

Vermont Citizen Advisory Committee (VT CAC) Meeting

Monday, April 9, 2018

5:00 – 7:00 pm

**Shelburne Town Offices, Meeting Room 1
5420 Shelburne Road, Shelburne**

Meeting Summary (Approved)

Committee members present: Eric Clifford, Wayne Elliott, Bob Fischer, Lori Fisher (chair), David Mears, Mark Naud (vice chair), Jeff Wennberg,

Committee members absent: Rep. Steve Beyor, Sen. Carolyn Branagan, Sen. Ginny Lyons, Rep. Carol Ode

Others present: Amos Baehr, Dave Borthwick-Leslie, Gail Butz, Richard Butz, Laura DiPietro (Agency of Agriculture, Food and Markets – AAFM), James Maroney, Mike Middleman (AAFM), Andrea Morgante, Bob Paquin, Eric Perkins (Environmental Protection Agency – EPA), Kip Potter (Natural Resources Conservation Service – NRCS), Reed Simms (NRCS), Pastor Nancy Wright (Ascension Lutheran Church)

Meeting summary by Bethany Sargent (VTDEC).

Welcome and introductions

Public Comments

None.

Guest presentations: Tracking Agricultural Water Quality Progress: An update on the Agency of Agriculture’s Lake Champlain Total Maximum Daily Load (TMDL) and Act 64 milestones, and on capacity to track and quantify nutrient load reductions from best management practices (5:12 – 7:09 pm)

Laura DiPietro

Director, Division of Agricultural Resource Management, Agency of Agriculture, Food and Markets

Mike Middleman

Water Quality Specialist and Partner Liaison, Agency of Agriculture, Food and Markets

Emily Bird

Vermont Non-Point Source Coordinator, Department of Environmental Conservation

Kip Potter

Watershed Planning Specialist, Agriculture Conservation Experienced Services (ACES) Program/Natural Resources Conservation Service

Reed Sims

GIS Specialist, Natural Resources Conservation Service

Questions and Answers

Q [David Mears]: How do the Required Agriculture Practices (RAPs) address tile drains?

A [Laura DiPietro]: The outlet isn't a problem unless there is a source. The focus is on good soil health, setbacks to existing surface inlets, rodent guards. Manure application is not permitted 30 days before and 60 days after tile is installed.

Q [Eric Clifford]: Cover crops were down in 2017. A lot of cover crops were planted, but after the date, before they got funding. The practice may have been done, but only marginally successful. Because some farmers don't work with NRCS, they may be doing these practices, but they may not be in the system. What can be done about that?

A [Kip Potter]: We've been talking about that for a couple years. We're going to work with UVM Extension to try to capture that. It will end up in ag partner database as well.

A [Mike Middleman]: You can enter practices that don't have a funding source in the ag partner database. There could be a farmer interface, but it becomes more of a challenge as practices are no longer paid for by state or federal funding.

Q [David Mears]: What's your best guess that farmers will move to these practices in the absence of incentive programs? What is this administration going to do with the farm bill and conservation program?

A [Reed Sims]: We don't know the administration's trajectory yet on the 2019 farm bill. Cover crops and no till/reduced tillage are becoming the way farms do their work. It is far more common in the Midwest, with most farms in Iowa using reduced tillage practices.

A [Eric Clifford]: Many of the farms this past year ran out of funding. This past year they were on their own, and some farms are two years out, but if they invested in equipment, they're much more likely to continue the practice.

Q [Wayne Elliott]: What's the plan for public education/outreach? There is a general perception that ag isn't doing enough.

A [Laura DiPietro]: AAFM does a fair amount of education and outreach, but we may not be getting out there enough.

A [Kip Potter]: Public outreach is component of a targeted watershed plan.

Q [Jeff Wennberg]: There is a robust effort and history of monitoring total phosphorus levels in the lake and some rivers, and an enormous amount of reductions are being projected based on modeling and not measurement. Measurement would be expensive, and results are not going to happen quickly. How much confidence do we have in the modeling results and are there efforts to spot check or validate the models?

A [Emily Bird]: The pollutant reductions being reported are modeled and provide some interim measurements of progress. However, you will start to see more local water quality improvements first. The Clean Water Fund is supporting local partners to do water quality monitoring before and after implementation to show monitored improvements in local streams. The first pre- and post-monitoring results will be included in the 2018 investment report.

Jeff Wennberg mentioned the need to at least put error bars around our expectations and described his concern that unmet expectations in the near term will cause people to give up prematurely.

A [Kip Potter]: Targeted watersheds are being monitored – the Rock River; St. Albans Bay and tributaries; Hungerford, by UVM; McKenzie, by DEC and UVM Extension.

Laura DiPietro mentioned an audit of their Best Management Practice program is nearly completed and results should be coming out soon.

