Assuring Progress Towards Clean Water: What it means for Agriculture

Water Quality and Agriculture – the past

Nutrients like phosphorus and nitrogen from multiple sources have negatively impacted our lakes and streams in Vermont for years, creating algae blooms and impacting recreation, tourism, property values and even human health. While there are many sources of the pollution such as storm water runoff and erosion of unstable streambanks, agriculture is a significant contributor of sediment and nutrients. Reducing these sources of pollution has been a priority of Vermont's water management programs for many years. However, progress has been slow despite many good-faith efforts by farmers and others. More effective actions are needed.

An equally important priority is the need to make sure that farming remains *an economically sustainable enterprise* in Vermont. Balancing the needs of farming and water quality is best done by offering a mix of technical and financial assistance to farmers to help them implement water quality protection practices, and by applying appropriate regulations in a manner that provides a level playing field for all and achieves the intended goals of the regulations at the lowest cost possible.

Current issues

High phosphorus levels in Lake Champlain exceed allowable water quality limits and therefore *federal law requires* the development of a phosphorus reduction plan (a "TMDL"). The Vermont Agency of Natural Resources (ANR) developed a TMDL that was approved by the US Environmental Protection Agency (EPA) in 2002, and then subsequently revoked after litigation in 2011. As a result, a new reduction plan *must* be developed and ANR wants it to adequately address Vermont's unique issues and challenges.

A key part of this plan is assurance that the necessary improvements will actually happen. ANR is working with the Agency of Agriculture to develop a list of goals, actions, milestones (as benchmarks of progress) and backstops (or "last resort" kinds of actions to ensure progress) that will guide our work towards statewide water quality improvement in the future. If the actions do not achieve the goals within a certain timeframe, there will be additional measures taken (backstops) such as new regulations or changes in funding incentives.

This framework is not limited to agriculture; all sectors of potential pollution are included, such as stormwater, road development and maintenance, and in-stream erosion. Similar outreach is being done within these other groups. It is critical that the farming community take a lead role in helping us identify the best actions and appropriate timelines.

What does this mean to agriculture?

Q. What changes are going to happen? Are farms going to be more regulated?

A. That's why we are talking to farmers. We want input to what changes will make a difference in water quality and still recognize the importance of a viable agricultural community in our state. Regulations are used when voluntary compliance and other methods are ineffective. We have some ideas, but more importantly, we want to hear your suggestions.

Q. What ideas are you looking for?

A. Any and all – how can we help farmers make changes to practices or create new opportunities that will decrease agricultural runoff? What incentives would work? Which practices make the most sense in what places? And yes, what regulations might be effective and sustainable if that is the "backstop" we need to develop?

Q. The improvements made on farms are expensive. How do we afford investments in clean water when the price of milk fluctuates wildly?

A. This is certainly true. But there are also many resources available to help – cost-share from the state and federal government, grants from university, non-profit and municipal partners.

Q. Why are you focusing on this now? It seems like you've been talking about this for years.

A. We have been – that's one of the reasons for the focus now. Water quality is not improving and all of us in state government care deeply about that, and are working to make a difference. We also have a mandate from the federal government to develop a plan that meets federal standards, and we want to do it in a way that includes the experience and creative ideas of the farming community so that farmers will be part of the solution and not feel criticized as part of the problem.

Q. Pollution comes from a lot of other areas – are you sure you're going to make changes there too?

A. Absolutely. There are very strong stormwater regulations already in place, and we need to do more to control runoff from parking lots and other impervious surface. Many of our backroads are dirt, and the sediment runs directly into our water bodies. Our rivers are eroding badly, and we need to look at that sedimentation as well as flood resiliency in our plans for river management.

Q. Many farms have done a great deal to ensure that their farms do not contribute to water quality problems. How can we be sure that we've done enough and will not continually have to change and modify our practices?

A. One of the goals of our outreach is to get feedback from farmers on the idea of a "certainty" program. The concept of certainty is that landowners who agree to undertake specific conservation practices on their farms would receive assurances (i.e. "certainty") that they would not be subject to additional regulations or requirements to implement different management

activities during a specified period of time. A well-defined certainty program would help farmers plan for the future, and help the state achieve water quality improvement goals.

Water quality affects all of us and we all impact our lakes and streams – we are sincerely asking for your help and look forward to working with you towards positive results. Please help us with your ideas to answer the following questions. ***Please note:*** *The examples given below each question are presented only to help start the discussion. Similar questions are being considered for non-agricultural sources of pollution.*

1. *What are some examples of the possible goals that we need to achieve?*
    a. Achieve compliance with the Accepted Agriculture Rules by all farms.
    b. Exclude livestock from uncontrolled access to streams.
    c. Implement nutrient management on all farms.
    d. Change agricultural management expectations in floodplains in order to reduce potential water quality impacts
    e. Increase the amount of cover crop and reduced tillage practices utilized.
    f. Implementation of a "certainty" program.

2. *What are examples of near-term actions to achieve these goals?*
    a. Provide adequate staff for technical assistance and compliance inspections on farms.
    b. Increase funding for implementation of exclusion fencing and water systems.
    c. Develop a program to promote nutrient management on small livestock farms through outreach, training and grant support.
    d. Provide higher incentive rate programs for management practices utilized in floodplains.
    e. Provide enhanced cost-share where farms implement cover crop or reduced tillage practices on the majority of their lands and especially focus on key "critical source areas"
    f. Work with farmers and other members of the agricultural community to develop program

3. *What are some examples of backstops or consequences that would occur if the goals are not achieved?*

    a. Inspection program has robust enforcement to ensure compliance.
    b. Make livestock exclusion mandatory with lower cost-share for late adopters.
    c. Make proper nutrient management appropriate to farm size mandatory on all farms.
    d. Floodplain management regulations could be included in the AAPs.
    e. The erosion standard for farms could be lowered in order to effectively require cover crops or reduced tillage practices.
    f. Backstops may not be applicable to participants in compliance with a certainty program.