



Livestock and Poultry Environmental  
Stewardship (LPES) Curriculum



Management

## Fact Sheet #14: Pasture-Based Operations: Could Part of My Operation Be an AFO?

By Chris Henry, University of Nebraska-Lincoln

(Revised 4/2005)

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### Introduction

A pasture-based operation is generally not required to obtain an NPDES permit. However, if the operation includes a confinement area, this part of the operation may be considered an Animal Feeding Operation (AFO). Discharges to surface or ground waters from the confinement area could trigger designation as a CAFO. Washington has no specific requirements for non-dairy AFOs beyond no discharges to surface or ground water. This fact sheet explains the conditions under which an operation would be considered an AFO. To avoid the possible need for a CAFO permit, pasture-based operations should manage facilities and feeding areas to reduce the likelihood of being considered an AFO and to prevent discharges to surface or ground waters.

Operations that pasture cattle in crop fields or grass pasture must first be defined as an AFO before they can be considered a Concentrated Animal Feeding Operation (CAFO). If livestock are kept and fed in a field that does not annually sustain crops, vegetation, or forage growth, or contain post-harvest residues, this area would be considered "confined." If the animals were confined for more than 45 days in a 12-month period, the operation would be an AFO. If the AFO discharges to surface or ground waters, it could be considered a CAFO.

### AFO Situations

Neither EPA nor Washington State intends to require pasture-based livestock operations to apply for NPDES permits. However, if conditions in the confinement area meet the CAFO definition and the facility does not correct the problem in a reasonable period of time, then a permit may be required. Portions of many pasture-based and winter feeding operations will fit the definition of an AFO. These may include horse corrals, calving and weaning corrals, nursery/hospital corrals, bull pens, holding/working pens, etc. Many of these are a necessary component of the operation and cannot be eliminated. However, to reduce the risk of becoming a CAFO, the AFO should strive to eliminate the potential for a discharge from heavy-use areas.

By implementing appropriate BMPs an AFO will help reduce the impact to water quality from winter feeding areas, pasture, and range. As long as the appropriate BMPs are being implemented, especially within the confinement areas, and there is not a discharge to surface or ground water, a CAFO permit is not required. Operations that implement BMPs to protect riparian health can significantly reduce impacts from polluted run-off (this may include moving heavy-use areas away from surface water).

A pasture-based operation, where animals wander freely to and from areas for food and shelter, is not considered an AFO. Neither is a vegetated pasture where the feeding or watering areas are devoid of vegetation. However, some pasture- and grazing - based operations may have confinement areas that qualify as an AFO. Incidental vegetation, such as weeds, in a clear area of confinement, such as a feedlot or pen, would not exclude an operation from meeting the definition of an AFO.

In the case of a winter-feeding situation, the “no vegetation” criteria in the AFO definition is to be evaluated during the winter. Therefore, use of a winter feeding area to grow crops or other vegetation during periods of the year when animals are not present **would not exclude** the area from meeting the definition of an AFO, if animals are confined in the area for more than 45 days in a 12-month period.

Conversely, a feeding area in a pasture that does not confine the animals (i.e., gate is open) and allows free access to rangeland or pasture would not qualify as a confined feeding area and would not be considered an AFO, regardless of the surface condition of the lot. However, the responsibility remains to protect surface and ground water from such an operation.

**Assessing Your Operation**

Use the following decision process to identify if your pasture or grazing operation could require a permit. This decision process is shown graphically on page 3.

Step 1. Is any field where animals spend time devoid of vegetation? If the field is not cropped or maintains vegetation, this area may be considered a confined feeding area.

Step 2. Are animals confined for more than 45 days during any 12-month period? If livestock are not kept in the confined area for more than 45 days, they would not be considered an AFO. Confinement of more than 45 days would define the operation as an AFO. For the purposes of this determination, any part of a day counts as a whole day.

**How to Avoid Being an AFO**

To avoid meeting the definition of an AFO, you will need to manage facilities so that they are considered pasture-based operations. This management may require keeping things mobile, such as hospital facilities, working chutes and penning, and feeding facilities or utilizing these areas for less than 45 days during any 12-month period. Do not allow animals to destroy the vegetation in an area that could be considered a confinement.

