

Agriculture Water Quality Authority Meeting
Frankfort, Kentucky
March 6, 2014
60th Meeting
9:30 AM

Members present: Division of Conservation Director Kim Richardson, Chair; Kevin Jefferies, member at large; David Rowlett, Kentucky Association of Conservation Districts (KACD); Director Peter Goodmann, Kentucky Division of Water (DOW); Angela Billings, Cabinet for Health and Family Services, Lee Robey, member at large; Chuck Taylor, Kentucky Geological Surveys (KGS); Jack Kuhn, Assistant State Conservationist of USDA-NRCS; Clifford Thornton *in proxy for* State Conservationist Karen Woodrich, Allen Kyle, member at large; Warren Beeler, Kentucky Department of Agriculture (KDA); Amanda Gumbert, UK-DOC; Assistant Director Steve Kull *in proxy for* Director Leah MacSwords, Division of Forestry (DOF); Larry Thomas, Kentucky Farm Bureau (KFB); and Corrine Mulberry representing environmental groups. Quorum was met.

Others in attendance; Clark Dorman, DOW; Deputy Commissioner Sandy Gruzesky, Department of Natural Resources (DNR); Dawn Riley, Monty's Plant Food; David Chinn, Monty's Plant Food; Joe Cain, KFB; Richard Preston, Preston Farms; Wendell Berry, Marshall Berry, Tim Hughes, Department of Energy Development and Independence (DEDI), David Peeler of the Kentucky Department of Environmental Protection (DEP), Jim Roe, DOW; Maury Cox, Kentucky Dairy Council (KDDC); Robert Klingenfus, KDDC; Tod Griffin, Agri-Business Association of Kentucky (ABAK); Adam Andrews, Kentucky Corn Growers; Ernest Collins, Brad Lee, UK; David Wayne, Lewis Ramsey, Department of Public Health; Peter Cinotto, USGS; Johnna McHugh, DOC; and Angella Reynolds, DOC.

Meeting called to order at 9:43 a.m. by Chair Kimberly Richardson. Ms. Richardson thanked everyone for their attendance and noted that this was the 60th meeting of the Agriculture Water Quality Authority.

DOC Assistant Director Johnna McHugh swore Mr. Allen Kyle (filling the expired term of Mr. Rick Kamuf), Mr. Warren Beeler (representing the DOA), and Ms. Kimberly Richardson (reappointment). Director MacSwords was not in attendance and will be sworn in at the next meeting.

Ms. Richardson presented the minutes of the November 21, 2013 meeting for approval. Motion made by Mr. Kevin Jefferies to accept minutes as presented. Motion seconded by Ms. Amanda Gumbert. **Motion carried.**

Committee for Streams and Other Waters

Mr. Peter Goodmann, DOW reported that Mr. Adam Jackson, Mr. Jim Roe and Ms. Corrine Mulberry, due to weather conditions, have only been able to meet twice. Mr. Jackson has been working on updating four Best Management Practices (BMPs) for streams and water quality. These BMPs have not been altered since their creation. Much of the language is vague, which can be problematic. They are working to make it straightforward by choosing specific language to offer the best direction possible for the farmers. There is consideration being given to proposing new BMPs as a result of identifying issues that were not addressed in the previous version. Additional information may need to be ascertained from other sources concerning silviculture and the forestry board. These changes will need to be resolved at a later date. The group is currently focusing on the task at hand and is still working to revise the first BMP. The committee is making the effort to have consistent language throughout each of the BMPs; there are case law and jurisdiction issues to take into account. The committee is not sure as to the time line of completion of the revised BMPs. They are hoping to have them completed by midsummer.

Silviculture BMP's-Old Regulation Numbers

There are older regulation numbers concerning Silviculture BMPs that are out of date. Revisions will be presented to the Best Management Practice Board and then to the group. The regulation citations are also out of date and need to be deferred to the Division of Forestry for revision.

Motion made by Mr. Jefferies to allow DOF the ability to update the reference numbers relevant to the new regulations. Anything more substantial will need to be reverted back to the Authority. Motion seconded by Mr. Larry Thomas. Ms. Mulberry abstained from the vote.

Nutrient Reduction Strategy

Mr. Goodmann gave a brief explanation of the Kentucky Nutrient Reduction Strategy, which DOW has been working on for some time. A draft will be available for review by stakeholders on March 28. After those revisions are made it will be available to the public for review in May.

