. Suspended

A participant assigned a suspended status is actively involved in agricultural production, but is temporarily out of compliance with their Whole Farm Plan.

- A. This should only be considered after considerable effort has been made to resolve any issues. The goal of this process should be to resolve any issues, in a mutually agreeable way, and return the participant to an active status.
  - a. At least two (2) attempts, documented by a letter or other similar correspondence, should have been made in which the non-compliance issues have been clearly explained and the desired actions to resolve the issues have been explained. All such correspondence should come from the WAP Program Manager.
  - b. Before proceeding with the suspension, a Comprehensive Status Review should be performed to assure there are no additional compliance issues that should be addressed with the participant.
  - c. The second correspondence with the Participant should state that the participant could be assigned a suspended status.
  - d. At the time a suspended status is assigned, the WAP Program Manager will send a certified letter to the participant outlining the following:
    - 1. The noncompliance issues.
    - 2. The desired actions to resolve the issues.
    - 3. A proposed timeline for issue resolution.

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4. A requirement to continue to satisfactorily operate and maintain all other existing BMPs.
5. The process for being reinstated to an Active status.
6. The potential consequences and possibility of termination.
7. The dispute resolution policy.
- e. A completed Farm Status Change form will be brought to the Ag Program Committee for approval.
- f. If the participant fails to meet the timelines specified in the suspension notification, the program will proceed with the termination procedure.
- g. Before the participant may be reassigned to an Active status, the Whole Farm Planner will evaluate the stated WFP compliance issues and confirm with written and signed documentation that the issues identified in the certified letter, have been resolved. The Ag Program manager will also sign and verify that the issues have been resolved.

### 6. Terminated

Termination from the WAP can only occur after all reasonable efforts have been exhausted to work with the landowner/producer for correcting infractions to program policies, guidelines, and procedures. Termination can only be approved by the Council of Directors or Executive Committee with a recommendation by the Watershed Agricultural Committee (West of Hudson) or the Watershed Program Committee (East of Hudson).

- A. Termination may be considered under the following circumstances:
  - a. Participants' suspended status goes beyond timeline to resolve issues.
  - b. Disregard for program requirements (i.e., following program policy and guidelines; giving access to property for BMP implementation, annual status reviews, and other program requirements; following Operation and Maintenance agreements).
  - c. Participant knowingly creates point source water pollution issues that severely effect water quality.
  - d. Unwillingness to work with Watershed Agricultural Program staff.
  - e. Threatening behavior on the part of a landowner/producer in person or on the phone toward any WAC or WAP staff.
- B. Prior to termination of a Funding Agreement, WAC must provide the Participant(s) with a thirty (30) day written notice of termination, which shall include the specific reasons for the termination and the right to appeal the termination pursuant to the Dispute Resolution Policy, adopted by the WAC.(WAC Dispute Resolution Policy, Attachment C).
- C. Upon notice of termination of Funding Agreement WAC may immediately suspend all contractual obligations, pending the resolution of the termination of the funding

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- agreement. Final termination of the funding agreement will result in severing all WAC contractual obligations with the Participant(s).
- D. If WAC funding has been provided prior to the termination under procurement procedures, the Participant(s) may be obligated to reimburse WAC for all or part of the payments received as specified by the terms of WAC Agricultural Policy: Failure to Operate and Maintain BMPs.
- E. A terminated farm participant can become a participant by following these procedures:
- a. Any outstanding or unresolved issues identified during a prior suspension from the WAP must be satisfactorily resolved before the farm will be considered for prospective status.
  - b. The farmer must complete an application to become a prospective farm and follow the established procedures for Whole Farm Plan revision.