Date: December 19th Public Meeting, Meeting Minutes

Attendees: 54 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 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

In general, participants felt that if inspections were to be increased, they needed to be applied to farms regardless of size. Prioritization was seen as necessary given the number of personnel available to inspect and Critical Source Areas and Farm Size were the more popular criteria selected from this group of participants. Concern was expressed regarding how to increase AAP compliance on smaller farms where people may not know the rules.

Concerns were expressed regarding application of regulatory standards to site specific issues, lack of flexibility, increased costs and equitable treatment during inspections.

Feedback from participants included the following statements:

Prioritization:

Could prioritize based on number of acres per animal.

If you have 50 head or a documented run off issue.

Inspect if a farm has 30 or more animals

Could do a visual check for erosion to determine if that is an issue.

Should have same requirements, large and small farms.

They need to individualize the practices more.

What is a small farm?

We need to prioritize based on Water Quality Management Data otherwise how do we know where the problems are?

If there is no proof that small farmers are part of the problem then why are we here? They should be brought into this conversation with the regulations coming based on the facts, not the size of the operation.

How Inspections are Conducted/Regulations Enforced:

Concern that inspections focus on what a book says and no one knows the land like the farmer, and sometimes what the book says is not what the reality on the ground says and you are stuck with what the book tells you.

Agencies don't have the personnel to be flexible.

Inspectors don't give all the producers a fair shake in my opinion. The more advanced the operation, the more it is scrutinized.

I didn't choose to get into farming to be micro-managed.

Could have a system of smaller and larger buffers depending on farm but things take a lot of time, takes a long time for a wetlands determination (for example).

Not enough flexibility in the regulations.

Act 248 Resource Management

Concerns over Financial Issues:

It is difficult when the folks that did the right thing don't get assistance and the small farms generally can't afford it.

It creates a challenge for folks to earn a living when there isn't enough land- causing them to try to squeeze more production to get by.

Must take into account the financial strain (of practices).

If you receive public moneys, you must give back a public benefit. All agency personnel should have ability to enforce the regulations.

B. Annual Report

Participants overwhelmingly reported that they were willing to submit annual information as a general obligation, however, there were many concerns expressed about this requirement. Several participants were already required to submit annual reports depending upon their size or whether they were in a program requiring such information.

Burden to File:
Keep it Simple
It should be mandatory, then no choice
If you make it a requirement then people must file.
Just one more thing we have to do.
If farms must provide an annual report, you could give support to the farms who participate.

Concern over how data would be used:

Don't want to find ourselves in a police state, focusing on CSAs would help.

I get concerned when I complete those surveys and how they intend to use the information. It is hard to know if giving the info will help or hinder us in the long run.

If it is for information purposes only.

If it benefits farms and doesn't put them at risk.

Concerns over truthfulness of information sent

I think the grain farmers learned a long time ago that the reports can be adjusted based on the information given. It sometimes feels like the government is encouraging (or teaching) the farmers to lie.

I used to complete surveys now I choose not to do so.

II. Nutrient Management Plans on all farms

A. NMP Standards

Requiring Nutrient Management Plans (NMPs) was a more controversial issue for the participants. The cost, paperwork and actual utility of the NMP were all seen as negatives. Tailoring the requirement for an NMP to the size of the farm was seen as important by some, others believed that the same standards should apply to all. One suggested that the farms in a watershed should be given maps of the critical source areas near them and flow accumulation data. Farmers expressed a desire to have different NMP standards based upon a variety of factors. Some ideas included NMPs based on the number of animals (e.g. 100 or more, more than 20), number of animals per acre, soil type, drainage and tonnage per acre. One farmer suggested two different standards one for those who graze, another for CAFO operations.

Feedback from participants included the following statements:

We all need to have the same responsibility, crop and animal farmers.

Standards should be equal for all.

We should have same standards but flexibility within the standards.

We work on a dynamic landscape, the regulations must be dynamic too.

It has to work and be robust enough.

Keep it simple.

Link it to the watershed.

NMP is good because it relates to production.

Phase in NMP requirement over time.

Would benefit a lot of farms.

Need to demonstrate how much money is being lost with inefficient nutrient management practices.

Should target CSAs and small farms that are not compliant.

