

Lake Champlain Phosphorus Initiative

Second Meeting of the Agricultural Working Group 2/14/13

This summary reflects a range of views expressed on the issues as discussed during meetings of the Agricultural Working Group (AWG), comprised of members of the Vermont Agricultural Community of producers, technical advisors, state and federal agency personnel and personnel from businesses in the agricultural sector. They do not reflect the formal or public position of any one group of people, organization or coalition. All errors and omissions are the sole responsibility of EMC/CBI.

Attendees: 30

These notes and the presentations that were given will be posted on the Environmental Mediation Center's website: <http://www.emcenter.org/lake-champlain-phosphorous-pollution-initiative/>

I. *Ground Rules and Protocols*

- Facilitators reviewed the ground rules and protocols presented on 2/1/13 for adoption and agreement from the members of the AWG.
- Specific discussion around Sections IV Decision Making; V Meetings and VI Working Group Member Responsibilities.

Section VI on Member responsibilities was discussed at length. The group discussed on the importance of trust and ability of members to speak freely in providing comments while the AWG is in session. Each person was asked whether he or she would comply with the member responsibilities and agreed that order to create a productive and robust process, members of the AWG will not attribute statements to others involved in the process or make statements that present or represent the views of any other participant (or the AWG as a whole) to outsiders. The "yeses" were unanimous. The work of the AWG is reported out in meeting minutes and posted on the LCPI web page without attribution. However, all agreed that the fact they were on the AWG, their occupation and their county location could be released.

II. *AWG Membership*

The members are:

Andre Quintin, MFO, Franklin County
Adrian Rainville, SFO, Franklin County
Amanda St. Pierre, LFO, Franklin County
Ben Dykema, MFO, Addison County
Eric Noel, Beef, Franklin County
Guy Palardy, Crop, Grand Isle County
Heather Darby, UVM Extension, Franklin County

Helm Notterman, Beef, Caledonia County
Jane Clifford, MFO, Addison County
James Maroney, MS Environmental Law & Policy
Jeff Carter, UVM Extension, Addison County
Jennifer Alexander, NRCD, Addison County
John Roberts, MFO (former), Addison County
Kip Potter, NRCS, Chittenden County
Michael Audet, MFO, Addison County
Mike Chaput, LFO, Orleans County
Ransom Conant, MFO, Chittenden County
Ryan Patch, NRCD, Rutland County
Roger Rainville, FWA, Franklin County
Sally Flis, Agriculture Consultant, Addison County
Scott Sainsbury, Horses, Hay & Timber, Washington County
Tom Easton, Agriculture Consultant, Chittenden County
Ted Foster, MFO, Addison County

II. *Presentations*

A. Kip Potter

Hand out on studies of conservation practices and their effectiveness and a presentation on NRCS CEAP long range multi-year studies from across the country

General Feedback

There was general discussion regarding the seemingly contradictory results of many studies. Discussion on whether the results were truly contradictory – meaning one study said this practice worked versus another study that said it did not versus studies that reported mixed results in that the implementation of a conservation practice positively affected a targeted water quality issue but could also inadvertently cause a reaction elsewhere on the farm that was also reported out in studies.

Specific questions were asked regarding how agencies use water quality monitoring data and whether the data was used to update modeling. One participant noted that in some cases the information used in modeling turned out to be incorrect when data was actually gathered in a specific location. The participant believed that using modeling based on inaccurate data could lead to incorrect assumptions and poor outcomes in the future. The agencies reported that the data was now current for specific locations and accurately reflected the current information but that updating the modeling would require significant funding.

A participant wanted to know how agencies were keeping up-to-date on newer technologies that were coming on the market that could be used to address issues like increasing phosphorus uptake in plants. Agencies noted that they tended to have access to theoretical studies, modeling, etc. but not necessarily to “applied science” test results.

An open question was posed for what the best way would be to educate the agricultural community about and incorporate changes in practices and technology over time.

Two participants shared their perspective on having “in the field” information and one offered to bring in the information they had access to and share it with the group.

- B. Marli Rupe provided background information on the information that emerged from the focus group process last fall and how that information had informed the VAAF and DEC development of ideas for addressing water quality issues in agriculture. The list of additional ideas was discussed in more detail to enable the AWG to determine if the ideas that emerged were complete (members of the AWG added other items to the list). Then the participants used dot polling (three green dots and one red one) to prioritize the ideas they were most interested in discussing.

The discussion of these ideas included comments such as:

AAP Compliance & Enforcement

- Structure for enforcement and ensuring consistency in application
- Clear rules across various agencies
- Application of the structure to non-livestock farms
- Should enforcement actions be publicized?
- If publicized, should remediation success be publicized as well?
- If publicized, what level of infraction gets made public?
- How often would the farms be re-evaluated?
- What is the mechanism for following up?

NMPS

- Looking at T ratios, Rusle index, would a P index be better than soil loss as an indicator?
- Feed management planning
- Adaptive nutrient management principals
- Helpful to use a “total P budget” approach

Livestock Exclusion

- Review of literature to get best “bang for the buck” of this practice, return on investment
- Designing waiver system
- Define stream

Cost Shares

- How to build in long term sustainability
- How to make sure the once implemented, the practice can continue?
- How to ensure completion of the process
- How to ensure funding optimization

Economic Issues

- If the regulations are too onerous, then state will have priced VT farmers out of marketplace.
- One model is used in New York where the downstream cities pay upstream farmers in the watershed for the practices to ensure clearer water because doing so lowers the cost of filtration downstream.
- Can there be other economic incentives built into the practices such as lower insurance rates or a lender guarantee for money to enable the practice to continue?

