

NOVEMBER 2022

FAQ: Intensive Winter Grazing Rules

These Frequently Asked Questions will help you understand how the rules on Intensive Winter Grazing may apply to you.

They are designed to be read alongside the National Environmental Standards for Freshwater: www.bit.ly/3Fq5tvs

Here we cover the most common questions received by regional councils. If there is anything else you are unsure of, please contact your regional council to discuss.

INTENSIVE WINTER GRAZING RULES OVERVIEW

IWG regulations are designed to reduce soil and nutrient loss to the environment, especially freshwater, and are in effect for all farms from 1 Nov 2022.

Intensive Winter Grazing (IWG) is defined as the grazing of livestock on an annual forage crop at any time in the period that begins 1 May and ends 30 September of the same year. Generally, winter crops (where fed in situ) come under the IWG regulations.

FAQ topics:

- Permitted Activities and Resource Consents
- Forage crop
- Measuring slope
- Buffers
- Critical Source Areas
- Managing pugging
- Re-sowing
- Previous use of the area for IWG



PERMITTED ACTIVITIES AND RESOURCE CONSENTS

Do I need resource consent?

You can carry out intensive winter grazing as a permitted activity (consent not required) if you:

1. Meet the conditions in the national regulations (National Environmental Standards for Freshwater) **and**
2. Meet your regional council permitted activity requirements.

These FAQ relate to the national regulations only. Please check with your regional council for guidance on regional permitted activity and consenting requirements. You need to meet both national and regional permitted activity requirements for your winter grazing activities to be permitted.

Links for more help on whether you require consent:

- IWG Decision Tree from DairyNZ: www.bit.ly/3gXNbHy
- IWG Factsheet from Ministry for the Environment: www.bit.ly/3FuWc5b

What do I need to do to apply for consent?

You will have to fill in some application forms and develop an Intensive Winter Grazing Management Plan. There will be a cost associated with the consent, which your regional council can discuss with you. The more information you provide up front the more straightforward the process usually is. Providing photos with your application helps a lot.

A consent will generally be granted for more than one year/ season.

ANNUAL FORAGE CROP

What are forage crops and what are some examples?

Annual forage crops are crops grazed in the place where they are grown, including cereals (such as sorghum, barley, oats, ryecorn and triticale), brassicas (such as kale, turnips and swedes) and fodder beet.

If you are growing cereals, brassicas or fodder beet for grazing by stock during winter, it is a forage crop.

What if I am growing a mixture of annual forage crops and other crops?

If the mix is more pasture than it is fodder crop, then it will be treated as pasture. For example, if it is 80% pasture and 20% fodder then it will not be treated as an annual forage crop. However, if it is 60% fodder and 40% pasture then it will be treated as an annual forage crop.

Is an annual ryegrass defined as an annual forage crop?

No, annual ryegrass is not considered an annual forage crop.

What if I manage my cereal crops in a way that means that they re-grow after grazing and do not require re-sowing?

If you manage your cereal crops in a way that means that after grazing the crop re-grows and is harvested or grazed again without re-sowing, they will not be considered annual forage crops.

MEASURING SLOPE

Rule 26(4)(b), National Environmental Standards for Freshwater: The slope of any land under an annual forage crop that is used for intensive winter grazing must be 10 degrees or less, determined by measuring the slope over any 20m distance of the land.

Does the whole paddock have to be less than 10 degrees if only part of the paddock is planted in annual forage crop?

No, the less than 10 degrees requirement only applies to the area planted in annual forage crop. The slope must be less than 10 degrees in the steepest area of the cropped area, measured over 20m.

You may also want to consider Good Management Practices to avoid sediment loss in areas less than ten degrees slope and include these actions in your Winter Grazing Plan.

See Beef + Lamb, DairyNZ, and Ministry for Primary Industries websites for winter grazing plan resources:

- www.beeflambnz.com/wintergrazing
- www.dairynz.co.nz/feed/crops/wintering/
- www.bit.ly/3fkHbIH

How do I measure slope?

One method of measuring slope is to put two standards approximately 20m apart and then measure from the top of one peg to the top of the other using a clinometer or slope measurement app or tool.

The video below explains how to measure slope in your winter grazing paddocks.



Tips on how to measure the slope of your paddocks

Video Link: www.youtube.com/watch?v=w252co9R_3I

How do I measure slope in paddocks with humps and hollows?

