Date: December 7th Public Meeting, Meeting Minutes

Attendees: 70 total

These summaries reflect a range of views expressed on the issues as discussed during informal conversation in small focus group meetings. 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.

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

The participants were provided information and presentations from the Department of Environmental Conservation, Vermont Agency of Agriculture, Food and Markets and NRCS on water quality issues in light of the Lake Champlain TMDL phosphorus reduction initiative then led in a series of small group discussions on specific topics. Afterwards, each participant was provided with short survey questionnaires that had multiple choice questions and a comment section for each question. The participant was asked to supply broad information such as size of farm, type of farm and watershed location but otherwise no other identifying information was requested or recorded.

I. Increased Inspection Capacity to Uphold AAPs

Participants discussed methods for increasing and prioritizing inspections on farms and submitting annual information regarding general characteristics of farms.

A. Inspections

Participants believed that prioritization was necessary given constraints such as availability of personnel, funding and demonstrated need. Prioritization based on critical source area was the most popular answer. Many believed that there was a need to follow the data and apply the resources based on what the data was showing regarding critical source areas. However, there was concern that regulations should be standard and should apply to all no matter farm type or size or location. One participant commented that if a farm was engaged on applying nutrients to the soil, the farm must be inspected. Others were of the opinion that density, meaning animals per acre, would be the correct criteria for prioritizing inspections. Participants also commented on how to more efficiently use agency staff and mentioned the complexity of programs and regulations. Some expressed frustration trying to understand which agency, and whether that agency was state or federal, had what specific responsibilities, noting that farmers were often confused over this issue.

Feedback from participants included the following statements:

Large farms have been doing a good job following the AAPs and smaller farm compliance is unclear, no one is watching. Just takes a few bad actors to give all a bad name.

Support for a tiered system of enforcement expressed.

Lots of smaller farmers do not focus on water quality, their concern is on finances, so you need to mandate these changes.

Need to focus on the critical areas, hot spots first. Use LIDAR to ID CSAs

Inspection by CSA and if you find that the farm is in compliance then fewer inspections need, if find there are bad actors, return more frequently.

Small farm inspection is necessary.

Poor farm management is a problem at all sizes of farms.

Idea for cross training inspectors for cost savings, already have milk inspectors, can add this to their duties.

Regulatory miscommunication, the state and feds do not talk and there is confusion

MOU for EPA, USDA, AG, DEC, Army Corps, confusion over who does what

Still paying for mistakes made in past—over use of phosphate was cost shared in past

Covering manure storages to keep rain water out may work in some locations

B. Annual Report

Participants overwhelmingly reported that they were willing to submit annual information as a general obligation. Most did not view this as an imposition, one participant noted that collection of information was routine—e.g. dogs needed to be licensed. It should be noted that some expressed resentment over this requirement saying that it was no one's business and that some farmers would not cooperate. Comments also focused on the practicalities of getting landowners to comply and the overhead required to process the information.

Feedback from the participants included:

Need to get to non-dairy farms, how can there be outreach to them? Self certification? Commission sales?

All should be required to report.

You don't want to get in too deep and get lost in the weeds.

This should be mandatory.

We need better data and this would help.

Must define "farm" and then require reports based on size and number of animals

II. Nutrient Management Plans on all farms

A. NMP Standards

Most participants felt that, in general, requiring Nutrient Management Plans (NMPs) was acceptable and the majority believed that there should not be different standards required of different sized farms. One participant said maybe the standard should be the same but qualified the answer by explaining that there should basic level of common standards applied to all farms and then flexibility depending on characteristics of the farm. Even where participants felt that each farm needed to participate; some expressed concern that the plan be useable, easily deciphered and that farmers received education about how to use the plan to better manage the farm. Some comments noted that the agency should help farmers connect the utility of the plans with better management practices leading to increased profitability.

Feedback from participants included the following statements:

In some form, each farm must take responsibility.

Should be based on a formula, e.g, in a CSA and based on animals per acre use a formula that is not arbitrary.

Use a tiered approach for small farms and large farms, if problem farms then must require more.