Q [Bob Fischer]: What is AAFM's position on agriculture compliance enforcement being delegated to ANR?

A [Laura DiPietro]: There was a bill pitched this year to do that, but it didn't go anywhere. As long as the two agencies are working well together, it's not likely. The new Memorandum of Understanding increases coordination, so the Agency of Natural Resources (ANR) can speak better to AAFM's work. The costs would also be high, and that would not necessarily change the outcome.

Richard Butz of the Addison County River Watch Collaborative described that they have 25 years of monitoring data and more than 50 data points. The focus has changed every two years. They've sampled nitrogen, turbidity, phosphorus, E. coli through the La Rosa partnership program. There are groups like that around the state, collecting data in real time, with real results.

Emily Bird described that La Rosa partners data informs tactical basin planning and actions needed at the local level.

Amos Baehr described a proposed 53-acre development (conversion from a hay field to horse barn/training facility) in Charlotte. He indicated they would be getting wetlands permits (class 2 wetlands), but that he didn't know how to work with the state. He described a potential wildlife habitat issue, and frustration that there is no jurisdiction over agriculture lands. If the land use change occurs, a complete reversal of nutrients occurs. His sense is that they are not going to ask for data and input. The developer will simply go to the state agency and comply with the permit conditions.

Laura DiPietro mentioned that AAFM must follow local zoning.

Andrea Morgante described that there has not been a public hearing process to comply with the zoning, that's where you would have other information, but there is no public participation. A similar project would have to go before the Development Review Board (DRB), but regulations don't ask for citizen input that would inform the DRB, so it runs under the radar. We do know that the data we collect gets used to inform where projects are proposed. Where and how is it possible for all this data to help validate the modeling?

Eric Perkins described that the data used for TMDL modeling was data collected at the mouth of different tributaries. They didn't have data on agriculture practices. Studies on different agricultural practices in the Midwest were used to set the reduction level and considered during the calibration process, but in terms of validating data, they can't use the data if they don't know all the practices that influenced it. Citizen data can be extremely useful in indicating trends.

Emily Bird described that if we are tracking practices and expect a significant pollution reduction in the watershed, but there are increasing trends, there may be other factors contributing – land use changes, climate changes, for example.

David Mears described the bracketed monitoring done by Basin Planner Ben Copans and Fritz Gerhardt in the Memphremagog watershed.

Reed mentioned that sometimes data can exonerate a farm. A study in the Missisquoi drainage showed that 40% of phosphorus was coming from streambank itself, which is another complicating issue.

Q [James Maroney]: The main tools to reduce pollution are exclusion: RAPs, Nutrient Management Plans (NMPs), buffers. Models are being used to measure the results. Are they empirical or theoretical?

A [Emily Bird]: They are based on actual field studies in New England and elsewhere.

Q [James Maroney]: Agriculture's overall target, the Champlain Total Maximum Daily Load (TMDL) – these models that you're relying on show those kind of reductions?

A [Emily Bird]: They are based on pollutant loading rates. The SWAT model from different land uses was calibrated to actual data. Separate from that, we have studies that have been done for best management practices – stormwater and roads, not just agriculture, and literature and research done to evaluate those practices.

Q [James Maroney]: Laura, all these practices have a cost to the farmers. Do you know what the cost is by head of cow or for a typical farm?

A [Laura DiPietro]: It depends on where they're at. Some practices are relatively inexpensive to install and save the farmer money.

Q [James Maroney]: Where is this money going to come from, given that farmers lost \$100 million?

Review and vote on March 12th draft meeting summary

Wayne Elliott moved to approve the March 12th meeting summary; Mark Naud seconded. Vote unanimous.

Discuss VTCAC elections

Lori Fisher described the need to elect a vice chair given Denise Smith was not seeking reappointment and the need for succession planning. She described that Mark Naud is the longest serving VTCAC member, and his interest in the role.

Jeff Wennberg moved to elect Mark as vice chair until appointments are made and regular elections are held; Wayne Elliott seconded. Vote unanimous.

Discuss next steps for planning June meeting

Lori Fisher spoke to Eric Howe and the State of the Lake release is tentatively scheduled for June 15th, so the week of June 22nd would be the earliest a meeting on the new report could be held.

Bethany to send link to current State of the Lake.

Bethany will set up a Doodle poll, coordinate with LCBP staff, and inquire with VT PBS about hosting and co-promoting.

Holding meetings at the CCTV studio could be an option. The studio is a little smaller than the Shelburne Town Office meeting rooms, with a lower ceiling. It's not a great venue for a public audience and parking can be an issue. This will be discussed further at the annual retreat this summer.

Jeff Wennberg mentioned the Rutland facilities are fantastic and if we could get the word out beforehand, we could get attendance from the South Lake region.

David Mears moved to adjourn; Eric Clifford seconded. Adjourned at 7:31 pm.