

## **Thank you for the opportunity to comment**

### **Comment in regard to small farm annual certification.**

I am on the Board of Supervisors of the Rutland Natural Resources Conservation District. While I am not a farmer, I have observed and listened to farmers at several meetings regarding the TMDL related requirements as well as discussed them in one on one situations.

The proposed requirement that small farmers be "required to provide an annual certification to the Agency of Agriculture that they understand and are in compliance with the AAPs" is of particular concern.

Discussions with farmers, NRCD staff, NCRS staff and even state employees reveal that many small farmers do not understand the AAPs, having never read them. Some are aware of some of the provisions but not confident in their understanding of them all. Some have never heard of them.

Asking them to sign that certification puts such people in a very trying position, particularly if relying upon farm income. Not signing would be essentially the same as confessing to violations. Signing it when you know that you are not in complete compliance, in addition to being morally wrong (which, odd as it may seem, even today is of a great concern to real Vermonters) might be considered perjury.

It is well known that "the State" does not have the resources to inspect every farm and the Agency is advertising that more all the time in an effort to obtain more resources from the legislature. There will be great pressure on the farmer to sign this, particularly if they perceive that their family's livelihood may be threatened. A simple signature and your paper goes into the "good guy" file. Don't sign it and it goes into the "additional action required file".

There may be a problem at the farm that is relatively simple to fix. With the pressure on the farmer to avoid what he perceives as unknown, potentially costly fixes and perhaps some sort of prosecution, he may choose to kick the can down the road by signing. This would be very unfortunate in that the problem would not come to light and never be addressed.

There is generally a lack of trust between, and some resentment of many farmers for "the State" which, unfortunately is increased each time additional burdens, such as this one, are imposed that affect their operations.

I believe that in order to more effectively address the goals of the TMDL, there needs to be a strong and transparent effort to win back that trust. They need to know that they have allies that will help them, friends with money who are willing to chip in to help pay for improvements (or in some cases pick up the tab completely).

As far as small farmers go, the first five years of the TMDL should be dedicated to outreach and assistance. It should be a period of amnesty during which the farmer can openly and without fear of regulatory attack, identify, address and resolve the more serious issues regarding water quality. As progress is made and other farmers see their neighbors treated as partners by the state as they repair problems with financial and technical help, more will do the right thing.

At the end of five years, there would be significant progress. The certification then would have three potential statements: 1. Yes, I'm in compliance; 2. Not entirely in compliance, but am working with (NRCS, etc.) and have a plan for compliance; 3. No.

At that point a great number of the responsible farmers (who are in the overwhelming majority) will be in the no. 2 column, improving water quality with a clear conscience. This will provide an opportunity to measure progress towards the TMDL goals.

In the no. 1 column will be the responsible stewards that are in full compliance (or better) along with, of course those who took the "easy way out".

There will be few in column no. 3. Those who simply enjoy a good confrontation, those who choose to ignore the opportunities for assistance for five years, and those whose operations, unfortunately, are not financially viable enough to be operated responsibly.

The Conservation Districts are in the best position to coordinate this effort. They have relationships with and access to various funding sources and can direct the farmers to those that can help.

They are independent, non-regulatory and for the most part trusted by the farmers. As this ambitious program to implement the TMDL progresses, it will be critical that they remain that way and do not become, either in perception or fact the agents of any regulatory entity.

- Alan Shelvey