NMP must be simplified and useable

Should have assistance then if not successful, regulate.

B. Water Quality Classes
Most participants would support the idea of attending mandatory water quality workshops each year, but expressed concerns over lack of time and the cost, and whether it would be mandatory or voluntary

Feedback from participants included the following statements:

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

Education is needed so that the producers stop when they reach the limit when applying manure.

Need to educate people buying land about the AAPs so they understand what is expected.

Does everything have to be so regulated? Do education instead.

The goal should be empowering farmers instead of regulating them, they are land stewards, animal managers, should be able to pick the practice that works for their farm.

Absolutely, should be required if you want to farm.

Encourage it, don't mandate it.

Make farms get recertified every three years, but offer the classes every year.

It is a cost of doing business.

Make it mandatory if you have animals.

Good to use to update CSA with correct information then have field use where needed.

Make every farm come up to a C590 standard, provide funding for it.

I like a point system, encourage a culture of water quality farmers who care about this.

Check list would work for smaller farms.

C. Manure Application Certification/License
   Most participants were in favor of some kind of certification or license for manure application but were unclear regarding whether this would apply to custom operators or all farmers.

Feedback from participants included the following statements:

There is no good way to know what you manure applicator knows. The applicators should also be trained and have some sort of liability when they do apply too much. My wife made a list of all the fields and amounts that should be applied to each field and had the applicator sign it. As it turned out the applicator appreciated this and asked for a copy to show the next farmer to use as a template.

It is frustrating because I have to follow regulations very closely but then someone who doesn't farm can go down to the Coop, over-apply and oftentimes no one would know.

The math doesn't work out for large farms (referring to the amount of acres vs. how much manure they tend to produce). There should be an equation that determines how many acres you have and then tells you what the maximum number of cattle you can have on those acres. Then, if you don't have the acres, you don't get the permit. They need to have the correct land base to spread the manure so they don't over-apply.

Tie it to the farmer education classes talked about before. Have one type of class for commercial applicators, one for private land owners.

Similar to the pesticide application requirements.

Certification yes, license maybe.

Yes, if state paid for it.

Require it for all custom operators.

Have everyone on the same page, same standards.

Encourages a culture where small and large farms would share information, resources

D. <u>All Farms Same Buffer/Erosion Tolerances</u>
A majority felt there should be different standards for different sized farms. Participants felt that each farm and even fields within each farm had characteristics that were so variable that this idea had limited utility.

Feedback from participants included the following statements:

Must be flexible.

Field Specific

Customized for each farm

Location, location

One size doesn't fit all, the environment needs flexibility.

Small farms can't have the same buffers.

Flexible, depends on soil type, animals, acres

Reduce erosion on all farms to T

Look at slope and soil type

Base it on erosion risk and terrain type

If LTP certified then use customized buffers, if not LTP certified then use standardized buffers in regulations.

III. Requiring livestock exclusion

A. Diminishing Cost Share Rates

In general, participants supported the idea of diminishing cost share rates and mandatory livestock exclusion. It should be noted that many participants responded that they had already taken this step on their farms. Concern was expressed regarding what the definition of a stream was, whether ditches counted and how it would work in tricky areas like in the woods where a farmer was pasturing.

Feedback from participants included the following statements:

Enforce the existing AAPs
This is difficult to enforce on all farms
Location, location.
Case by case.
Great Idea
As long as provide notice of the smaller cost shares and when those happen.

Money is available for stream exclusion, you name it but it really needs to have that EQIP (meaning NRCS) environmental review to be assured that it truly makes sense before it is executed.

If you are pasturing then you have to do fence maintenance.

Sometimes this doesn't make a lot of sense, not a total requirement

B. When Should Livestock Exclusion Be Mandatory

The participants were split on the timeline for this requirement. It was fairly even between those who responded "now" and those saying "five years" from now. Other participants said two years and the least popular choice was seven years. It should also be noted that a mandatory exclusion of all livestock was not universally accepted and a few farmers said "never."

Feedback from participants included the following statements:

It takes time to implement.
Be Flexible.
This is very important.

C. How to Prioritize Livestock Exclusion

The majority of participants responded that the priority should be in critical source areas followed by prioritization based on farm size, the remaining priority categories were distant contenders. One farmer stated that the agricultural community would not be in this position if the agency had a mandatory permit system based on animals per acre.

