



**Natural Resources
Conservation Service**

July 31, 2014

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**Chuck Ross, Secretary
Vermont Agency of Agriculture Food & Markets
116 State Street
Montpelier, VT 05620-2901**

Dear Secretary Ross,

The Natural Resources Conservation Service (NRCS) provides the following comments in response to the petition submitted by the Conservation Law Foundation (CLF) to “Require Mandatory Pollution Control Best Management Practices for Agricultural Non-Point Pollution Sources Identified in the Missisquoi Basin Plan”. This petition specifically requests you to require best management practices (BMPs) needed to reduce non-point source phosphorus pollution from critical source areas (CSAs) as delineated by the Lake Champlain Basin Program study and “subsequent on-the-ground investigations by VAAFAM and its partner government and nongovernmental agencies”.

As you know, NRCS targeted funds each of the last three years to producers who voluntarily seek to implement BMPs in these critical source areas. NRCS and partner staff have used the CSA maps to both target outreach to producers who manage lands that are identified as CSAs, as well as to help prioritize funding to high priority areas. In 2012 and 2013, approximately \$970,000 was obligated to install cover crops, filter strips, grassed waterways and other conservation practices to address critical source areas in the Missisquoi watershed. Our experience has shown that the critical source area maps are good planning tools: they help us target farms and tracts for further evaluation. They also help us generate a discussion with the farmers about the need to target specific fields or portions of fields for conservation practices. However, we have found the maps to have a high error rate. Many areas mapped as critical source areas are not due to the proper management of the field, or the incorrect characterization of the model. Based on our field work, we also find a significant number of fields that should be designated as CSA’s but are not. In summary, the maps are a good tool to use in the planning process but they must be verified by on-site assessments.

In addition, in a number of areas, the CLF petition references information available to VAAFAM through its partner “government and nongovernment” agencies. In the last section of the petition, CLF specifically references that

information provided to VAAF&M through the coordination of technical and financial resources of its partners, including the NRCS, should facilitate the identification of those agricultural operations that are critical source areas of nonpoint source phosphorus pollution. In addition, CLF states that the Vermont Association of Conservation Districts is a “partner agency of VAAF&M with information sharing responsibilities pursuant to a January 1, 2012, Memorandum of Understanding.” Please note that both the Vermont Agency of Agriculture, Food & Markets and the Vermont Association of Conservation Districts are strictly prohibited from using data shared by USDA, from either NRCS or the Farm Service Agency, for regulatory purposes per the signed “Acknowledgement of Section 1619 Compliance” that accompanies the reference Memorandum of Understanding (encl.). As such, if VAAF&M uses information provided by USDA or its partners, including names, addresses, maps, crop history, presence/absence of conservation practices, or any other data that is protected by Section 1619 of the Food, Conservation, and Energy Act of 2008 (PL 110-234) for the purposes of enforcing regulations, they will be in non-compliance with the standing agreement that provides limited access to this data through the water quality partners Memorandum of Understanding and the associated Section 1619 acknowledgement.

Please do not hesitate to contact me should you have any questions regarding these comments.

Sincerely,



Vicky M. Drew
STATE CONSERVATIONIST

cc:

Robert Paquin, Farm Service Agency
Jill Arace, Vermont Association of Conservation Districts

Enclosures:

VT Agricultural Water Quality Partners Memorandum of Understanding
VAAF&M Signed Copy of Section 1619 Acknowledgement