Slope is measured between two points in a paddock 20 m apart, rather than on each hump and hollow.

How will the council check slope on my farm?

To be a permitted activity, the slope of any land under an annual forage crop that is used for intensive winter grazing must be 10 degrees or less, determined by measuring the slope over any 20 m distance of the land. The Councils will use a clinometer or a mobile phone app or tool. Councils may also have drones, aircraft and high-resolution digital elevation maps available in some areas.

BUFFERS

Rule 26(4)(d), National Environmental Standards for Freshwater: livestock must be kept at least 5 m away from the bed of any river, lake, wetland, or drain (regardless of whether there is any water in it at the time)

How wide should my buffers be?

You must have a buffer of at least 5m from areas of grazed forage crop and rivers, lakes, wetlands or drains. This buffer is regardless of whether they contain water or not. A 5m buffer is the minimum legal requirement. However, regional rules may require you to have wider buffer widths so you need to check with your Regional Council.

You may also want to consider wider buffers as good practice. The good practice rule of thumb is, the steeper the slope, the wider the buffer should be.



Examples of vegetated buffers.

Where do I measure the buffer distance from?

The 5m buffer must be measured from the edge of the bed for rivers and lakes. This is measured from where the river reaches its fullest flow without overtopping its banks. Speak to your Regional Council for help on measuring buffers from wetlands. The aim is to avoid winter grazing in wet areas. If in doubt, be conservative and put in wider buffers and keep stock out of these areas.

What is a wetland?

A wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. Identification of whether an area is a wetland may require expert advice from an ecologist. Contact your regional council for advice.

What about sub-surface drains?

Sub-surface drains are exempt from the buffer requirement (no buffer required).

CRITICAL SOURCE AREAS (CSA)

Rule 26(4)(e), National Environmental Standards for Freshwater: on and from 1 May to 30 September of any year, in relation to any critical source area that is within, or adjacent to, any area of land that is used for intensive winter grazing on a farm,

- (i) the critical source area must not be grazed; and*
- (ii) vegetation must be maintained as ground cover over all of the critical source area; and*
- (iii) maintaining that vegetation must not include any cultivation or harvesting of annual forage crops.*

How are Critical Source Areas defined in the rules?

Critical source area means a landscape feature such as a gully, swale, or depression that:

1. accumulates runoff from adjacent land; and
2. delivers, or has the potential to deliver, 1 or more contaminants to 1 or more rivers, lakes, wetlands, or drains, or their beds (regardless of whether there is any water in them at the time)

How do I identify Critical Source Areas?

Look for areas where water accumulates during rainfall events and which also connect to water bodies. These are Critical Source Areas. These areas can be on steep or shallow slopes. If you are unsure, talk to your council or farm advisor. See the next page for some examples of Critical Source Areas.

Am I allowed to graze stock in Critical Source Areas?

From 1 May to 30 September, stock cannot be grazed in Critical Source Areas within a winter crop area, unless you have an active resource consent to do so.

How do I manage Critical Source Areas?

Vegetation cover must be maintained in Critical Source Areas within a winter crop area. No cultivation or harvesting of annual forage crops can occur in Critical Source Areas during this time. You will need to apply for consent if you cannot meet these requirements.

You may also want to consider the following Good Management Practices:

- Maintaining buffers between Critical Source Areas and winter grazing. Generally, the steeper the slope, the wider the buffer should be.
- Using measures to trap sediment at the bottom of CSAs, e.g.: using haybales or sediment traps.
- If you can see sediment being lost from CSAs into water bodies, you will need to change your management of these areas, for example, increase size of buffer between these areas and areas being grazed.
- Your regional council, farm advisor, Beef+Lamb, or DairyNZ can help.

What do I do if my Critical Source Areas run across the length of the paddock, or through two or more paddocks?

The guidance above still applies. Stock cannot be grazed in these areas from 1 May to 30 September each year, without resource consent.

CRITICAL SOURCE AREAS (CSA)

Can I graze the top part of the Critical Source Area if I have a buffer at the bottom of it?

No, you need to keep stock out of the whole Critical Source Area from 1 May to 30 September each year unless you have resource consent. It is good practice to put in place measures to trap sediment at the bottom of these Critical Source Areas, for example hay bales or sediment traps.



Critical Source Area shown in blue above. More examples below.