Farm Reporting

- Best way to locate
- Not every producer has internet and even if they do it could be dialup
- Form simplicity
- Define a farm
- Can you get the info from other agencies (e.g. FSA)
- Who can help producers with technical questions, if they do not know the P index that is not easily ascertained need a service provider to help get information needed for form
- Look to who is managing the land – outcome driven
- Could have different criteria for determining the form used or need to file—small farms, location and use, density driven animals per acre

Continuing Education

- Smaller classes, held more frequently so everyone gets a chance to learn
- Online options?

- Requirement of attendance to participate in any federal or state programs
- Self-education opt out? If you demonstrate understanding of the information
- Could it be mandatory below a certain size? LFO and MFOs generally have to know this information and apply it to their farms to stay in compliance with existing regs.

Current Use

- Could you make ability to access current use dependent upon filing state form and having an NMP in place?
- If you make it like forestry side, then who pays for the agricultural piece of a current use program?
- What are the penalties for violating the plan?

Technical Assistance

- Need ROI numbers based on actual cost over time of the program signed up to implement
- Must keep up with new research and practices, then how to implement
- Need to find sustainable funding for tech assistance
- Challenges of when technical assistance relies on parameters of grant funding because the grant covers implementation only of practices in the grant and not necessarily what the farm needs, also when grant runs out then the practice implementation stops so not every farm that could use it is benefitted.
- Discussion on whether the NY and the VT funding for grants from NRCS is similar or different.

Flexible Options

- Idea of a point system ok
- Not ok to tie it to regulatory certainty—concept is difficult to envision working in practice.
- Different agencies have different criteria and use different terms
- Critical to have every agency--- state and federal—on the same page and regulating the same things so farmers have clear direction and there is no confusion
- Everyone regulating the farmer has to be in sync

The results of the Dot Polling are as Follows:

TOP 2

1. Nutrient Management Plans
 - 4 Reds
 - 16 Greens
2. Enforcement & Compliance
 - 3 Reds
 - 12 Greens

MIDDLE FOUR

8. Continuing Education
 - 8 greens
10. Technical Assistance
 - 4 Reds
 - 6 Greens
4. Cost Share
 - 1 Red
 - 7 Greens
5. Farm Reporting
 - 2 Reds (specifically on the ID all farms bullet point)
 - 5 Greens

BOTTOM ONES

6. Overall Funding and Broad Issues
 - 2 Reds
 - 1 Green
3. Livestock Exclusion (BUT MAY FALL UNDER RMP/NMP)
 - 1 Red (specifically at the animal density bullet point)
7. Farm Income
 - 2 Reds
 - 1 Green
9. Current Use
 - 1 green
11. Flexible Options

- C. Andrea Ashe gave a lunch time presentation for the launch of the Ben and Jerry's "The Caring Dairy Program"

<http://www.benjerry.com/activism/inside-the-pint/dairy#.UTNQOTCko2U>

This innovative program has been part of Ben and Jerry's sustainable dairy initiative since 2003. The program operates in the United States and in other countries and there is a new interactive website that demonstrates how the various components of

the initiative work together. The program measures 11 sustainability factors on each farm: soil fertility & health, soil loss, nutrients, pest management, biodiversity, farm economics, energy, water, human capital, local economy and animal welfare.

Using a tiered approach of “Red Light”, “Yellow Light” and “Green Light”, the program measures each factor for whether the farm needs improvement in a specific area, has some issues that need improvement, or has a better understanding of a specific factor and has addressed it on the farm.

The website explains each factor and aggregates the data to demonstrate the results and changes that have been achieved over time.

- D. Laura DiPietro Provided an Overview of How these types of specific issues could be incorporated into a regulatory framework, the review was intended as an example of how a tiered approach could look with examples of some regulatory changes that could be implemented. Goal of Laura’s presentation was to show AWG how frameworks could be created from the discussion of practices that might be used to address non-point source water pollution.

The overview presented a tiered approach idea. On the first tier were options for revised AAPs that incorporated some of the practices (such as livestock exclusion) that were seen as necessary to improve water quality standards and could be implemented through existing programs with some existing funding sources in place. Next, a system of RMPs (resource management practices) and finally, a systems of Enhanced RMPs.

Many questions were raised about a tiered approach

- How would these categories be determined?
- Who evaluates what practices go in which categories
- How could farms with 100 cows or less qualify for enhanced RMPs without large scale changes in farm management?
- Acknowledgement that to qualify for the highest tier some farms would need to make such changes
- Discussion of the issues that accompany a liquid manure system and discussion regarding the fact that such a system is not appropriate for many smaller farms.
- Looking at certified planner program similar to the one used in NY with perhaps different levels

Dates for next meeting were discussed.

March 6, March 13 and March 28th were agreed upon dates for next meetings. March 6th meeting will be earlier from 9:30 to 12:30 pm