

Minnesota Agricultural Water Quality Certification Program



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What is it?

* Voluntary program designed to accelerate adoption of on-farm practices that protect Minnesota's lake and rivers.



MAWQCP Background

- Program offers producers:
 - Recognition
 - Financial/Technical assistance
 - Regulatory certainty
 - Branding/Marketing opportunity
 - Check-up/Validation
- Whole-farm planning for water quality; risk assessment of every parcel, every crop
- Pairs producer with conservation professional to develop site-specific solutions to reduce risk to water quality




Memorandum of Understanding

Signed by Governor Dayton,
Secretary Vilsack and
Administrator Lisa Jackson
on January 17, 2012.

What did the MOU say?

- * Support for a **voluntary** program
- * **Coordinate and prioritize funding**
- * Provide **recognition and certainty** to producers and the public
- * Establish a **MAWQCP Advisory Committee**



MAWQCP Advisory Committee

- * Recommendations developed over a series of committee meetings, provided to MDA Commissioner Frederickson November 14, 2012




Committee Recommendations

The committee submitted a series of recommendations presented in seven position papers:

- Pilot projects
- Program operations
- Program measurement tool
- Program data management
- Program certainty
- Program incentives
- Program promotion



Legislative Actions

- * 2013 Passed legislation placing the MAWQCP in statute
- * Provided \$3 million in Clean Water funding (biennium)
- * Statute adopts Advisory Committee's recommendations
 - * Pilot up to 3 years
 - * Review progress with advisory committee; inter-agency team
 - * Provides "certainty" via certification agreement contracts between state and producers



Pilot Projects

Minnesota Agricultural Water Quality Certification Program
Pilot Areas



- * Whitewater Watershed
- * Elm Creek Watershed
- * Sauk River Watershed
- * Whiskey Creek Watershed

Application Process

- Application establishes **eligibility** for program resources
- Ensures **compliance** with existing water quality regulations

Question	Yes	No	N/A
1. Are you in compliance with Minnesota Administrative Rules Chapter 7102 - Animal Feedlots and, if applicable, do you have a valid National Pollution Discharge Elimination System (NPDES)/State Disposal System (SDS) permit for your feedlot operation?	Yes	No	N/A
2. Are you in compliance with your land with any unremediated violations of the Minnesota Wetlands Conservation Act (Minnesota Statutes Section 103G.21 - 103G.23)?	Yes	No	N/A
3. Do you have a Surface Water Treatment System (public system) that is deemed an imminent threat to Public Health and/or have been cited in violation of local ordinance that requires an immediate upgrade?	Yes	No	N/A
4. Are you in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act and Minnesota statutes (MS, 18C, 18D, 183B regarding pesticides and fertilizer distribution, use, storage, handling and disposal)?	Yes	No	N/A
5. Are you in compliance with current State rules and statutes pertaining to shoreline and riparian protection?	Yes	No	N/A

Assessment Process

- * Certifying Instrument: Developed by NRCS and modified specifically for Minnesota that certifying agents use to enter agricultural practice data.
- * Risk assessment of the water quality practices and management of agricultural operations at the field scale.

Unitless **risk-assessment index** for each parcel and crop, scoring between 0 - 10 based on site-specific criteria with site inspection for eligible scores ≥ 8.5

assessment tool online at:
<https://mnwatercertify.mda.state.mn.us/wqcpapp/>

What does the assessment consider?

- 1) Field characteristics and soil physical/erosion factors,
- 2) Nutrient management factors,
- 3) Tillage management factors,
- 4) Pest management factors,
- 5) Irrigation and tile drainage management,
- 6) Additional conservation practices



Site Verification



- **Whole farm** conservation planning
- **Site-specific** treatments supported by NRCS field office technical guide
- **Boots-on-the-ground** conservation delivery



❖ 10 year term of certification, amendments & re-certification as desired.

Physical Site Assessment - Watershed A	
Field No.	Field Acres
1	1.2
2	1.5
3	1.8
4	2.1
5	2.4
6	2.7
7	3.0
8	3.3
9	3.6
10	3.9
11	4.2
12	4.5
13	4.8
14	5.1
15	5.4
16	5.7
17	6.0
18	6.3
19	6.6
20	6.9
21	7.2
22	7.5
23	7.8
24	8.1
25	8.4
26	8.7
27	9.0
28	9.3
29	9.6
30	9.9
31	10.2
32	10.5
33	10.8
34	11.1
35	11.4
36	11.7
37	12.0
38	12.3
39	12.6
40	12.9
41	13.2
42	13.5
43	13.8
44	14.1
45	14.4
46	14.7
47	15.0
48	15.3
49	15.6
50	15.9
51	16.2
52	16.5
53	16.8
54	17.1
55	17.4
56	17.7
57	18.0
58	18.3
59	18.6
60	18.9
61	19.2
62	19.5
63	19.8
64	20.1
65	20.4
66	20.7
67	21.0
68	21.3
69	21.6
70	21.9
71	22.2
72	22.5
73	22.8
74	23.1
75	23.4
76	23.7
77	24.0
78	24.3
79	24.6
80	24.9
81	25.2
82	25.5
83	25.8
84	26.1
85	26.4
86	26.7
87	27.0
88	27.3
89	27.6
90	27.9
91	28.2
92	28.5
93	28.8
94	29.1
95	29.4
96	29.7
97	30.0
98	30.3
99	30.6
100	30.9

How it works:

- * Producer applies for certification
- * Certifying agent conducts assessment using assessment tool with producer seeking certification.
- * Obtains technical assistance as necessary to achieve satisfactory score.
- * Certifying agent verifies that producer accurately filled out assessment tool and performed all necessary practices through a site visit.
- * Certifying agent notifies MDA to issue certification

Certifying Agent

- * MDA licenses individuals as “certifying agents” to conduct formal certifying assessments to determine whether a producer meets program criteria.
- * Certifying agent can't provide certification services to any producer to whom the certifying agent has also offered technical assistance.

