Date:12/5/12 Meeting with Chuck Ross, David Mears & NGO/Public Interest Stakeholders

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.

Italics 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.

Attendees: 13 total

Discussion on addressing water quality issues on farms, moving past the goal of feed lot containment and looking at more challenging aspects of farm hydrology and the relationship between farming in the flood plain and river management to address erosion.

Some participants noted that missing so far from the discussion were proposals to address the legal and policy issues that were seen as creating barriers to accountability in the agricultural sector.

Acknowledgement that the current condition of the lake is an expression of impacts over decades and will not be easy to resolve.

Even if you shut down all farms and wastewater/sewer facilities there will still be legacy issues creating pollution in the lake. There is no quick solution.

Agricultural Profitability in the Context of Water Quality Issues

The goal is to do meaningful things to make head way, finding practices that support farming and address economic viability of farms. Cover crops are an example of this. The practice improves soil quality. While there are added costs for the farmer there is a continuing benefit as well.

Small farms have limited resources; there is a lack of education and information on the issues, lack of funds to address them.

Poor management will impact any farm.

Issue is how to go from where we are now, with farms that have been in place for decades using same practices, to the future where there are new practices, new thinking about how to farm and where to farm.

Larger farms can more easily implement technology systems, have the labor and resources to do it but smaller farms are important and farming in general is a critical component of the economic base of the state.

Need to bring up the bottom so smaller farms are compliant; need flexibility in looking at near term goals, resources, incentives, funding. A goal could be expressed as 50,000 acres of cover crops but where the soils are too heavy in some areas for cover crops, need a different goal that achieves water quality benefits such as 50 foot buffers. Different areas—need different tools.

Can't just focus on feed lots because that won't yield the needed results. We must deal with fields, manure application and crop issues, wet soil, precipitation, and run off. The technical challenges are real-- manure lagoons don't do it, volume of tiling happening is problematic-tiled field contains compacted soils and that does not meet the definitions of good management—equate the field to a parking lot as an impervious surface.

A paradigm shift is needed. We can't tinker with conventional agricultural practices and get the needed results.

Farmers need to focus on being more profitable and that is not the same as higher yields or expending the number of cows or acres in production, its about using the land efficiently, not simply adding more, that does not lead to profitability. Changing the way the land is farmed, grazing practices, these add profitability to the farm.

Concern is that if you mandate specific things you can get trapped with unintended consequences. Take cover cropping, it seems like common sense but where is the data supporting the theory? Will it work in every location? No till planting on clay soils is not as beneficial—need to ensure the resources are implemented in the right areas.

Use a system like LEED. Get points for certain practices and you get to choose the practices, ties to incentives, overlay a pathway to transform scene – an alternative model that works.

The focus should be on identifying those things that enable farms to be more profitable and then you need a way to help them see it and know it will work.

AAPs are so general and they are not geospecific. They do not make use of everything we know about the soils, the flows, topography, the tools for GIS. AAPs could do so much more if they could be tailored to and implemented by basin or looking at the geography in a more thoughtful way.

<u>Policy and Regulatory Landscape and Water Quality Issues</u>

Need to get to clarity on what the state is proposing for reasonable assurances.

There is a difference between "on the ground issues" and ultimate goals under the Clean Water Act. Parallel to the work done with factories, just told them if you are discharging you need to put in certain controls and gave them the flexibility to get there.

Frustration expressed by the lack of clarity on the goals and the time frames.

In 1991, we pushed the requirements out and said they needed to be met in 1996, then that date came up and there was a big fight in Williston Town Hall and DEC and VAAFM pushed that date out another 10-15 years; the Water Board took date out altogether. At this point, agreeing to plans and ideas that only continue this kind of process out for 10-15 more years is not effective.

Discussion of past efforts to use data and collaboration between NGOs and the state agencies to develop regulations, for example, in 1989 using a diagnostic study on water quality in Lake Champlain, to co-write standards with DEC. It was based on best available information at the time from lay monitors. We have better science now.

What is the goal, what are the steps?

Leadership is needed from the Governor and Secretary of ANR.

We need a "Here is what we are thinking" dialogue and it includes the concept that the agencies are bound by law to solve the problem. Want to know there is a commitment to it. Why are we asking farms for their leadership? We need the government to provide the leadership. The conversation is stalling over things like process steps. There is a disparity between what we must do and what the state has refused to do for the last 40 years and action is needed from the top to effect the changes that are required.

Discussion of policy and legal issues that drive a wedge between regulations and application of them to agricultural lands—the exemptions carved out of land use statutes where agriculture land is involved.

For decades Land Use and Act 250 have exempted agriculture. For current use, if the land is forest land, you must see the forester and present a plan demonstrating AMPs, but agriculture does not.

If a farm wants to qualify for current use currently it doesn't matter if they follow AAPs or not.

AAPs—qualifying language in preface is of concern because it does not signal farmers must comply.

Discussion of the regulatory challenges between federal, state processes and how that impacts the different sectors, creating challenges for the development of backstops across sectors.

Need a regulatory response and accountability mechanism tied to your own sector. We have heard too many times about the lack of money, resources and technical capacity. If you can't implement practices to reach the milestones then what does that indicate about the future where there will be a backstop?

Discussion of Compliance, systematic inspection vs. Complaint driven system and Incentives that are voluntary vs. mandatory. Making regulations mandatory creates the change needed, follow it up by inspections.

Need to create a cultural expectation with a milestone— example is so many cover crop acres by a date certain, if not achieved then there is a backstop.

Where is there room—we need to be confident that we can make at least sufficient potential progress and can take the ideas and create substantial steps.

Farmers need to do more and the policy and regulatory landscape needs to be an even playing field so farms are as accountable as everyone else.

Lack of technical assistance; lack of regulators= a process with no backstops.

Currently, VAAFM has pulled in additional $4MM in grants and funding to specifically address water quality issues.

TMDL is important and it presents an opportunity on a larger scale. Time frame is May, June, July to get the TMDL draft. The state must demonstrate their take on reasonable assurances and that will impact the EPA time frame.

DEC has an action plan first drafted in 2002 and updated in 2010. It addresses a much broader set of ideas that TMDL issues and looks at a host of basin program ideas. Can use it as an opportunity for action and the time line extends out after TMDL after the regulatory issues are addressed – a higher expectation.

Don't just get final TMDL and move on--- need robust dialogue over time on what we are doing. The TMDL is high priority things but not the only discussion. There are other things to be discussed.

I am interested in the conversation about what can we do with what we know vs. what do we need to know to do better in the future.

Current use– need to look at it and use it to better advantage, require agricultural management plans like the county forester and forest management plans. The land is getting the benefit of the program and land needs to be managed to provide better compliance.

Focus on bringing people together to focus on water quality in the state. What we know today will inform our ability to do better in the future. Our TMDL data does not come from this region, we need to get smarter in how we address these issues.

Other Ideas

Funding for initiatives—development of a statewide trust fund from a per parcel fee. Agencies develop the criteria for funding projects to improve water quality. Funds managed by outside organization that can assist with implementation of the projects.

Nutrient trading program was also discussed.