Feedback from participants included the following statements:

It makes no sense to require this of all small farms, need a threshold of 20-30 animals.

This should be implemented statewide, no prioritization

All criteria or none.

Need to regulate hobby farmers

Need to switch to grass based agriculture and need education on this.

IV. Cropland Management Floodplains and Non-floodplains Areas

A. Support for Enhanced Suite of Options

There was overwhelming support for cropland management based on a suite of options if the farm was located in flood plains and in non-flood plain areas as well. Some farmers thought these practices should focus on CSA area farms, and farmers should be incentivized for the practices and that flexibility was important.

Feedback from participants included the following statements:

Options needed to address financial growth.

Should depend on farm and size

One size does not fit all.

Slope and soils should be taken into consideration. Some lands should not be farmed at all regardless of if you are a small farm or an LFO.

So long as they take into account the fact that taking land out of production costs money and the soils on the floodplain are the most productive. I pay taxes and still have to make

a living. When I go to meetings usually 1-3 people are talking- farmers have to have buffers but what about all those lots on the lake? The rules may help the lake over time but it is the farmers who will suffer most.

Could trade buffering land for marginal or other lands being put into use

The same rules should apply for property in the floodplain as well. I know it won't happen, but in all honesty that is what would be fair.

Need to look at planting higher quality crops on less acres --use better field productions.

Use a rotation/grazing system.

How do we know that the practices suggested will work on this land over here?

B. Buffering Ditches with 10 Feet Perennial Vegetation

In general there was support for buffering ditches in flood plain and no support for doing so in non-flood plain areas.

Feedback from participants included the following statements:

We need education and flexibility regarding buffers.

Ditches serve good functions.

Not needed unless water is actively flowing.

Need a better definition of a ditch.

How much farm land will be lost?

Bigger buffers are sometimes needed to hold sediment.

Buffering needs to be farm by farm so the right buffer is used in the right location.

C. Require Practices where fall applications of manure are done

Most participants stated that cover cropping should be required if fall applications of manure were done in both flood and non-flood plain areas. Manure injection was second with wider buffers being the least appealing. Farmers were free to check all three practices if they desired, and several did so. Concerns were expressed regarding the cost,

the ability to plant with a short season and the fact that farms lacked equipment needed for implementing a practice.

Feedback from participants included the following statements:
Should be encouraged and incentivized.

There needs to be tighter controls on fall applications and better incorporation of cover cropping and aeration.

We are limited by the equipment- it takes large tractors.

Shared equipment is hard to maintain.

With all the money that has gone into studies, we could have bought all the farmers a dragline (manure injection equipment). This would have been more helpful. This is a money saving technology as well. I can do 18 loads an hour with the dragline and 3 loads an hour with a regular tractor.

Need more funding for manure injection.

Digester technology may be helpful.

Use digesters on farms, ties up nutrients.

Also more cost share for drag lines.

We should work to cover everyone's pits, save $$ and help the environment it's a win-win.

Pit capacity is not enough on some farms.

Do we have enough science to back up the numbers? Do we know these practices work?

Cover crops are too expensive for small farmers.

Cover cropping is filled with red tape.

If not for the cost share, I would not do it, limited benefit for a lot of work.

Should apply according to information from the CNMPs

No till in CSA areas

Practice must make the farm more profitable, that is the practice the farmer will choose.

Money spent on a smaller farm where the farm closes in a couple years is not money well spent.

D. BMPS to address nutrient outflows from tile drains?
A majority of participants were in favor of tile drain BMPs. One farmer stated that there needed to be an advocate either at extension or the agency to expand tile drainage.

Feedback from participants included the following statements:

Don't dictate to a farmer what he can/cannot do, tile drains provide ground water storage during rain events and reduces surface erosion.

Farmers want to work with the agencies but not if they are coming with a hammer.

Can help manage the spoil properly and reduce P.

Site specific, stabilize outfalls.

Can stabilize the land helping the farm be more productive.

Tile drains have potential to hurt water quality. Need data on management and control of tiles. Practices in general need to cash flow and need knowledge and technology to go with the practice.