Certifying Agent

- * A certifying agent must:
 - * Be an agricultural conservation professional employed by SWCD or the NRCS, a Minnesota Certified crop advisor recognized by American Society of Agronomy, or individual with ag conservation experience approved by commissioner.

How it works


- * MDA will issue contract to be signed by producer
- * Once certified, producer must maintain practices to maintain certification
- * If additional land is purchased, has 1 year to notify agent and obtain certification of additional land or they will lose certification

How it works

- * If additional leased land, must notify agent before commencing farming to maintain certification.
- * Not required to implement practices that permanently alter the landscape.
- * Must demonstrate sufficient annual crop management practices, consistent with original certification, in order to remain certified.

What is “Certainty?”

- * Offered by Minnesota state government, via Certification Agreement contracts
- * Not an exemption from existing rules and regulations
- * Relevant to the land within an agricultural operation
- * Applies only to ag land management and practices that could affect water quality
- * Conditional upon:
 - * Implementation of recommended practices
 - * Maintenance of practices during certification




Certainty

- * Certification is good for up to 10 years
- * After certification period, or before re-certifying, Producer must be in compliance with any existing water protection rules or laws.
- * It does not preclude enforcement of a local rule or ordinance by a local unit of government

“Certainty” means...

- * Law says certified farms are deemed to be in compliance with any new water quality rules or laws and considered to be meeting their contributions to any targeted reductions of pollutants during the period of their certification
- * Certified farmers are recognized as responsible protective stewards of their land and water quality
- * Provides public assurance that certified farmers are doing their part to avoid water quality impacts from their farming operations



Certainty

- * Governor signed executive order requiring that any agency rules dealing with water quality exempt those certified under the program.
- * MOU signed between PCA, DNR, and MDA agreeing to give certainty to those certified, as well as giving those who are certified preferences for any programs.



What about separation of powers?

- * Can not bind future legislatures; however,
- * Developed the agreement with the Contracts Clause of the Constitution in mind
- * Both sides politically see benefits
- * Voluntary program
- * All levels of government are on board
- * Precedent already with Minnesota’s buffer law

Enforcement

- * Commissioner has authority to audit producers and certifying agents.
- * All data subject to inspection.
- * Data that identifies producer or producer's location is protected data.
- * Commissioner has rulemaking authority

Status

STATUS as of Sept. 16, 2016
252 certified farms totaling
140,000+ certified acres implementing
472 New Best Management Practices that have yielded:

- 12.46 million pounds of soil saved per year,
- 8.6 million pounds sediment reduced per year,
- 5,300 pounds of phosphorus prevented from entering our waters per year,
- and reduced nitrogen loss by up to an estimated 49 percent.

And processing 400 current applications


Partners




SWCD Regional Structure


SWCD Fiscal Agents manage service areas:


- **Area Certification Specialist (ACS)**
full-time lead staff coordinating certification services for each Area
- MDA staffed, area-designated **Intermittent Certification Specialists**;
part-time/on-call position for certification support
- A pool for reimbursement of SWCDs for staff delivery of certification services




Federal Support

- USDA-NRCS award of \$9 million is 100% in form of financial assistance to growers

FY17 State - Clean Water Fund		
Statewide Operations/Administration/Staff	\$862,500	
Financial and Technical Assistance	\$1,637,500	
Annual Total	\$2,500,000	Local TA & FA pass through

FY17 Leveraged Funds		
Federal - NRCS Regional Conservation Partnership Program (RCPP)		
NRCS FY16 Producer Contracts	\$2,250,000	
RCPP Total FY16-FY19	\$9,000,000	EQIP, ACEP, CSP

Agencies



1. BWSR: SWCD promotion grant; MAWQCP certification is 'approved alternative practice' for buffer law
2. PCA key strategy Nutrient Reduction Strategy; Feedlot permits & environmental review priority
3. DNR ag land leases meet MAWQCP standard, results in whole farm certifications.

Exhibit B
Additional Terms
Cooperative Farming Agreement 144-033-0610

Private Industry



Precedent setting partnership agreement with Land O' Lakes, Inc.

Farm management data software



Ag Resource Consulting Inc.



Private consultant participation



Providing 12-packs to certified farms, reportedly because good beer needs good water



MAWQCP certified production offset for all feed for Just BARE brand products



Certification & Recognition




Business Record

Vilsack to Iowa leaders: "Think Big" on water quality
May 25, 2016

"I can't tell you how irritating it is for me in my office to showcase a Minnesota placard on their water quality initiative," Vilsack said.




MyLandMyLegacy.com



A public-private partnership to save our bees

[Field to Market Launches Crop Supply Chain Sustainability Program](#)



Midwest Row Crop Collaborative
Cargill, General Mills, Wal-Mart
collaborating to improve farm soil,
water quality
