



Certainty Programs for Landowners and Producers

An NACD Review of four State Programs

This report explores several state-based programs that seek to improve water quality and provide agricultural producers and landowners some degree of regulatory certainty for adopting best-management practices in their operations.

State certification programs have enrolled thousands of agricultural producers in several states. This survey reviews several of these programs and finds similarities and differences among them. Programs in Michigan, New York, Louisiana and Texas find common ground in several areas:

- They seek to provide regulatory certainty to producers, especially as it relates to state regulations, but also in anticipation of future federal regulations.
- They are voluntary and locally led, with conservation districts playing key roles in prioritizing resource concerns and administering and/or providing technical assistance to producers and cooperating with state and federal partners.
- They rely on practices and systems that are scientifically sound to achieve verifiable water quality gains.
- They provide confidentiality to producers in the development and implementation of conservation plans but also require verification to provide assurance that producers have taken necessary steps to achieve goals.
- They offer incentives for participation, including enhanced federal Environmental Quality Incentives Program (EQIP) cost-sharing or points and state or local practice incentives. “Certainty” producers benefit from targeted cost-sharing incentives based on locally established resource priorities.

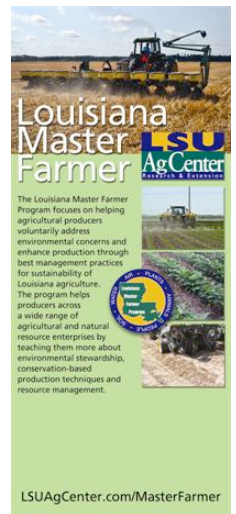
While state programs share similarities, this paper shows that they vary in a number of key areas, including the structure of the programs themselves, how verification is achieved and maintained and the type of BMPs used to achieve compliance. Some programs have market components. These include Michigan’s Agriculture Environmental Assurance Program, in which producers tout their certification to consumers. In Louisiana, rice growers who achieve the highest level of verification receive crop premiums from Kellogg’s as a part of the company’s sustainability program.

Other state-based certainty programs are in the works such as in Minnesota this past year or in Virginia. Of interest to several states in the Chesapeake Bay region is a state program under development in Virginia. In lieu of regulation, agricultural producers in Bay region states are attempting to achieve voluntary compliance with federal Environmental Protection Agency total daily maximum loads that set numerical standards for various land uses and practices. Programs such as the one under development in Virginia hope to employ a variety of techniques, including water quality trading with regulated entities such as water treatment facilities and other point sources.

It also noteworthy that the concept of certainty is advancing in other areas. These include the [Working Lands for Wildlife Program](#), a cooperative effort of the USDA Natural Resources Conservation Service and U.S. Fish and Wildlife Service, which seeks to provide certainty to producers and landowners who adopt practices that benefit targeted species and their habitats. It is to some extent modeled after F&WL's "safe harbor" programs.

These programs will be explored in future outreach. The main focus of this paper is on mature state certainty programs tied primarily to water quality. The goal is to provide information to conservation districts and their partners to facilitate greater understanding and acceptance of the concept. Other efforts as part of this project will include collection of feedback to be incorporated in future outreach intended to further develop and refine certainty efforts.

Please see the following four state story examples.



Louisiana Master Farmer Program

The [Louisiana Master Farmer Program](#) helps agricultural producers address environmental concerns and enhance production through best management practices for sustainability of Louisiana agriculture.

The program uses a comprehensive approach that includes classroom instruction, observation of [Louisiana State University AgCenter](#) research-based, best management practices and implementation of a comprehensive conservation plan. It also involves a voluntary producer certification process and is marked by continuing education requirements through the course of the program and plan modifications as production changes.

Key points about the program:

To become Louisiana Master Farmer, a producer must complete three phases: 1) Producers attend classroom instruction on a wide range of environmental stewardship issues, including, laws, environmental impacts, best management practices and conservation district roles in planning and implementation, and funding sources; 2) Producers attend a conservation-based field day where specific BMPs are demonstrated and discussed; 3) Producers have two options for development of a plan, either a state resource conservation plan through the LSU AgCenter or a resource management system plan through NRCS and local SWCDs. The AgCenter option was recently added to meet high demand for the program. In either case, producers work with a certified conservation planner to implement plans.