<b><i>Tips to Avoid Becoming an AFO</i></b>	
Do	<ul style="list-style-type: none"> <li>• Keep gates open and allow free access to pastures and rangeland.</li> </ul>
Do <i>not</i>	<ul style="list-style-type: none"> <li>• Confine animals for more than 45 days in a 12-month period.</li> <li>• Allow animals to completely destroy vegetation in a lot or confined area that could be considered a confinement.</li> </ul>
<b><i>Tips to Avoid Becoming a CAFO</i></b>	
Do	<ul style="list-style-type: none"> <li>• Eliminate any discharges to water from the confinement area.</li> </ul>

**Summary**

To avoid the potential requirement for an NPDES permit, pasture-based livestock producers should manage their operations so that they will not meet the definition of an AFO. This may require taking a different approach, than in the past, to managing confined feeding areas on cropland, pastures, and rangeland and limiting the amount of time that livestock spend in confined areas. Mitigating impact to surface waters and maintaining vegetation in confined areas is key to being excluded from the CAFO regulations.

**Definition of Terms**

AFO—Animal Feeding Operation. This can be either livestock or poultry.

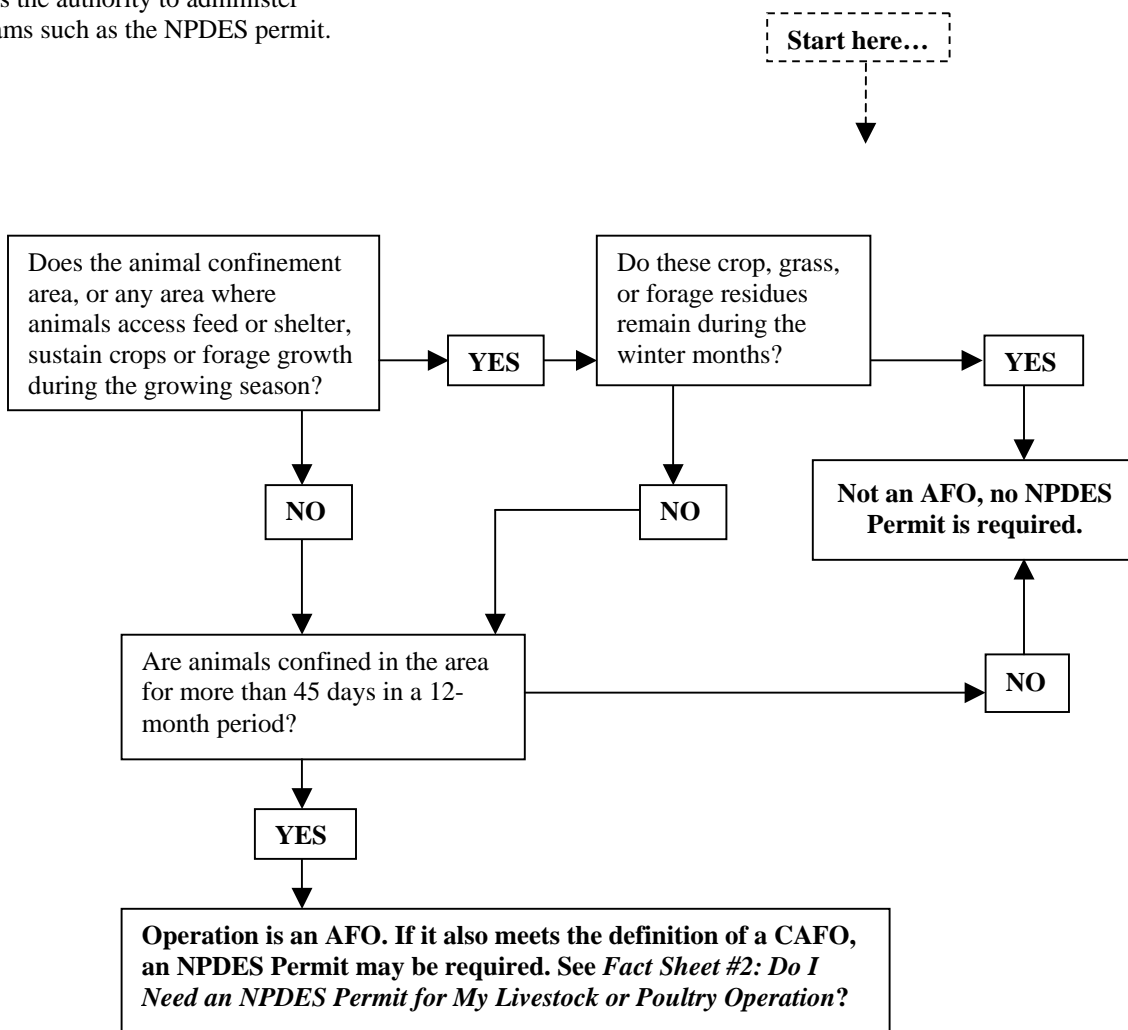
CAFO—Concentrated Animal Feeding Operation. An AFO that meets the definition of a CAFO must apply for an NPDES permit.