PUGGING

Rule 26A(1), National Environmental Standards for Freshwater: A person using land on a farm for intensive winter grazing in accordance with regulation 26 must take all reasonably practicable steps to minimise adverse effects on freshwater of any pugging that occurs on that land.

The rule says I have to take all reasonably practicable steps to minimise adverse effects on freshwater from pugging- how do I show this?

Pugging can result in loss of sediment and other contaminants to water bodies during rainfall events. Areas at greater risk of pugging and loss of contaminants to water bodies are:

- Paddocks with Critical Source Areas (see FAQs on Critical Source Areas above) where surface water flow can enter water bodies
- Paddocks with steep slopes and/or poorly drained soils
- Areas around gates and water troughs.

Consider the following actions to help you minimise effects on freshwater:

- Careful paddock selection,
- Careful paddock preparation and using reduced or no till cultivation such as direct drilling where appropriate, to retain soil structure and improve soil resilience.
- Management of stock during grazing. For example, ensure stock begin grazing the least risky parts of the paddock first to minimise the period of runoff risk. This usually means that stock should enter at the top of paddock catchments/gullies and graze their way downhill.
- Strategic grazing principles such as directional grazing and backfencing
- Placement of water troughs and supplementary feed in areas less prone to pugging and away from waterways
- Use of grass strips within paddock to trap sediment
- Where appropriate leave some vegetated cover to help protect soils
- Having a plan B for adverse weather events, for example avoiding using higher-risk areas during these times.
- Ensuring there are appropriately sized vegetated buffers, ideally grassed. As a rule of thumb, the steeper the slope the wider the buffer should be.
- Avoiding grazing Critical Source Areas (see Critical Source Area FAQs)
- Using sediment traps or placing hay bales at the bottom of Critical Source Areas to trap sediment.

Plan and implement actions using a Winter Grazing Plan to show you have taken all reasonably practicable steps to minimise adverse effects from pugging on freshwater:

You can also use before and after photos of paddocks used for winter grazing, to show how you have managed the paddock to minimise pugging and loss of sediment to freshwater.

PUGGING



This photo shows how buffers have been left between areas used for winter grazing and Critical Source Areas to avoid loss of sediment and other contaminants to water.

What should I do if things are going wrong?

It is always better to talk to your regional council early if things go wrong. Your Regional Council can advise you on what to do. Your farm advisor, DairyNZ and Beef + Lamb extension staff can also provide support and resources.

RE-SOWING

Rule 26B, National Environmental Standards for Freshwater: A person using land on a farm for intensive winter grazing in accordance with regulation 26 must ensure that vegetation is established as ground cover over the whole area of that land as soon as practicable after livestock have finished grazing the land.

What does 'as soon as practicable' mean and how do I show I've re-sown as soon as practicable?

The term 'as soon as practicable' is not defined in the rules. However, you can use your Winter Grazing Plan to demonstrate to Councils you have re-sown paddocks used for intensive winter grazing as soon as practicable.

Councils will want to see the following in your Winter Grazing Plan:

1. Your planned re-sowing date.
2. Any factors that may delay this re-sowing date, such as paddocks are too wet, contractors are not available, bad weather is forecast.
3. Actions you will take to minimise loss of sediment during any delay periods. For example, placing haybales in swales and leaving rank grass buffers in place.

PREVIOUS USE OF THE AREA FOR INTENSIVE WINTER GRAZING

Rule 29, National Environmental Standards for Freshwater: The conditions are that—

- (a) land on the farm must have been used for intensive winter grazing in the reference period; and*
- (b) at all times, the area of the farm that is used for intensive winter grazing must be no greater than the maximum area of the farm that was used for intensive winter grazing in the reference period.*

Do I need to have used the same paddock for IWG previously?

You need to have used land on the farm for intensive winter grazing from 1 July 2014 to 30 June 2019. It does not have to be the same paddock. You must not have increased the size of the area used for intensive winter grazing in any one winter between 1 July 2014 to 30 June 2019.

If you are unsure about the rules, check with your regional council.

WINTER GRAZING PLAN RESOURCES AND TEMPLATES

DairyNZ: www.bit.ly/3NvbtoE and www.dairynz.co.nz/feed/crops/wintering

Beef + Lamb: www.beeflambnz.com/wintergrazing and www.bit.ly/3tcA201

Thriving Southland: www.bit.ly/3fBUMey

Ministry for Primary Industries Module: www.bit.ly/3zFkt4U