Setbacks are setbacks regardless of size

20 animals or more

Link it to the watershed.

NMP is good because it relates to production.

Small farmers can pollute just as much as an LFO- it is difficult to sell a farmer on this if they don't understand why they should be interested in doing it. Heather Darby (UVM Extension) has a Nutrient Management class and the room was full! People really want to know this information!

Way to get small farms to have NMPs, must be regulated—told they must do it otherwise smaller farms won't.

Incentives would help.

Farmers want to get the most out of the manure they are using—they have all the incentive to use it correctly, reduces cropping costs, etc. need to demonstrate by having test fields to show the difference.

How can Agency Quantify the impacts of implementation of a NMP—would be helpful.

Crop rotations, four years hay, two years corn, move manure to NY

Encourage use of anaerobic digesters as cost added way to manage the phosphorus on farms.

If the plan is followed, it guides decisions about what is purchased and planted.

NMPs- density driven makes sense

B. <u>Water Quality Classes</u>

Participants were overwhelmingly in favor of an annual class for water quality issues. Some noted that smaller farms would have trouble finding the time to attend. Participants believed that education would be beneficial and could lead to change and preferred education over regulation. A few participants also suggested criteria for

determining whether a farmer needed to attend the class, for example: if the farmer did not pass a test on AAPs and BMPs, or requiring the class every five years; or requiring the class if the farm plowed or tilled acres with stream bank or waterway exposure.

Feedback from participants included the following statements:

All major phosphorus contributors should be required to attend, not just farmers.

Must be fairly applied to all but it is hard to reach the non-dairy farmers.

This is a hard ask for busy farmers.

Need some criteria to determine if you get rewarded for attending.

The classes must be relevant.

Yearly education for farmers on NMPs good idea, can self certify for smaller farms

A component of public education would also be good—public doesn't know what they are looking at and whether it's a problem or not.

Need to focus on how to manage the manure as an important resource and have a lot of education on that issue help farmers understand what the NMP is telling them and why it helps their farms

Focus on development of technology that will focus on extracting nutrients in a meaningful way.

C. Manure Application Certification/License

A large majority of participants were in favor of a certification or licensure for applicators. Many compared the process to licensing for pesticide application.

Feedback from participants included the following statements:

I think custom operators are doing a great job.

Extension is working on this idea.

This should be required, especially where there is a high "P" index on the soil

And couple the class with inspecting their work.

If incentivized.

What about artificial fertilizer?

D. <u>All Farms Same Buffer/Erosion Tolerances</u>

The vast majority of participants believed that there should be the same buffer and erosion tolerances on farms. The participants who commented on this issue noted that manure was manure. Comments included that if the state was serious about tackling water quality, then the regulations should be uniform and noted that it was not just farmers that should follow these regulations. Where participants were not in favor of this idea, they tended to be more vocal in their comments on the surveys and in small group discussions. There were more written comments from the participants against this idea in the surveys than for this idea in the surveys. The prevailing theme of those concerned with the concept of requiring the same buffer and erosion tolerances was that geography was unique and one standard set of criteria should not apply across all farms. The feedback below contains the general themes from the comments.

Feedback from participants included the following statements:

I support buffering all ditches.

Buffering isn't happening more because of poor management.

If you are buffering then you need to anticipate problems may arise with invasive weeds.

Need to look at slope, soil, and application and should be customized.

Depends on crops, animals and acres.

Should be dictated by use and rate of application.

Should be wider or eliminate row crops.

Critical source areas may require more.

Need flexibility based on soil, slope and water.

Filter strips should be an acceptable practice as well.

Smaller farms produce less manure, should have less stringent requirements for buffers and T.

III. Requiring livestock exclusion

A. Diminishing Cost Share Rates

The majority supported exclusion of animals from streams and a diminishing cost share rates as the practice became mandatory. Some expressed concern over whether the agency had the funding to provide help for all the farms needing it. Some believed that a regulation of mandatory exclusion was not needed and voluntary exclusion worked well. One participant noted that it was difficult to get compliance because inspectors did not always catch the lack of fencing on the farm.