EPA—Environmental Protection Agency.

NPDES—National Pollutant Discharge Elimination System. The permit program that regulates CAFOs.

State Permitting Authority—In many states, the state regulatory agency has the authority to administer federal permit programs such as the NPDES permit.

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**Reviewers**

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**Primary Contact Information about Livestock  
Nutrient Management in Washington State**

**Washington State Department of Agriculture**

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360-902-2894

Administrative Assistant:  
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Eastern Washington:  
Ginny Prest  
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Jeff Canaan  
360-941-3026

Washington State Department of Agriculture  
Web site: [www.agr.wa.gov](http://www.agr.wa.gov)

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<http://www.puyallup.wsu.edu/dairy/>

**Environmental Regulations Related Resources**

<http://www.epa.gov/npdes/caforule/>–To obtain copy of regulations

<http://www.epa.gov/npdes/afo/statecontacts/>–To obtain state environmental agency contact

**Educational Resources**

<http://www.lpes.org/>–To view the Livestock and Poultry Environmental Stewardship (LPES) curriculum resources

**Fact sheet modified by:** Joe Harrison and Tip Hudson,  
WSU

Washington State Department of Agriculture  
Washington State Department of Ecology

## Washington State Livestock Technical, Financial and Educational Assistance

<b>Natural Resources Conservation Service</b>	<b>Website: <a href="http://www.wa.nrcs.usda.gov">www.wa.nrcs.usda.gov</a></b>
<b>Washington State Conservation Districts</b>	<b>Website: <a href="http://www.conserver.org">www.conserver.org</a></b>
<b>Office Addresses and Phone Numbers</b>	

OFFICES	ADDRESS	NRCS Phone	CD Phone
<b>Adams</b>	402 E. Main, Ritzville 99169-1338		509/659-1553
<b>Adams</b>	506 Weber Avenue, Suite B Ritzville, WA 99169	509/659-1761	
<b>Asotin County</b>	720 - 6th St., Suite B, Clarkston 99403-2012	509/758-8012	509/758-8012
<b>Benton</b>	24106 N. Bunn Rd., Prosser 99350		509/786-9230
<b>Benton</b>	618 8 <sup>th</sup> Street Prosser, WA 99350	509/ 786-1923	
<b>Central Klickitat</b>	1107 S. Columbus Ave., Goldendale 98620-9296	509/773-5822	509/773-5823
<b>Chelan County</b>	301 Yakima St. Room 307, Wenatchee 98801-2996	509/664-0210	509/664-0265
<b>Clallam</b>	111 E. 3rd, Room 2A, Port Angeles 98362-3018	360/ 452-8994	360/452-1912
<b>Clark</b>	11104 NE 149th St, Bldg. C, Suite 400, Brush Prairie 98606-9518	360/883-1987	360/885-2284
<b>Columbia</b>	U.S. Post Office Building, 202 S. Second St., Dayton 99328-1327	509/382-2421	509/382-4773
<b>Cowlitz</b>	2125 - 8th Ave., Longview 98632	360/425-1880	360/425-1880
<b>Eastern Klickitat</b>	1107 S. Columbus Ave., Goldendale 98620-9296	509/773-5822	509/773-5823
<b>Ferry</b>	84 E. Delaware Ave., PO Box 1045, Republic 99166-1045	509/775-3473	509/775-3473
<b>Foster Creek</b>	103 N. Baker St., PO Box 428, Waterville 98858-0428	509/ 745-8561	509/745-8362
<b>Franklin</b>	1620 Road 44 N., Pasco 99301-2667	509/545-8546	509/545-8546
<b>Grays Harbor</b>	330 Pioneer Ave. W., Montesano 98563-4499	360/249-5900	360/249-5980
<b>Jefferson County</b>	205 W. Patison St., Port Hadlock 98339-9751		360/385-4105
<b>Jefferson County</b>	111 East 3 <sup>rd</sup> Street, Room 2B Port Angeles, WA 98362	360/452-8994	
<b>King</b>	935 Powell Ave. SW, Renton 98055-2908	206/764-3325	206/764-3410
<b>Kitsap</b>	817 Sidney Ave, Port Orchard 98366-2460	360/337-4433	360/337-7171
<b>Kittitas County</b>	607 E. Mountain View Ave., Ellensburg 98926-3863	509/925-8585	509/925-8585
<b>Lewis County</b>	1554 Bishop Rd., Chehalis 98532	360/748-0083	360/748-0083
<b>Lincoln County</b>	1310 Morgan St., PO Box 46, Davenport 99122-0046	509/725-4501	509/725-4181
<b>Mason</b>	SE 1051 Hwy 3, Ste. G, Shelton 98584		360/427-9436
<b>Mason</b>	817 Sidney Ave, Port Orchard 98366-2460	360/337-4433	
<b>Moses Lake</b>	1775 SE Hwy. 17, Moses Lake 98837-9326		509/765-5333
<b>Moses Lake</b>	2145 Basin St. SW, Suite B, Ephrata 98823-9617	509/754-2463	
<b>North Yakima</b>	1606 Perry Street, Suite F, Yakima 98902-5769	509/454-5746	509/454-5736
<b>Okanogan</b>	1251 S. 2nd Ave. Room 101, Okanogan 98840	509/422-2750	509/422-0855
<b>Othello</b>	449 E. Cedar Blvd., Othello 99344-0323	509/488-2802	509/488-2802
<b>Pacific</b>	1216 Robert Bush Dr., PO Box 968, South Bend 98586-0968		360/875-9424
<b>Pacific</b>	1216 Robert Bush Dr., PO Box 336, South Bend 98586-0968	360/875-6300	
<b>Palouse</b>	325 NW State Street, Pullman 99163		509/332-4101
<b>Palouse</b>	805 S. Vista Point Dr. Suite 2, Colfax 99111-9565	509/397-4301	
<b>Palouse-Rock Lake</b>	N. 3 Front St., PO Box 438, St. John 99171-0438	509/648-3680	509/648-3680
<b>Pend Oreille</b>	100 N. Washington Ave., PO Box 280, Newport 99156-0280	509/447-4217	509/447-5370
<b>Pierce</b>	Puyallup Executive Park, 1011 E. Main, Suite 106, Puyallup 98372	253/845-9272	253/845-9770

