



2016 Agriculture Kitchen Cabinet Notes
Lewis & Clark State Office Building
January 29, 2016 - 10 a.m. to 2 p.m.

Welcome and Introductions

Director Sara Parker Pauley welcomed everyone and gave opportunity for everyone to introduce themselves. Sara then highlighted some of the department's focus areas for 2016:

- Parks, Soils and Water Sales Tax Renewal
- E3 (Enhancing Effectiveness and Efficiency) Actions to improve efficiencies and reduce waste efforts within the department's processes
- Continuing to engage with agriculture on the Comprehensive State Water Plan for Missouri through stakeholder workgroups and outreach activities

Agriculture Issues Updates / Discussion with Participants

Missouri River

- 6 large dams allow flow regulation of Missouri River
- 29 locks and dams on Mississippi River create "pooled reach" for navigation
- 25% of Mississippi River shipping made up of food and farm products
- Missouri River Recovery Implementation Committee
 - Charter signed in 2008
 - 70 Members (Ag representatives are Dan Engemann, Don Borgman (Alternate), David Sieck, Trevor Whipple (Alternate), Randy Asbury (At-Large), Shane Kinne (At-Large))
 - DRAFT Environmental Impact Statement will be out for public review soon for 60 day period.
- More information can be found at <http://MoDNR.mo.gov/geology/wrc/interstate-waters/index.html>

Parks, Soils and Water Effort

- Farm Bureau discussed the Citizens Committee efforts to extend the Parks, Soils and Water Sales Tax in Missouri. The tax will be voted on either in August or November of 2016. A brochure and other educational items have been developed by the committee.

Numeric Nutrient Criteria

- Under section 303(c) of the Clean Water Act (33 U.S.C. § 1313(c)), states are to review their Water Quality Standards (WQS) at least every three years and submit any revised or new WQS to the EPA for review and approval.
- Nutrient criteria for **lakes and reservoirs** were adopted as part of the water quality standards rule in October 2009. The part of the rule applicable to nutrients is at 10CSR

20-7.031(4)(N). In August, 2011, the US Environmental Protection Agency denied approval of a substantial part of this rule, expressing some technical issues with the criteria that were introduced. The department is in the process of addressing these concerns, with the goal of including them as part of ongoing revisions to the water quality standards. A reply has been drafted to those who commented on the rule, including EPA that includes a proposed revised rule.

- Stakeholders began meeting in 2009 for briefings on how criteria development for **streams** will proceed. These meetings were suspended so a technical workgroup could take the time necessary to make recommendations for criteria that will be scientifically defensible and sufficiently protective of the state's streams and rivers. Criteria will be based on a compilation of several lines of evidence, including a statistical review of available data, a USGS study of algae response to nutrients in the Ozarks, and analyses of macro-invertebrates and chlorophyll-a as response variables. When all analyses are complete, stakeholder meetings will be reconvened for consideration of the recommendations.
- On Nov. 6, 2015, Missouri Coalition for the Environment submitted a notice of intent to bring suit in federal district court against the Administrator of the United States Environmental Protection Agency (EPA) for the Administrator's failure to perform a non-discretionary duty imposed by the CWA because EPA has not moved forward with its own Lakes Criteria.
- MoDNR intends to move forward with rule making. Criteria for lakes will be based on a compilation of several lines of evidence, including a statistical review of available data, a USGS study of algae response to nutrients in the Ozarks, and analyses of macro-invertebrates and chlorophyll-a as response variables. When all analyses are complete, stakeholder meetings will be reconvened for consideration of the recommendations.
- Stakeholders commented that MoDNR has been transparent with process and asked if MoDNR was confident with their proposal or if they would discuss with EPA first. MoDNR intends to submit as developed and let EPA decide on approval of standards.

State Water Plan – Engaging with Agriculture

- The department is preparing to begin updating the Comprehensive State Water Plan for Missouri. The process typically takes 2 to 3 years to complete and requires extensive involvement from all of Missouri's water users, our stakeholders.
- The department will work with a consultant to facilitate the discussions that will help characterize Missouri's water resources including surface and groundwater, quality and quantity.
- The department encourages agriculture entities to engage in this process through specific workgroups and outreach opportunities.

Nutrient Trading

- The department has been hosting nutrient trading meetings with point source and non-point source stakeholders since July 2015 with the goal of having a framework for trading in Missouri by June 2016 to present to the Clean Water Commission in July.