Feedback from participants included the following statements:

All animals out, no exceptions!

Exclude them all.

There should never be such a regulation.

The regulation is ok if there is enough money for everyone.

Managing fencing is time consuming, maybe farmers won't put cows out to pasture if they have to work on fence lines all the time.

Waste of money and time. Works for a little while, then fence gets knocked down—inspectors don't always see because they do not get out of their trucks and walk the entire line.

Discussion on what constitutes a "water of the state"- if it flows and has a defined channel it is a "water of the state" versus navigable waters- which are regulated by the federal government

What is a stream?

B. When Should Livestock Exclusion Be Mandatory

Participants felt that the exclusion should be mandatory starting now, followed by two years as the next most popular response. Seven years was least popular. Some noted that planning for capital expenditures usually required planning five years out and that time frame may make the most sense. A few noted that phasing in the practice would be better.

C. How to Prioritize Livestock Exclusion

Participants overwhelmingly chose critical source areas as the best way to prioritize the exclusion, followed by watershed and water quality monitoring data. Some believed that it was unnecessary to prioritize as the practice should apply everywhere and right away.

Feedback from participants included the following statements:

Start with CSAs, increase assistance for CSAs

Have it apply in CSAs only.

Why pussy foot around?

Need to create a data system for monitoring and prioritizing.

Also look at vehicles that cross the stream.

You are trying to do the wrong thing better, your premise is all wrong.

IV. Cropland Management Floodplains and Non-floodplains Areas

A. Support for Enhanced Suite of Options

Participants supported enhanced cropland management in both flood plain and non-flood plain areas although there was noticeably less support for the idea in non-flood plain areas. Concern was expressed regarding whether the practices would be mandatory or voluntary, whether there would be cost share and support for the idea would be dependent upon what the options were. Concern was expressed regarding loss of use of productive acres.

Feedback from participants included the following statements:

Flood plains have the most productive lands, need to treat them individually since no two plains are the same.

Corn can survive a flood, but hay cannot.

Silage corn and grain corn are different, have different sediment trapping abilities, more residue with grain corn

If I can't plant corn in the flood plain, the value of my farm drops in half.

Support for aerial seeding

Pressure and mandates do not go well with small farms, better to have voluntary practices and provide people with the knowledge of what to do and not do.

Discussion of where the impact from run off is most important to contain and expression that the belief was that containment is more important in the barn yard than the field.

B. Buffering Ditches with 10 Feet Perennial Vegetation

There was majority support for buffering ditches in the flood plain and mixed support for doing so in the non-flood plain areas.

Feedback from participants included the following statements:

Harvestable buffers.

Depends on of there is a higher cost share in CSAs.

Farm specific, site specific.

Encourage use of anaerobic digesters.

Should have a 50 foot minimum buffers.

Should encourage for a set number of years, then require it.

C. Require Practices where fall applications of manure are done
More participants stated that manure injection should be required if fall applications of manure were done in both flood plain areas. Manure injection and cover cropping were almost equally popular second choices. In non-flood plain areas, all three practices were rated quite similarly. Participants were free to check all three practices if they desired, and several did so.

Feedback from participants included the following statements:
Need to be flexible because it depends on soil type, weather, etc.

Heavier clay based fields cannot be successfully spring tilled and aren't good candidates for cover crops.

Timing of harvest and short growing season make establishment of cover crops very difficult, if not possible, in some years.

Cover cropping is dependent on the timing—fall tilled fields make it difficult to get a cover crop established.

Short season corn planting hard to rely on—need to plant different corn varieties to spread the risk.

Extension also encouraging high forage diets to limit nutrient inputs

Promote corn crops on land that doesn't need to be fall tilled

Corn silage is an essential feed-- it is consistent and uniform

Requiring all land to be cover cropped is not financially feasible for farmers.

D. BMPS to address nutrient outflows from tile drains?
Participants in this meeting were cautious regarding the whether they were interested in BMPS for tile drains. The majority response was maybe. Participants expressed a desire to have more data, to determine whether the practice was effective for a particular area, and may be willing to implement the practice in critical source areas if there was a cost share attached. One participant noted a study by the Miner Institute as having information and data on this issue.