OFFICES	ADDRESS	NRCS Phone	CD Phone
Pine Creek	805 S. Vista Point Dr., Suite 2, Colfax 99111-9565		509/397-4636
Pine Creek	805 S. Vista Point Dr. Suite 2, Colfax 99111-9565	509/397-4301	
Pomeroy	USDA Bldg, 804 Main St., PO Box 468, Pomeroy 99347-0468	509/843-1997	509/843-1998
San Juan County	350 Court Street #10, Friday Harbor, WA 98250-7910		360/378-6621
San Juan County	2021 E. College Way, Suite 214, Mt. Vernon 98273-2373	360/428-7684	
Skagit	2021 E. College Way, Suite 203, Mt. Vernon 98273-2373		360/428-4313
Skagit	2021 E. College Way, Suite 214, Mt. Vernon 98273-2373	360/428-7684	
Snohomish	528 - 91st Ave. NE, Suite C, Everett 98205-1535	425/334-2828	425/335-5634
South Douglas	103 N. Baker, PO Box 246, Waterville 98858-0246		509/745-9160
South Douglas	103 N. Baker, PO Box 428, Waterville 98858-0428	509/745-8561	
South Yakima	1116 A Yakima Valley Hwy., Sunnyside 98944-1555	509/837-7911	509/837-7911
Spokane County	210 North Havana, Spokane 99202-4724		509/535-7274
Spokane County	1908 N. Dale Lane Spokane, WA 99212-2445	509/924-7350	
Stevens County	232 Williams Lake Rd., Colville 99114-9638	509/685-0858	509/685-0937
Thurston	2400 Bristol Court SW, Ste 100, Olympia 98502		360/754-3588
Thurston	1835 Black Lake Blvd. SW, Suite E Olympia, WA 98512	360/704-7740	
Underwood	170 NW Lincoln St., PO Box 96, White Salmon 98672-0096		509/493-1936
Underwood	11104 NE 149 <sup>th</sup> Street, Bldg C, Suite 400 Brush Prairie, WA 98606	360/ 883-1987	
Upper Grant	2145 Basin St. SW, Suite C, Ephrata 98823-9617		509/754-0195
Upper Grant	2145 Basin St. SW, Suite B, Ephrata 98823-9617	509/754-2463	
Wahkiakum	PO Box 67, Cathlamet 98612-0067		360/795-8240
Wahkiakum	2125 - 8th Ave., Longview 98632	360/425-1880	
Walla Walla County	1501 Business One Circle, Suite 101, Walla Walla 99362-9526	509/522-6347	509/522-6340
Warden	PO Box 177, Warden 98857-0177		509/349-7539
Warden	449 E. Cedar Blvd., Othello 99344-0323	509/488-2802	
Whatcom	6975 Hannegan Rd., Lynden 98264-9620	360/354-5658	360/354-2035
Whidbey Island	PO Box 490, Coupeville 98239-0490		360/678-4708
Whidbey Island	2021 E. College Way, Suite 214, Mt. Vernon 98273-2373	360/428-7684	
Whitman	805 S. Vista Point Dr. Suite 2, Colfax 99111-9565	509/397-4301	509/397-4636

