

## Lake Champlain Phosphorus Initiative

### First Meeting of the Agricultural Working Group 2/1/13

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.

*Italics contain comments from participants that are indicative of common elements, themes and sentiments expressed. The conversations were not recorded and, therefore, they may not be verbatim quotations.*

Attendees: 45 (including Vermont State and Federal Legislative representatives).

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. *Introductory Remarks*

The meeting of the Agricultural Working Group convened with opening remarks from David Mears, Commissioner of the Department of Environmental Conservation (DEC) and from Chuck Ross, Secretary of the Vermont Agency of Agriculture Food & Markets (VAAFAM).

Both expressed appreciation for the service of the members of the AWG and thanked them for volunteering their time, experience and ideas. Both underscored their belief that issues around water quality were high priorities and noted that there was currently an unprecedented level of communication and cooperation between various state and federal agencies on this issue and on public awareness of the importance of water quality throughout the state.

David had three charges for the AWG:

1. Recognize the conversation around water quality is not starting on a blank slate and that the proposed solutions and ideas need to be geared toward building upon the systems in place now, not in dismantling the structure but, rather, on improving what exists.
2. Recognize that the science and data may not deliver a perfect fit. Use the science and information available but do not get stuck on trying to achieve a 1:1 correlation. A solution that requires spending more time and money to get data studies to then make decisions is not cost effective. Use common sense and focus on what is likely to work.

3. Be bold, the public wants to see substantial steps going forward. The systems are complex. Constraints such as historic sedimentation and dairy profitability exist and the AWG must make progress in spite of these constraints.

Chuck asked the following of the AWG:

1. Recognize that water quality is a vulnerability for agriculture and it is also a community issue that must find community solutions.
2. Recognize that the waters of the state are our responsibility and focus on a Vermont solution: bring your creativity, thoughtful and pragmatic Vermont common sense to the discussion. Be innovative, think outside the lines.
3. This issue will be with us for awhile, there is a need for both short term solutions and a vision of longer term changes.
4. The AWG must be able to have open, honest discussions and trust that their ideas will be received thoughtfully. Listen well to one another.

## II. *Presentations*

Introductions of the AWG were made and an overview of the process that led to its formation was provided together with an outline of potential future steps going forward. Future meetings will have fewer presentations and will focus on the AWG discussion of the issues.

- A. Marli Rupe from DEC provided a brief overview of the history of the TMDL to date and the approximate dates of future EPA action as well as an overview of Act 138.
- B. Eric Smelzer from DEC gave a presentation on the current state of the lake providing information from a variety of sources and scientific studies.

### Takeaways from the discussion held by the AWG after his presentation:

- The AWG are not water quality experts, our role is not to tell VAAFM/DEC what practices will work to improve water quality.
- The AWG can analyze what practices won't work and identify implementation issues.
- The AWG needs examples of other communities that have been able to successfully improve their high phosphorus impaired watersheds and information on how they found the financial and technical resources to implement the changes.

Eric fielded a number of questions from AWG members. Eric was asked whether he had his own ideas of what steps would be required to address high phosphorous levels

in the lake. Eric discussed various point and non-point source contributors and ideas for lowering phosphorus. He summarized by saying that there was a concurrence of opinion on measures and practices that provide positive benefits to water quality, the challenges are on the implementation side.

One farmer noted that from his perspective, farmers have spent decades implementing the changes that they have been told to do. They have relied upon state and federal agency technical expertise and regulatory requirements and did as asked of them.

*Ask me how to increase the milk from that cow, or a crop yield, I can tell you how to do it, but you guys are the experts in this area. I think the question for us (AWG) is not so much what will work, but what we know won't work because its economically not feasible or won't be effective on our farm.*

Another farmer stated that she wanted to see studies on water quality initiatives that produced tangible results in other bodies of water. She noted that, during the course of her whole life, she and her family have implemented practices on the farm to address water quality and the measures have not led to a clean lake. This has been going on for decades. She identified a need to see what other impaired water bodies had been able to do with proven results and from those examples, there was a hope that the AWG could figure out a way to implement the practices in a practical way.

Another farmer noted that the geography in the U.S. is unique with vast quantities of water draining into very large, internal lakes. Only a few other places have similar topography and a similar issue with phosphorus, namely Africa and Russia and doubted there were environmentally sound examples from those nations on how to address such water quality issues. Therefore, it might be hard to find a lot of good examples. He noted in other places, nitrogen is the issue and there were more examples of ways to deal with that.

*Its not enough to find us examples, we also need to know in these areas of success, how did they find the money for making these practices work?*

There were some questions regarding the process by which the EPA determined the TMDL and why it may change with the expected release of the new TMDL.

C. Mike Middleman provided an overview of the Certainty Program in other states and how it could be used as a tool in the implementation of water quality initiatives. Mike noted that he was not advocating any state's existing program as a model for Vermont. He emphasized that it was not known whether any such program would be beneficial to the agricultural community in Vermont; but it was

a potential tool that the AWG could use if they felt it had some utility. He noted that the name was not a good descriptor and it was called different things in other states (e.g. in VT could be Green Mountain Certified).

Feedback from the Discussion Following his Presentation Included:

- Is there a market for a Vermont brand and could this program be useful in the creation of such a market?
- How would a certainty program be funded?
- Who has ultimate enforcement jurisdiction?
- What is the time period for certification and what happens after the time elapses?
- Would non-participating farmers be treated differently?
- Would the farmer be signing a contract?