V. Sliding cost share and prioritization

A. Prioritization for Providing Cost-share

Participants believed that prioritizing based on critical source areas, followed by agriculturally impaired watershed were the better options. Farmers expressed concerns about the science and lack of data regarding critical source areas. Some believed all the criteria were important.

B. Support for Increased Cost Share in Priority Areas

In general there was support for high cost shares in critical source areas. However, some participants stated that if the practice was mandatory, then the cost share should be equal.

Feedback from participants included the following statements:

In a tight market, money for one farm but not the other is a tough sell.

I am in support of a higher cost share rate for the floodplain (a floodplain program) so that those folks don't have to compete with the other applicants.

Cost shares should be used to encourage farmers to take a risk and try something new that they wouldn't or couldn't without it.

People who don't want to do it or haven't jumped on board yet won't simply because of a 100% cost share.

Cost shares are vital for conservation practices.

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, the buffer exchange and the no spread exchange for limited winter spreading were the most popular responses. One farmer stated that the incentive should be reflected in the milk check, that would get farm to implement the practices. Another participant noted that studies in other states demonstrated that CSAs showed improvement where manure applications were eliminated.

Feedback from participants included the following statements:

If folks don't have the land base they will have to increase production. Flexibility is essential for each unique situation- perhaps a 50' buffer would make more sense in one place based on the slope and soil type and a smaller or larger in another area and strips in another field based on the situation not a "one size/rule fits all".

Flexible spreading ban rules would make more sense.

Farms would sign up for this.

Would supplement flexibility and encourage implementation of environmental practices.

VII. Certainty

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

Participants felt flexibility was the key and the incentives on the whole would be appealing to farms, and farms would choose the ones they believed best for their situations. A majority ranked elevated cost share rates, followed by credit for practices already done and public recognition for achieving higher standards as the most incentivizing choices. The least popular choices were prioritization for funding and forgiveness from EPA inspections. Participants were concerned that they did not get any credit for all their hard work in the past. Several expressed the hope that the public would make the connection between the struggle that farms have making ends meet and the fact that our nation has lower food prices than in other places. There was also some concern expressed regarding the start of a new program and what assurances farmers had that their implementation of these practices would yield positive water quality results given that farms have been following state and federal guidelines all along and water quality is not improving in the Lake.

Feedback from participants included the following statements:

For what I've done in the past 30 years I've gotten no credit for that work. So it seems unfair to all of a sudden penalize me then expect me to do more.

If a farmer wants to try something then the state and regulators need to be much quicker with clearing the paperwork.

Implementing practices is time consuming and hard when regulators change their designs, like silage leachate.

Sometimes programs last for too long—for example if a farmer wants to try a tillage practice, may only want to do it for three years but the program says five years and so farmer may not do it at all.

Frustrating when you implement all these things and are told it is still not enough.

There are so many programs and agencies it is so confusing that it becomes prohibitive.

There is a concern about being followed and watched when something goes wrong. If my pit runs over due to no fault of my own (high rainfall event) I get fined.

There was a number thrown out of $156 million a year to clean up this problem- if that is the case then, out of that if 68% of the problem comes from non-point sources, and if 70% of that is agriculture, then they should have access to a percentage of funds equal to the percentage of the problem.

The general population has gotten accustomed to cheap food- when you have that reality there really aren't many places for farmers to make conservation improvements due to the margins they are working with.

Be careful not to assign responsibility to agriculture and we use the best knowledge at the time --- often following the advice of NRCS, Extension, Etc.

NRCS practices are too expensive, farmers can't afford their share.

In the past, subsistence farming was the norm and people could live off of that old model. Now the farmers feed so many more people. The price they receive should reflect the hard work that goes into it.

Also, what about Jay Peak- the condos, the buildings on cliffs, the water park? Where does all that water go? It results in increased flow rates coming downstream to the farmers. This is more of a political issue since that is how it gets pushed through.

Things cost more in Canada (Food especially) and this translates to a more reasonable living for farmers.

Farmers should get recognition of the work being done! There are "Dairies of Distinction" there should be "Farms of Distinction."

Don't force me, incentivize me.

The general populace needs to know that if farmers don't work, they don't eat. Most people have no concept of how cheap food is in America.

Must tell the public of the positive things farmers have done and are doing.

"Go green" signs, articles in newspapers and outreach to more than just farmers.