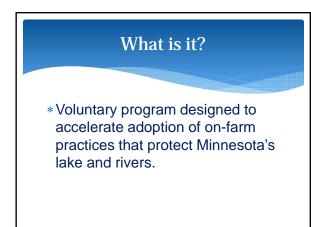
Minnesota Agricultural Water **Quality Certification** Program

Minnesota Department of Agriculture

Doug Spanier





MAWQCP Background

Program offers producers:

- Recognition

- Financial/Technical assistance - Regulatory certainty
- Branding/Marketing opportunity
 Check-up/Validation

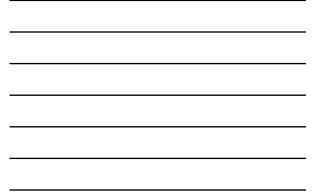
Whole-farm planning for water quality; risk assessment of every parcel, every crop

Pairs producer with conservation professional to develop site-specific solutions to reduce risk to water quality



Memorandum of Understanding





What did the MOU say?

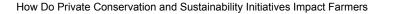
- * Support for a voluntary program
- * Coordinate and prioritize funding
- Provide recognition and certainty to producers and the public
- * Establish a MAWQCP Advisory Committee



MAWQCP Advisory Committee

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





Committee Recommendations The commendations presented in seven position papers: Program operations Program data management Program data management Program operatiny Program incentivy Program incentivy Program incentivy Program promotion Promotion

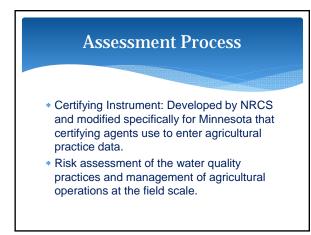
Legislative Actions

- 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; interagency team
- * Provides "certainty" via certification agreement contracts between state and producers

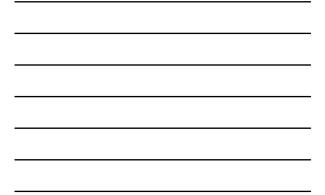




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	Application establishes <u>eligibility</u> for program resources Ensures <u>compliance</u> with existing water quality regulations	A R R R R R R R R	April Marco I April 1 (1997) (1998) (addi fad a a dag ta a dag ta a dag ta a dag ta a dag ta a dag ta dag t	
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	Are you in compliance with (not cited with any unresolved violations of) the Minnesota Wetlands Conse (Minnesota Statutes Section 103G.221-103G.2379/7	vation A	t Yes	NA	 C. V. nobles: a first estimate that experting at interaction apparts¹ C. Parkeri transform, forganite, and forderbrick (c) and threasts statute. 108. Sector and follow definition: one through secting and forganit²
2	Do you have a Subsurface Sewage Treatment System (septic system) that is deemed an Imminent Three Health and/or have been obed in violation of local ordinance thus requiring an immediate upgrade?	t to Publ	C No	NA	preser liters saws and address performing to any select production of spanise production?
2	Are you in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act and Minnesota stat	uten (186	Yes	NA	In all by continuous of the data quadrate, part MANUP spectration on start y for antilenes to waite eligibility of the data continuous you are equipe to transition orthogon. Note all interest of these elitibility of the series of an area (MANUP) and Annual Series all interest of the series of the series of the MANUP of and Annual Series and Series (MANUP).
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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





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 <u>deemed to be in</u> <u>compliance with any new water quality rules or</u> <u>laws</u> and <u>considered to be meeting their</u> <u>contributions to any targeted reductions of</u> <u>pollutants</u> 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

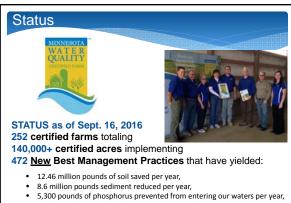
- * Governor signed executive order requiring that any agency rules dealing with water quality exempt those certified under the program.
- MOU signed between PCA, DNR, and MDA agreeing to give certainty to those certified, as well as giving those who are certified preferences for any programs.

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



- and reduced nitrogen loss by up to an estimated 49 percent.
- And processing 400 current applications



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