- Recent discussions regarding agriculture proposed having a clearinghouse such as the Environmental Improvement Energy Resource Authority handle the exchange of credits between non-point and point source entities. A non-point source credit could be determined for soil and water conservation practices and used to develop credit for point source buyers. Nutrient reductions could be determined by the Nutrient Tracking Tool recently developed for Soil and Water Program. Discussions are preliminary at this point and the department encourages agricultural groups to provide feedback and participate in the work group.
- Stakeholders commented that when considering nutrient trading in this manner that the economic impacts of agricultural best management practices should be evaluated. (i.e. Conservation Reserve Program effects on ag economy)

Legislative Update

- Mary Mulhearn gave an update on current bills related to Agriculture
 1. SB 669 - Transfers money from certain funds administered by the Department of Natural Resources to general revenue
 2. SB 928 - Modifies privacy protections for certain agricultural entities
 3. HB 1823 - Exempts certain structures used for agricultural purposes from county health orders, ordinances, rules, or regulations.

Other Issues

- Department staff asked stakeholders why small communities are reluctant to allow a city to land apply treated waste water on agricultural lands. Stakeholders commented that a strong agreement between the city and landowners are crucial when planning for land application in small communities. The department will work with University of Missouri and highlight some of the successful programs to help communities offer a good agreement.
- Status of CAFO Rules:

10 CSR 20-6.300 Concentrated Animal Feeding Operations RIR AVAILABLE online 60 days ended 12/20. The primary purpose of the rulemaking is to ensure 10 CSR 20-6.300 is consistent with section 640.700 RSMo as provided for on Aug. 28, 2013 in House Bill 28, which removed most construction permit requirements for concentrated animal feeding operations. In addition to current changes resulting from the state statute as amended in 2013, the department is proposing minor revisions to definitions and language.

10 CSR 20-8.300 Manure Storage Design Regulations RIR AVAILABLE online 60 days ended 12/20 Proposed Rulemaking. This rulemaking removes the construction permitting requirement for concentrated animal feeding operations without earthen basins, improves and adds several definitions, clarifies items required in an application for engineering review, changes the name of the Division of Geology and Land Survey to Missouri Geological Survey, and removes nutrient management plan requirements and other documents required for operating permits.

Roundtable 3 min updates by stakeholders

- Missouri Soil and Water Commission needs another commissioner from South of the Missouri River
- Missouri Department of Agriculture – Beef referendum is underway for beef check off. Producers should register to vote by 3/1 and vote by 4/1. Federal rule impacts certification and training of applicators.
- University of Missouri has a strip trial program rolling out that offer strip trials to landowners for nutrient management and cover crops. The Soil Health Assessment Center is running smoothly and has had a big year with demand for cover crops growing quickly. MU is working with Soil and Water and MDC to emphasize warm season grasses in grazing systems and conservation practices
- Ron Hardecke (producer from Gasconade County) has attended Our Missouri Waters meetings and asked if they could possibly be accommodated more toward producers and host evening meetings. Ron also said his county was getting fined for gravel mining and asked the department to visit with USCOE and USFWS on jurisdiction for gravel mining and streambank stabilization activities. Sara Pauley noted that a new decision item for Soil and Water may include some funds for streambank stabilization.
- Mo. Farm Bureau discussed continued interest in streambank stabilization projects statewide. Another item of mention is the MOFB asks that the department consider taking into account the cost of maintenance of state parks when considering additional parks.
- Ashley McCarty, Missouri Farmers Care, noted the launch of the Agri-Ready county certification program brings new focus to this organization. She will be working with commodity groups and agribusiness associations as well as local leaders to help foster growth in this state's top industry. Ashley also said she had been involved with some of the OMW meetings and activities in her area and that it is a well - structured program.
- Missouri Corn and Soybean Association – Darrick would like support from department on SB 928 which modifies privacy protections for certain agricultural entities. Darrick also commented that he will continue to work with department and stakeholders on nutrient trading similar to what was provided for the nutrient reduction strategy.

Director Sara Parker Pauley thanked everyone for coming and showed appreciation for allowing open discussion and positive feedback for the department to consider in the next year. She also reminded everyone there will be a combined kitchen cabinet **Sept. 16, 2016** where everyone is encouraged to attend and discuss valuable viewpoints from a broad range.