Upon completion of all three phases, producers are presumed to be in compliance with Louisiana's soil and water conservation requirements. A program goal is to enroll enough farms so that future regulation will be unnecessary. Certification is granted by the state commissioner of agriculture for five years, with six hours of continuing education credits required per year. Recertification takes place after five years, and plans are revisited and revised. If more land is added or production systems changed along the way, plans are updated.

About 135 farmers have been certified, and demand for the program continues to increase.

Initially, EQIP cost-share funding was boosted by a grant through the USDA's Cooperative Conservation Partnership Initiative. The grant has expired, but producers in the program receive additional EQIP points, which often help them qualify for funding. Environmental Protection Agency 319 funds have also provided incentives for producers.

In an example of market incentives tied to environmental gains, rice farmers who achieve the highest level of certification are eligible for crop premiums from Kellogg's. The company cooperates with LSU AgCenter and producers on a Master Rice Growers program as part of the company's sustainability program. Farmers receive training and certification through the LSU AgCenter to achieve sustainability goals established by the company. Rice growers submit information to the firm on cropping methods, fertilizer and herbicide applications and other steps taken to reduce environmental impacts, including achieving reductions in nitrogen and phosphorous use.

All aspects of farm plans are confidential.

Sources: Ernest Girouard, program coordinator, second vice president of Louisiana Association of Conservation Districts, chair of the Vermilion County SWCD Board, egirouard@agcenter.lsu.edu.

Michigan Agriculture Environmental Assurance Program



[The Michigan Agriculture Environmental Assurance Program \(MAEAP\)](#) helps farms of all sizes and all commodities voluntarily prevent or minimize agricultural pollution risks. MAEAP helps assure that Michigan farmers are engaging in cost-effective pollution prevention practices and working to comply with state and federal environmental regulations. The Michigan Department of Agriculture and Resource Development is the lead agency.

The program was first developed in 1997 by a coalition of farmers, commodity groups, state and federal agencies, and conservation and environmental groups to provide a venue for farmers to become better educated about management options to help protect and enhance the quality of natural resources. In 2011, Governor Rick Snyder signed the first legislation of his new administration, establishing MAEAP into law.

Key points about MAEAP

The program has achieved more than 1,200 verifications across the state on farms of varied sizes, producing a diversity of crops and livestock. More than 10,000 farmers have begun going through educational programs leading to verifications.

There is a goal of 5,000 verifications by then end of 2015.

The voluntary program is designed to reduce farmers' legal and environmental risks through a three-phase process: 1) education; 2) farm-specific risk assessment; and 3) on-farm verification to ensure the farmer has implemented environmentally sound practices. Conservation districts are heavily involved in phase two. Grant programs fund 36 technician positions in districts specifically for the program. Funding for fiscal 2013 will allow for 12 new positions.

The program's three systems — farmstead, cropping and livestock — each examine different aspects of the farm. After becoming MAEAP-verified, a farm can display a MAEAP sign signifying that MAEAP partners recognize the farm is environmentally assured.

Confidentiality is guaranteed by law, providing assurance for farmers that they are effectively following all current Right to Farm Generally Accepted Agricultural and Management Practices (GAAMPs) and are working to comply with state and federal environmental laws specific to each system of the program.

MDARD staff handles verification and works to assure that risks are abated, and records and practices are in place.

Farmers who complete risk assessments and practices earn extra EQIP points for cost-sharing.

Some producers, including blueberry growers, use their MAEAP certification in marketing efforts, stressing their environmental commitment to consumers.

Sources: Michigan Department of Agriculture and Rural Development, www.maeap.org, and MAEAP Manager Jan Wilford.

New York Agricultural Environmental Management



[New York Agricultural Environmental Management](#) is a voluntary, incentive-based program that helps farmers meet business objectives and protect and conserve the state's natural resources. Farmers work with local AEM resource professionals in the state's soil and water conservation districts to develop comprehensive farm plans using a tiered process.

The New York Department of Agriculture and Markets and the state Soil and Water Conservation Committee help secure funding for AEM, oversee the educational and training program for Certified AEM Planners, and provide standards and leadership for the program statewide.

Key points about the program

The tiered process includes 1) Inventory current activities, future plans and potential environmental concerns; 2) Document current land stewardship; assess and prioritize areas of concern; 3) Develop conservation plans addressing concerns and opportunities tailored to farm goals; 4) Implement plans utilizing available state and national financial, educational and technical assistance; and 5) Evaluate to ensure the protection of the environment and farm viability.