Dairy Initiative with DOW, UK, and Kentucky Dairy Development Council

Mr. Maury Cox reported that they have had two meetings, they have eight regional meetings remaining. Dr. Steve Higgins has been doing most of the presentations with assistance from Mr. Joe Cain of KFB. They have invited dairy producers in those specific regions. Discussing BMPs and a walk through of the Ag Water Quality plan with the producers. There were 20-25 in attendance in Lincoln County, 15 in Shelby County. Asking for suggestions regarding things that can be altered. Wanting to get producers educated, most are familiar with what is being addressed. Many have older Water Quality Plans but realize that they have to update their plans. The audience varies; there are some cultural boundaries that they are working on to overcome. May require farm visits as to assist even further. Despite being short staffed they are able to cover the material in the meetings including record keeping. The new round of CAIP funding is now asking for a copy of the producer's Ag Water Quality plan. Printable forms are available online and can be used with the ID211 Nutrient Plan. All material is available online. There is a web tool that has been set up in a formatted excel spread sheet. It is simplified, offers limited paperwork, and is user friendly. If not practical or useful it will not be implemented by the producers. All data is in one location and can be used in a 5 year plan. The belief of KDDC is that it is an issue that they have to address as to assist farmers with staying in compliance. Their training was entitled "Managing Poo Begins with You and Helps to Increase Your Profits Too." They are working to help modify behaviors, in addition to changing the culture. By showing producers the value in doing so not only for economical, compliance, and conservation reasons; but the overall point of view that this is not a waste product but a resource. Conservation District offices and Extension agents should be able to assist, but not all have had the proper training, despite it being made available to them. They also touch on over-applying the manure as addressed in BMPs 11 and 5 of the nutrient management plan that was previously adopted by this committee.

Corrective Measures Protocol Update

The protocol has been in draft form for 2 ½ years, finalization is dealing with silviculture levels. As to where the Ag Water Quality act applies as to the Forestry Conservation Act applies. DOW has maintained a good working relation with DOF and both are working to resolve this matter. This is a cabinet protocol and not part of the State BMP plan.

Update on Work Groups

Forestry BMP – Have not met.

Committee for Streams and Other Waters

Mr. Goodmann discussed the possibility of adding an additional BMP concerning ponds to the four already existing BMPs. DOW is forming an Ad Hoc committee to update the existing BMPs in accordance with federal law to be chaired by Mr. Jackson. The hope is to have individuals to serve as representatives from DOF, DOC, DOW, DNR, UK, and DOA. There are many items covered in the existing rough draft to assist producers when referring to streams and ponds. However, many definitions may need to be fine-tuned as to provide a broader scope of understanding.

Corrective Measures

DOW met with DOF to redraft the BMPs concerning silviculture. The document was restructured with minor changes, but it will need to be reviewed by the Director Leah MacSwords. Mr. Goodmann will brief the authority once reviewed and finalized.

Water Quality & Data-KY Ag. Science & Monitoring

Mr. Peter Cinotto of USGS reported that they have been busy. With new members (Breathitt Veterinary Center and the Murray Mulch lab), they have twenty members now in their group. The three year drought scoping and work plan is completed. It identifies critical watersheds, the cost per site, monitoring stations, and partner contributions. It will be finalized at their next meeting on March 27th at the USGS office. After that it will be available for review online. DOW will pick up the real time nitrate on the Licking River, which will also be updated in the work plan. The web page has recently been updated with additional information and videos, many of which are directed at soil health. As soon as the water recedes the Licking River science monitoring equipment will be installed. A link to the DOW Nutrient Reduction Strategy is available online. Nitrate loading can be monitored thanks to KASMC. There are new advances in research thanks to the research site in McLean County. There are two proposals coming out, one will be looking at the state BMPs and nutrient reduction efforts. The other is a State CIG Grant what will fund the study of the phosphorus index, currently in use by other states, as compared to Kentucky soils. Lastly, new technology in Illinois is being used to acquire a real time phosphate probe it also offers on-site wet chemistry. They are currently working on a producer subcommittee for KASMC. All KASMC presentations, grant opportunities, real time data, and any additional research can be found on their website. The Authority showed interest in Ms. Angela Crane making a presentation concerning the Little River source tracking data at the next meeting.

Education and Outreach Committee

Open discussion regarding additional education efforts and the effect of the severe budget cuts regarding the cost share program, which additional funding is no longer available. Discussion as to how to construct a request to the legislation. It was advised that individual members within the Authority have significant influences on legislative processes and/or budget development processes to make connections. It would need to be detailed as to how much funding will be required. The

conservation districts are struggling, extra funds are almost impossible at this time. It would be unfeasible to approach legislators without a real plan in place and a real idea of what that plan will implement in a period of time.

Mr. Kyle made the motion to form a scope and/or BMP Financing Committee to develop a funding mechanism for the Authority for education purposes. Motion seconded by Ms. Mulberry. In discussion, it was decided that this was a task the existing education and outreach committee. New people may need to be added to the education committee to assist with data and research assistance. Mr. Kyle motion and Ms. Mulberry's second to the motion were withdrawn.

Ms. Mulberry made the motion to elect Mr. Kyle as chairperson for the Education and Outreach Committee. Motion seconded by Mr. Jefferies. **Motion carried.**

Livestock

There was discussion of developing a stronger relationship with the beef cattle industry.

Pesticides

Mr. Kyle had previously submitted a revised BMP draft. He still has the data for that BMP and is willing to remain as chair or pass the information to a new chairman. Mr. Kyle has recently been working with Ms. Wendy Davis concerning the pesticides BMP. No action on the committee at this time, though it was noted that Mr. David Wayne is in charge of Pesticides Division of Agriculture.

The next Authority meeting will be held June 5th at the DEP conference room.

A motion was made by Ms. Gumbert to adjourn the meeting and seconded by Mr. Goodmann. **Motion carried.** Meeting adjourned at 11:58 a.m.