## WSU EXTENSION - LIVESTOCK ASSISTANCE

OFFICE/COUNTIES	NAME	ADDRESS	PHONE
Asotin	Mark Heitstuman	PO Box 9, Courthouse, Rm B107, Asotin 99402	509-243-2009
Benton/Franklin	Jean Smith	5600 E West Canal Drive, Kennewick 99336	509-735-3551
Clark/Cowlitz	Gary Fredricks	11104 NE 149th St., Bldg. C-100, Brush Prairie 98606	360-397-6060
Grays Harbor	Gary Fredricks		360-397-6060
Klickitat/Lewis	Gary Fredricks		360-397-6060
Pacific/Thurston	Gary Fredricks		360-397-6060
Wahkiakum	Gary Fredricks		360-397-6060
Columbia		202 S. 2nd St., Dayton 99328	509-382-4741
Grant/Adams	Sara Maki-Smith	PO Box 37, Courthouse, 35 C St. NW, Ephrata 98823	509-754-2011 Ext 413

## WSU EXTENSION - LIVESTOCK ASSISTANCE

OFFICE/COUNTIES	NAME	ADDRESS	PHONE
Kittitas	Tip Hudson	507 Nanum St., Room 2, Ellensburg 98926	509-962-7507
Klickitat	Susan Kerr	228 W. Main MS-CH-12, Goldendale 98620	509-773-5817
Lincoln	Tom Platt	PO Box 399, 303 6th St., Davenport 99122	509-725-4171
Eastern Adams	Tom Platt		509-725-4171
Spokane	Tom Platt		509-725-4171
Okanogan/Chelan	Jay Jenkins	PO Box 391, 149 3rd N. Room 101, Okanogan 98840	509-422-7245
Douglas	Jay Jenkins		509-422-7245
Skagit/Island Snohomish	Ned Zaugg	600 128th St. SE, Everett, WA 98208	425-357-6018
Snohomish	Mike Hackett	600 128th St. SE, Everett, WA 98208	425-357-6017
Yakima	Frank Hendrix	128 N. 2nd St. Room 233, Yakima 98901	509-574-1600
Whitman		310 N. Main Room 209, Colfax 99111	509-397-6290
Statewide	Joe Harrison	7612 E. Pioneer Way, Puyallup 98371	253-445-4638
Statewide	Don Nelson	PO Box 646310, Clark Hall 119, Pullman 99164	509-335-2922
Statewide	Art Linton	24106 N. Bunn Rd., Prosser 99350	509-786-2226

### *Environmental Regulations Related Resources*

<http://www.epa.gov/npdes/caforule/>—To obtain copy of regulations

<http://www.epa.gov/npdes/afo/statecontacts/>—To obtain state environmental agency contact

### *State-specific resources*

### *Educational Resources*

<http://www.lpes/>—To view the Livestock and Poultry Environmental Stewardship (LPES) curriculum resources

<http://www.ree.usda.gov/1700/statepartners/usa.htm/>—To obtain state Cooperative Extension contacts

### *State-specific resources*

The local contact for your land-grant university Cooperative Extension program is listed in the phone book under “Cooperative Extension” or “(county name) County Cooperative Extension.”

### *USDA Farm Bill Resources*

To obtain more information about the Farm Bill 2002, see the USDA-NRCS website at <http://www.nrcs.usda.gov/programs/farmbill/2002/>. You can also contact your local USDA Service Center, listed in the phone book under "U.S. Department of Agriculture," or your local conservation district.



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