More than 12,000 farmers have completed Tier 1 in 55 soil and water conservation districts statewide. More than 6,800 Tier 2 assessments and more than 2,400 Tier 3 conservation plans have been completed.

Soil and water conservation districts provide AEM technical services to develop plans. New York reimburses SWCDs for providing certain technical services, and reimbursements are enhanced for SWCDs that work with producers to develop AEM plans. If districts have a state-certified comprehensive nutrient planner on staff, reimbursement levels are further enhanced.

AEM is carried out within the context of a whole watershed planning effort whenever possible. It is also customized, taking into consideration natural resource and business conditions distinctive to each farm. The NRCS Field Office Technical Guide and some state-based practice standards guide the process.

AEM is locally driven. County-level groups such as SWCDs have responsibility for directing and carrying out AEM. Program, technical, and financial resources are targeted to farms identified locally as having the greatest potential for impacting the environment. State law protects the confidentiality of AEM plans, on-farm surveys, and assessments filed with the NYS Department of Agriculture & Markets or county SWCDs.

Funding for implementing plans comes from federal EQIP and the state nonpoint source program. EQIP funds can be used as a match for state funds.

While AEM does not claim to be a certainty program, AEM farmers can document their environmental stewardship and contribute to a positive image of agriculture in their communities.

Sources: Ed Hoxsie, executive director, Dutchess County Soil and Water Conservation District, New York; Jeff TenEyck, associate environmental analyst, New York Department of Agriculture and Markets; and New York State Soil and Water Conservation Committee (<http://www.nys-soilandwater.org/aem/>)

Texas Water Quality Management Plan Program

Created by the Texas State Senate in 1993, [the program](#) addresses water quality and quantity concerns identified by the state's soil and water conservation districts. The Texas State Soil and Water Conservation Board and SWCDs cooperate in administering the program.



Key points about the Texas WQMP

The state has completed more than 10,130 plans on approximately four million acres, according to Steve Jones, regional office coordinator with the program. In 2011, the 321 plans covered 183,810 acres. The Texas Best Management Tool developed by the [Texas AgriLife Blackland Research and Extension Center and USDA Agricultural Research Service](#) determines environmental benefits. Implementation of plans in 2011 resulted in reductions of 303,640 pounds of nitrogen, 61,087 pounds of phosphorus and 20,765 tons of sediment.

Seventy-nine SWCDs have identified water quality or quantity problems. The districts set priority areas and administer the program, assisted by five regional offices of the Soil and Water Conservation Board. Participation is guided by a five-step process: 1) An individual requests planning assistance through the local SWCD; 2) The plan is developed with NRCS and State Board assistance; 3) The plan is certified by the SWCD and State Board; 4) The individual implements the WQMP on his/her land; and 5) The plan is subject to annual status reviews. District boards select producers for status reviews conducted by the regional offices. "We have had had good success working through districts. That way we can tailor needs to fit local priorities," says Jones.

Plans are site-specific for agricultural or forest lands. They include appropriate land treatment practices, production practices, management measures, technologies or combinations of them to achieve a level of pollution prevention or abatement determined by the TSSWCB, in consultation with local soil and water conservation districts, to be consistent with state water quality standards. If cost-sharing is available, those with certified plans are eligible. Producers can receive both federal (EQIP) and state funds, but not on the same practice.

The NRCS [Field Office Technical Guide](#) provides the criteria for practices in the plan.

Plans cover the entire operating unit, and include required practices applicable to the land use. These include conservation cropping sequence and residue management for cropland, proper grazing on rangeland, and water facility considerations on pastureland/hay land. Forested land and wildlife considerations are included in the operating unit. Nutrient management must be outlined if nutrients are applied. Pesticide management must also be considered. If an animal feeding operation is involved (such as dairy or poultry), an animal waste management system will be a sub-component of the plan. Waste utilization will be considered when agricultural wastes are applied. Plans also have subcomponents for irrigation waters and erosion control. All poultry operations are required to have WQM.

The program protects and assures producer that they are meeting water quality standards for the state of Texas. If producers with certified and implemented plans receive a complaint, the State Board, rather than a regulatory agency, helps correct the problem.

Source: Texas State Soil and Water Conservation Board (<http://www.tsswcb.texas.gov/wqmp>) and Steve Jones, regional office coordinator, WQM program.