

## SADC Soil Protection Standards (SPS) Rule Proposal

### Summary of Public Comments

March 1, 2024

<b>I. Major Comment Themes</b>		
<b>Subject Category</b>	<b>Comment Subject</b>	<b>Comment Details</b>
	Protect soil resources	<ul style="list-style-type: none"> <li>• Importance of protecting soil and associated impacts on future agricultural versatility and sustainability, stormwater management and flooding, climate resiliency, habitat protection, etc.</li> <li>• Urges adoption to protect resources and provide clear information on conservation requirements</li> <li>• Community and landscape impacts of farmland loss</li> </ul>
	“Retroactive” application of standards	<ul style="list-style-type: none"> <li>• Preserved farm owners had no expectation of being affected by future SADC regulations</li> <li>• “A deal’s a deal”</li> <li>• Should apply prospectively only</li> <li>• Easement is a contract that can’t be unilaterally changed</li> </ul>
	Economic viability	<ul style="list-style-type: none"> <li>• Negative impact to versatility and innovation</li> <li>• Constrains potential for expanding operations</li> <li>• Uneven impact to certain sectors of ag industry (equine and nursery)</li> <li>• Lost asset value</li> <li>• No consideration to economic impact to farms; should do a comprehensive study</li> </ul>
	Taxpayer expectations	<ul style="list-style-type: none"> <li>• Maintain program integrity</li> <li>• Rule proposal reflects expectations of voters/taxpayers who funded the program</li> <li>• Expectation that soils resources would be conserved</li> </ul>
	Decreased FPP participation / Loss of trust with SADC	<ul style="list-style-type: none"> <li>• Rules will have a negative effect on ability to preserve more farms in the future</li> <li>• Breach of contract</li> <li>• What else will SADC change in the future?</li> <li>• Erodes landowner confidence in SADC and program</li> </ul>

## II. Major Proposed Alternatives

Subject Category	Comment Subject	Comment Details
	Applicability	SPS standards should only apply to farms preserved after rule adoption
	Use "BMP", "case-by-case", "guidance" approach	<ul style="list-style-type: none"> <li>• Use a "site-specific stewardship approach"</li> <li>• Use "guidance-based" approach – use BMPs rather than regulations</li> <li>• Advise landowners of importance of preserving soil; technical review by soil conservation districts (SCDs); SADC-SCD cooperative agreement; recommendations based on existing soil conservation and management practices</li> <li>• Establish limits on mixing/disposing of prime soil; require submission of analysis of proposed disturbance via an SSAMP or site plan application</li> <li>• Use existing deed of easement provision requiring a farm conservation plan; enforcement mechanism needed</li> <li>• Expand capacity for NRCS conservation plan writing</li> <li>• Allow stockpiling of topsoil for future use</li> </ul>
	Buy-back easements	<ul style="list-style-type: none"> <li>• Allow farms to "unpreserve"</li> <li>• Allow buy-back of exception areas</li> <li>• Buy back rights for farms near or over the limit</li> </ul>
	Compensation	<ul style="list-style-type: none"> <li>• Compensate landowners for additional regulation</li> </ul>
	Grandfathering	<ul style="list-style-type: none"> <li>• Grandfather (don't count) disturbance that existed when farm was preserved</li> <li>• Grandfather existing disturbance - only count what is developed after rule adoption</li> </ul>
	Decrease proposed soil disturbance allocation	<ul style="list-style-type: none"> <li>• Proposed allocation is too high</li> <li>• 12% / 4 acres is too high</li> <li>• % should not apply to the whole farm, only to the "fertile soils"</li> </ul>
	Clustering	<ul style="list-style-type: none"> <li>• Allow for clustering across noncontiguous parcels</li> <li>• Allow for clustering among different owners</li> <li>• Why require tying properties together forever?</li> </ul>
	Waivers	<ul style="list-style-type: none"> <li>• Waiver process too complicated and expensive</li> <li>• Neighbors (noticed) can delay the process</li> <li>• Uncertain results</li> </ul>

<https://sonj.sharepoint.com/sites/AG/SADC/Regulations/Regulations/PROPOSALS/Soil Protection Standards/Proposal comments/Comment Summary Documents/SPS Public Comments Summary for 3-15-24 SADC meeting.docx>