

Lake Champlain Phosphorus Initiative

Fourth Meeting of the Agricultural Working Group 3/13/13

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: 18

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. Review of 3/6/13 Meeting Outcomes and AWG Updates

Group was provided with a legislative update, that the Committee had not submitted final bills for consideration as of the date of this meeting.

Discussion from the facilitators on opportunity for subcommittee outreach with cross sector groups, specifically within the environmental community. Any member of the AWG interested in being a part of this should let EMC/CBI know of their interest.

II. Review of the Write Ups from Last Meeting

* Draft recommendations for Livestock Exclusion and Small Farm Registration/Certification were circulated to the group for review.

A. Livestock Exclusion

-The draft document previously circulated was examined in depth by the AWG and changes were made upon the recommendations of the AWG.

-Several farmers expressed concern over blanket mandates that did not take into account significant factors that would impact the farms:

- Need for clear definition of what bodies of water constituted waterways of concern.
- Need for understanding the proper use of specific agricultural management practices such as intensive grazing would require a waiver system in place to allow for the appropriate implementation of such practices where necessary for the farm. Furthermore, the AWG felt that waivers should also be available where it could be shown that implementation of another BMP would result in a better improvement to nutrient containment on the land.

- AWG did not feel that farmers should be required to apply for EQIP or CREP prior to being eligible for state funding for livestock exclusion. The rates of pay available for fencing varied considerably depending on the farm's situation and the program it selected. The farmers felt strongly that farmers should be encouraged to apply for federal funding but not be forced to do so.
- Need for a way to address farm liability issues where fencing is mandated and could potentially lead to claims against farmers from members of the public utilizing the landscape for recreational and other activities that would be affected by fencing.
 - *If I am required to put up the fencing, then there has to be some protection for me if a snowmobiler or hunter is somehow injured on the land because of the fence that I was told had to go in there.*

B. Small Farm Certification/Registration

- It was harder for the group to reach consensus on this issue.
- The group had questions about how the legislature would define “small farms” and whether farms would register on a database or certify that they are in compliance.
- The conversation focused on the challenges of creating and managing a database and how the data could be helpful in terms of improving water quality initiatives
- The AWG felt the information provided by a data would not be helpful in and of itself unless the Agency of Agriculture had adequate resources to manage the database and conduct inspections.
- Members agreed that more education and outreach on the AAPs (Accepted Agricultural Practices) was necessary and that those efforts would have a greater impact on improved water quality. Access to programs to provide technical and financial assistance, and having farms above a certain nutrient threshold learn how to create and follow nutrient management plans (NMPs) were viewed as creating a higher return on investment for the Agency of Agriculture than the creation of a database of all farms.
- NMP model programs for farms not in the LFO and MFO categories have been implemented in Pennsylvania and the Chesapeake Bay region. Vermont could look to these programs to help develop its own.
- The AWG will revise the draft from the 3/6/13 meeting and circulate one in line with suggestions and ideas from the 3/13/13 meeting.
- Larger dairy farms (those falling into the Large Farm Operation [LFO] and Medium Farm Operation [MFO]) were already required to provide information to the state. Thus, for these farmers, such a requirement was not a difficulty. However, the group recognized that smaller farm

operations would have a variety of reactions to this type of requirement and felt gathering information specifically from several smaller farm organizations would be a better avenue to provide the correct perspective on this initiative.

III. Enforcement and Compliance Issues

- Farmers offered the perspective that many smaller and non-dairy farmers have not heard of the AAPs. This does not mean that they do not regularly and routinely implement practices in their farms that meet AAP standards.
- The Agency and the FWA (Farmer's Watershed Alliance) both report similar results from on farm inventories in that 90% of the farms they work with are in compliance, whether they know what the AAPs are or not.

I have never heard of AAPs, but ask me about soil health, the biocycle, putting nutrients back into the land to increase productivity, rate of gain and nutrient uptake and I can talk about that.

- There are some good outreach programs for example, Farm First. They use a poster of the AAPs which may be easier to understand than handing out a pamphlet of the regulations.
- AWG discussed the difficulty with appealing to producers to follow regulations in general. Some producers run a cost/benefit analysis and when told about the cost of implementing and following certain regulation ask "what is the fine if I do not do it?" The lack of a robust enforcement program creates an incentive for some farms to run the risk of the fine as this is seen as a calculated risk.
- Many times farmers are concerned about a specific issue or group of issues but when technical assistance appears on site, it turns out the issues they were concerned about are not problem areas and other things they were unaware of were more pressing to address.
- In terms of where to deploy limited resources, the AWG felt that the regulations should apply equally to all farms but that concentrating resources to achieve better outcomes in impaired watersheds using water quality monitoring data would deploy resources more effectively.
- Even within an impaired watershed, using data gathered by prior studies on slope, soil type, gradient, type of farm, animal density on the farm could provide better

information on which parcels of land posed the most risk to water quality in a given geographical area.

- The AWG discussed the idea of using overlays and mapping based on better data as a tool.
- AWG felt that focusing on the return on investment aspects of implementing these practices would be critical to getting more farms to use the practice.