D. Laura DiPietro gave a presentation on the various regulatory and enforcement mechanisms for addressing agricultural non-point source pollution in Vermont and in other states, noting that Vermont was one of the few states that had a comprehensive enforceable regulatory program for agricultural non-point source pollution. Laura discussed the importance and role of AAPs and how they are applied to small farm operations, medium farm operations and large farm operations.

E. Julie Hoyt, a facilitator, presented the results of surveys used at the public meetings on 12/7/12 and 12/19/12 and after those meetings as well. The power point presentation containing the results will be posted on the EMC website.

F. Laura's next presentation detailed a few specific topics that VAAF/DEC would like the AWG to address. These topics include the AAPs, Livestock Exclusion, and options for the implementation of Resource Management Plans.

In addition to the above issues, other possible issues the AWG could discuss include the following:

AWG List of Possible Topics For Discussion:

- AAPs
- Small farm outreach, identification, enforcement
- Livestock Exclusion
- Resource Management Plans
- Manure Applicator Licensing
- Prioritization of Cost Shares

- Conversion to grass based management
- Easements and Current Use requirements to increase compliance
- Current Use link to AAPs; Agriculture vs. Forestry planning
- Consolidation and Improving the efficiency of VT grant programs for individual farms
- Adaptive NMPs – learning from BMPs, streamlined plans, illustration of economic benefits of actions taken
- Livestock exclusion – priority, personal responsibility, definitions of a stream

In addition to the list above, the AWG is encouraged to discuss other strategies and programs to address water quality issues.

A member of the AWG noted that many farmers cared about these issues; many considered themselves to be stewards of the land and as such understood the need to take responsibility for it and not just look to state or federal agencies as the responsible parties. Another member expressed concern about those farmers who were not compliant with existing standards.

*There are a small amount farmers out there who don't do the right thing, and they hurt the dairy industry so much by their behavior, how can we change that?*

Farmers discussed whether there was a good framework in the state for outreach especially to smaller farm operations on the AAPs and for education on fixing problem issues on the farm. Producers discussed NRCS, conservation districts, UVM Ag Extension programs, Organic Valley, etc. as examples of places to find technical and other assistance.

*The resources are there, if the farmer asks for the help, he will get it.*

Discussion of fact that current use program requires forest land to have a plan, reviewed by the county forester but agricultural land has no such requirements and using the current use program as a potential backstop for AAP compliance measures. Questions were raised about who would approve the ag plan, and how would that person be paid?

Discussion about cost share programs, their funding mechanisms and fairness. One farmer noted that more producers would implement programs if they were paid on time. It was not the 10% or 20% cost share that created a disincentive for adoption of a practice, it was the fact that the farmer had to actually come up with 100% of the cost and hope that the agency would repay him for their share of the

project in a timely way. Another said that it was not right that some farmers had higher rankings than others simply because they were able to figure out the system quicker.

*The ranking thing is unfair. Just because one guy had the time to sit down and learn how to play the game better than someone else.*

Vermont branding idea, discussion of whether this was a feasible idea or whether others had already looked at it and concluded that it was not realistic to establish a market for it. There are existing dairy coop programs that recognized the hard work done by producers but they are not tied to higher milk prices for adopting a specific program. Also other programs out there like Farm to Plate and Working Landscape could be helpful to look at.

The high cost of adding nutrients to land was leading to a positive change in how farmers managed their land and manure. Recognition that NMPs help to identify ways to increase profitability.

Farmers expressed frustrations with the existing system of commodity pricing. *I'd like to be able to pay for these practices on my own and not need to discuss funding and cost shares.*

*At \$16 milk, none of these issues will be resolved. That is the problem that should be addressed.*

However, others in the group noted that a discussion about the price of milk was not what the AWG was formed to address.

*We can discuss the price of milk all we want but that won't change by the work we do. At the end of the day, EPA will be telling me about the regulations. That is the work we are here to do.*

\*Dairy profitability, it was noted, could be one of the longer term issues that should be taken up by the AWG. The AWG will be discussing a number of short, medium and long term solutions. A sub-committee could be formed to explore mid to long term solutions that increase profitability for dairy farms.

### III. *Work Planning*

Wednesdays and Thursdays appeared to be better days of the week for holding AWG meetings. The time of 10-2 pm was generally good for most participants. All AWG participants had email access and checked email at least once per day. Some discussion on ensuring the AWG formed a representative sampling of agricultural interests in Vermont. AWG participants noted that none of the current attendees was an equine operator nor a commercial vegetable farmer. Several of the non-dairy producers grew crops and raised beef. There is an equine producer on the AWG who was unable to attend the meeting.

Review of ground rules and roles.

### IV. *Next Steps*

#### Very Short Term

- Doodle poll for next meeting either February 14, 21, 22
- Email with AWG minutes, copies of presentations
- Meeting will be at Ben & Jerry's in Burlington, directions to follow

#### AWG Identified Needs for Technical Information

- Review of state and federal agencies and their mandates, enforcement and regulatory reach
- Discussion of differences with respect to LFO, MFO, SFO
- Information on other phosphorus impaired watersheds that have successfully addressed the issue, practices implemented and funding mechanisms used
- Case studies on Ag BMPs water quality successes. Specific practices, breakdown of costs.
- Identification of funding sources, existing programs, etc.
- Comparative effectiveness of different strategies e.g. how it all works
- Economics of P/N savings, more economic drivers, generally
- BMP efficiencies
- The NMP 590 Standard