

Robert C. Krebs, P.E., L.L.S.  
State Representative  
134 East Shore Road  
South Hero, Vermont 05486  
Tel. 802-372-4567

05/14/2014

July 30, 2014

Mr. Charles R. Ross Jr., Secretary  
Vermont Agency of Agriculture, Food and Markets  
116 State Street  
Montpelier, Vermont 05620-2907

Public Docket #2014-06-04-ARM  
Re: CLF Petition for Mandatory BMP's in Missisquoi Bay Basin

Dear Chuck,

I would like to provide some additional comments and observations with regard to the CLF petition, albeit with the benefit of the testimony given in St. Albans on July 18, 2014. There was at least a tacit acknowledgement that the Missisquoi Bay Basin and the Missisquoi Bay are stressed/impaired with high concentrations of phosphorus pollution. The upland nutrient runoff combined with other factors often cause algae blooms, occasionally toxic in nature (cyanobacteria). Similarly there does not seem to be any dispute that agricultural non-point pollution from upland sources may exceed 60% of the total contribution to Missisquoi Bay.

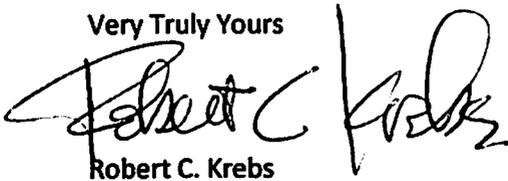
Disturbingly it was estimated last fall by EPA and our Agency of Natural Resources that even with the application and implementation of agricultural best management practices in the Missisquoi Bay basin the percent reduction (in phosphorus) would only be 40%. The predictive model estimates that a 66% reduction is necessary to comply with the TMDL goal for that portion of the lake (Missisquoi Bay Basin watershed). Clearly a more detailed strategic plan is necessary for that basin.

If there is a thrust to the CLF petition (regardless of its legal standing) it is that specific targeted actions are necessary and that these actions are most likely beyond the scope and effectiveness of the current Accepted Agricultural Practices (AAP's). The second part of the underlying statement in the petition is that those strategic actions should be directed and focused on those Critical Sources Areas (CSA's) identified in the Stone Environmental report of December 2011. It is my opinion that "mandatory" vs. "voluntary" label issue is secondary to the procedure/process for moving ahead. As it was discussed at the hearing the CSA study is a predictive model based on the best available data and information, and the study can be a very useful tool in distilling the priorities for action and funding. The study can also be likened to a risk analysis, in other words, a blueprint for targeting areas that are most likely contributing excess nutrient runoff.

Because the CSA study is only a model it is imperative that physical field assessments are conducted and comprehensive action plans be developed from those assessments. It was never discussed at the hearing, but it is yet to be determined (in critical source areas) if AAP's are being followed, and if not, would strict adherence to the AAP's suffice to achieve the desired result (instead of implementing BMP's). The approved basin plan has a goal of reducing phosphorus, sediment, and pathogens from agricultural activities by strategically applying BMP's. The use of the CSA study as a targeting tool would certainly achieve that goal.

Lastly, while I feel the process/procedure is important, none of this works without the necessary resources. Whether the farming community becomes more cognizant of best practices and complies voluntarily, or government provides some financial support and technical services, or a combination of both, there needs to be a renewed serious commitment to water quality issues. I sensed some "drift" or digression (from those that testified) at the hearing back to the old "us versus them" mentality regarding who is responsible, who is doing what, and who is going to pay. My hope is that your decision and the petition itself will not cause such a reversion and that all can continue to pull together in the same positive directions. Thanks for listening.

Very Truly Yours

A handwritten signature in black ink, appearing to read "Robert C. Krebs", written in a cursive style. The signature is positioned to the right of the typed name "Robert C. Krebs".

Robert C. Krebs