V. Sliding cost share and prioritization

A. Prioritization for Providing Cost-share

Participants did not reveal a majority preference for prioritization for a cost share. The three most popular answers were by critical source area, by agriculturally impaired watershed and by fields with high phosphorus soil tests. Others thought all the priority criteria could be useful depending on what the data revealed.

Feedback from participants included the following statements:

Priority could be done by soil type

Maybe in high erosion areas

Depending on what the data reveals

B. Support for Increased Cost Share in Priority Areas

Most participants supported higher cost share for priority areas, however, it should be noted that some participants did not feel cost shares were appropriate.

Feedback from participants included the following statements:

Those willing to do other conservation practices such as buffers should get increased cost shares.

Should consider the finances of the farm.

Put in anaerobic digesters

Cost shares are repugnant, they redistribute wealth stolen from others.

VI. Other incentives

When given a choice between lower erosion rates in exchange for limited manure spreading in pre-approved areas, no spreading after October 15th in exchange for limited winter spreading in pre-approved areas and smaller buffers in non-runoff areas in exchange for larger buffers in runoff areas, participants preferred the option of no spreading after October 15th followed by buffer exchanges and then lower erosion rates. There was considerable concern expressed regarding how to put resources in place to provide farmers with plans that allowed for this flexibility.

Feedback from participants included the following statements:

Needs to be farm specific—how to field enough people to do the work? Train districts to do it or retired farmers could provide a lot of help, submit the plan to the agency for their review

Tap into the knowledge of other farmers, help us learn from each other—what worked, what didn't

Agency of Ag has issues—mostly financial—not enough money to get the practices they know will help to be implemented.

Small farms do not have the resources to implement programs—any time you make requirements on them it creates difficulties, there must be plans in place to provide the assistance needed.

Need practices that work and are cost effective—cover crops, buffers, crop rotation

Consider legislation to incentivize the development of new technologies like smaller anaerobic digesters for use on more farms.

Should be flexible based on weather, like 2011/2012 season.

Needs to be site specific and can use district people who are trained- they will do it better than Agency people.

The erosion option will not work but the other two may.

VII. Certainty

A. What non-traditional incentives would encourage you to implement additional practices above those already required?

Participants were fairly equally divided in terms of the incentives they believed would be most encouraging: Elevated cost shares, acknowledgement that a practice initiated by one entity was good for all and public recognition for achieving higher standards were popular choices among participants. It should be noted that all the incentives obtained good support from the participants.

Feedback from participants included the following statements:

Support higher ranking for EQIP

Public perception is huge so PR support for farms in the program would be effective

Who pays for certainty program efforts? May need financial planners to be at the table

Similar to NRCS CSP program? That didn't work.

Grant programs have uneven success, they are implemented and we know some are good and some fail but no follow up on why.

Make implementation of AAPs easier and more appealing without forcing or regulating farmers to do it. Love the certainty ideas because there is a carrot without putting agricultural operators in the yoke.

Not everyone is interested in cost share, why is it assumed that people live and farm on cost share?

Shorten options to 2-3 of the top priority efforts and focus almost all the energy there for the next 2-5 years. Get farmers and others involved, watch for these changes and use the time to gather data for a baseline.

Consider a reasonable balance of watershed projects designed to compound benefits to small farms for cleaning the lake, removing nutrients in harvested weeds, digesting weeds with dairy manure, nitrogen reduction, use of bedding, use of digesters.

Participants also made these observations:

Small farms are not getting help with the legislators.

Farmers want DEC AG to speak on their behalf—who is standing up for the farmers?

To deal with water pollution, as an alternative, especially in shallow areas --dredge and alum is a short term solution.

Phosphorus has accumulated over time from stream banks and land

Early TMDL models were inaccurate are the newer ones any better?

Current Use or similar but larger tax break for conservation measures—maybe but concern about the public perception if farms are given more.

Who would make up the tax difference? How to pay for this?

Programs and implementation are frustrating, need them to be easier for farmers to do.