

Lake Champlain Phosphorus Initiative

Sixth Meeting of the Agricultural Working Group 4/10/13

This summary reflects a range of views expressed on the issues as discussed during meetings of the Agricultural Working Group (AWG), comprised of the Vermont Agricultural Community of producers, technical advisors, state and federal agency personnel and personnel from business 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: 21

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

I. *Approval of Past Meeting Notes*

Group approved all previous meeting notes, which were circulated among the group previous to the sixth meeting.

II. *Review of Draft Recommendations*

Group reviewed draft recommendations that had been previously circulated:

- Proposed AWG Recommendations for Farm Certification
- Proposed AWG Recommendations for the Winter Manure Spreading Ban
- Proposed AWG Smart Buffer Recommendations; and
- Proposed AWG Recommendations for Floodplain / HEL Management.

AWG Final Approval Granted for:

- Farm Certification
- Winter Manure Spreading Ban
- Smart Buffers
- Soil Loss ("T")

AWG Requires Further Review Before Finalizing Recommendations for:

- Floodplain/HEL Management
- Nutrient Management Plans
- Gully Erosion

III. *Discussion From AWG of Specific Issues Within the Proposed Recommendations*

Proposed AWG Recommendations for Farm Certification.

Comments on the document:

-Add language allowing existing MFO and LFO permits to qualify as certification documents.

-Include a statement that highlights how having farm certification will help VAAFMs provide targeted educational and technical assistance.

Group suggested changes to the document and agreed upon those changes. All in attendance approved the document with said changes.

Proposed AWG Recommendations for the Winter Manure Spreading Ban.

Comments on the document:

-More emphasis on the idea that spreading during the winter months under opportune conditions is better than spreading heavily in November and April.

-Change regulatory language regarding winter spreading to match the language in the NRCS 590 standard.

-Winter spreading can be preferable in some situations, particularly on hay ground, so farmers are not crunched for time in the spring.

-Should include preapproved fields for winter manure spreading as part of a nutrient management plan, which would be approved by a certified nutrient management planner. Have state agencies write nutrient management plans for those without certified NMPs.

-If winter spreading is approved under opportune conditions, it may be a good idea to include other conservation practices with it. For example, could only allow spreading in approved areas that also have a cover crop established.

-Should also include some sort of reporting mechanism. This could be a small form that asks, "Do you have a plan to spread manure, and if so, did you spread this year".

-Small farms without a full scale NMP could use a manure spreading plan that includes pre-approved fields for winter spreading.

-Look into Pennsylvania's and other state's programs where winter spreading is allowed. Group was interested in mimicking Pennsylvania's program.

-There is a major need for increased public education regarding winter manure spreading. It seems that policy is driven by public perception rather than science.

-The benefit of this is that it adds much needed flexibility to the farmer while, if done properly, could be better for water quality by having a *more restrictive* spreading criteria when the weather warrants it.

Group approved the draft recommendations with suggested changes. However, the AWG would like to review other state's programs and may refine the recommendation in the future.

Proposed AWG Smart Buffer Recommendations.

Comments on the document:

- Group approved the key points section.
- Revise AAPs to have 25ft as the default regulated buffer width, replacing the 10ft minimum with 25ft at points of runoff. In addition, review the 590 standard and the AAPs to ensure they are consistent.

Group approved the recommendation.

Proposed AWG Recommendations for Floodplain/HEL Management.

Comments on the document:

- Remove the grouping of floodplain and highly erodible land (HEL). HEL land is addressed as part of a nutrient management plan.
- This issue is critical to address but requires additional information and more time.
- Look into what other states are doing and revisit.

Group decided to revisit this issue after doing further research into how other states address floodplain management as it relates to agriculture.

Nutrient Management Plans.

Comments:

- Review Pennsylvania's approach: use of manure management plans and erosion and sediment plans.
- Documentation is necessary, does not need to be formal. EPA will be making more inspections, need to have documentation.
- Current NMPs are too complex to implement on every farm.
- Are NMPs the most efficient approach to water quality improvement if it only changes management on a few fields?
- NMP classes are great because of the education component.

Group could not reach a consensus on expanding use of Nutrient Management Plans and agreed that more information is needed. This is a complex issue, especially as we balance the administrative burdens to small farms to the benefits of requiring a NMP. Group is interested in researching other state's approach to this, such as Pennsylvania.

Soil Erosion Tolerance (T) and Gully Erosion:

Comments:

- The Group agreed that the requirement should be changed from 2T to T.
- More research should be done regarding whether or not T is the most appropriate standard since it is not intended as a water quality tool. Is using the soil conditioning index (SCI) better?
- Need to consider financial cost of fixing gullies.
- Need to review current regulatory language concerning gullies and revisit this topic.

IV. *Regulatory Backstops Update and Discussion*

Laura DiPietro of the Vermont Agency of Agriculture, Food and Markets, reviewed proposed goals and backstops associated with the Lake Champlain phosphorus Total Maximum Daily Load (TMDL) with the Group. She plans to share these draft goals/backstops with the EPA in order to know if such an approach is acceptable to meet the “reasonable assurance” requirement of the TMDL.

V. *Advanced Certification Program Discussion*

Group briefly discussed the idea of an advanced certification program, similar to the one introduced in earlier meetings. It was decided that a sub-group would convene to discuss this concept further.

VI. *Discussion of the AWGs Next Steps*

Group decided to meet sometime in mid to late June, after planting season is done with. Group agreed to form sub-committees to address various ideas that the group did not have time to fully investigate. Michael Middleman of the Vermont Agency of Agriculture, Food and Markets, briefly discussed the concept of Water Quality Nutrient Trading, mentioning that Vermont is looking into this concept and will bring it to the group for discussion later in the year.