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## **THE LEGISLATURE IS BACK, AND SO ARE WE!!**

Welcome to the first edition of the 2022 Under the Golden Dome, brought to you as a benefit for members of Vermont Farm Bureau. This report is not meant to be viewed by anyone other than our members! Thanks for your support!

### **VERMONT PAY FOR PHOSPHORUS PROGRAM**

This program is an innovative new outcomes-based program from the Water Quality Division of the Vermont Agency of Agriculture, Food & Markets (VAAFMM). It will provide performance-based payments to farmers for reductions in phosphorus (P) from agricultural fields. Reductions represent improvements in farm management; enrolled farms will receive payment for annual net reductions from the Lake Champlain Basin Total Maximum Daily Load above a threshold set by the program.

This program is unique because it pays for outcomes of practices and recognizes the conservation of soil and water generates value to the public and directly compensates farms for that value.

There is \$4.9 million available for farms across four years. Two types of payments are available:

1. First-time enrollees, regardless of phosphorus reductions, are eligible for a one-time management planning and data entry payment of \$15 for every acre of data entry successfully completed – up to a cap of \$4,000.
2. Farms whose data has been entered can choose to be included in a competitive pool for annual contracts for phosphorus reduction payments. Payments will compensate farms with \$100 per pound of eligible phosphorus reductions per year, up to an annual cap of \$50,000.

To be eligible for this program, farms must:

1. Be a farm as defined in the Required Agricultural Practices (RAPs) operating within Vermont;
2. Manage crop or hay land;
3. Ensure that their farm business is registered with the USDA Farm Service Agency and all land is mapped and in compliance with federal Highly Erodible Land and Wetland regulations;
4. Have an up-to-date Nutrient Management Plan that meets the RAPs for their farm size, including recent soil and manure tests.

(If you are not registered with FSA or do not have soil or manure tests or an up-to-date NMP that meets the RAPs, you must obtain those requirements prior to application. Please ask your local Conservation District and/or FSA office for assistance).

**The application period is December, 2021 – January 31, 2022.**

To apply online: <https://FORMS.OFFICE.COM/g/BwzuN9BicE> or to print the application: [/SITES/AGRICULTURE/FILES/DOCUMENTS/WATER\\_QUALITY/VPFP\\_2022\\_APP.PDF](/SITES/AGRICULTURE/FILES/DOCUMENTS/WATER_QUALITY/VPFP_2022_APP.PDF)

An informational webinar for those interested in applying to this program will be held Wednesday, January 19<sup>th</sup> from 10:30-11:30 am. Contact Brodie Haenke at 802-636-7852 or [Brodie.Haenke@vermont.gov](mailto:Brodie.Haenke@vermont.gov) to receive webinar information. This will also be recorded and posted on the VAAFm page.

### **EMERGING TREND OF EQUINE SEDATIVE AS AN OPIOID**

The Health Department has issued a data brief to Vermont's Veterinarians regarding the use of xylazine for potential diversion as a toxic adulterant in illicit opioids in the US. Xylazine is used on equine operations as a sedative for animals. Please monitor any supplies you may have on your farms and maintain supervised use. If you suspect drug diversion, please contact law enforcement. Any questions about this issue should be directed to Nicole Rau at the Department of Health – [Nicole.Rau@vermont.gov](mailto:Nicole.Rau@vermont.gov).

### **NEW BILLS INTRODUCED IN 2022**

Below is an initial listing of bills from both the Senate and the House that will be assigned to committees soon – for the full text of these bills, please visit [www.legislature.vermont.gov](http://www.legislature.vermont.gov) and click on the Bills and Resolutions link.

**H.466** This bill proposes to regulate surface water withdrawals and interbasin transfers of surface waters.

**H.501** This bill proposes to require the Secretary of ANR to adopt standards for the allowable levels of physical contaminants in residual waste, digestate and soil amendments sold or land applied in the State.

**H.504** This bill proposes for the reorganization, enhancement and enforcement of animal welfare requirements in Vermont.

**H.542** This bill proposes to require establishment of a riparian protection area adjacent to each stream in the State.

**H.543** This bill proposes to establish as State policy that wetlands shall be regulated and managed by the State to produce a net gain of wetlands acreage.

#### **COMMITTEE BILL BY HOUSE COMMERCE AND ECONOMIC DEVELOPMENT**

This bill proposes to increase the maximum size and expand eligibility for certain loans offered by the Vermont Economic Development Authority.

#### **COMMITTEE BILL BY HOUSE NATURAL RESOURCES, FISH AND WILDLIFE**

This bill proposes to authorize enrollment of reserve forestland (Forever Wild) in the Use Value Appraisal Program as a new category of managed forestland where active growing and harvesting of forest crops would not be required.

**INTRODUCED BY REP. LEFEBVRE OF NEWARK** This bill proposes to create a new category of management plans that would allow forested lands managed to increase carbon sequestration, carbon storage or enhance wildlife biodiversity to qualify for the Use Value Appraisal Program.

**S.151** This bill proposes to authorize land owners to prohibit hunting or fishing on land they own by maintaining visible paint markings on trees, posts, or other objects at or near the border of land.

**S.166** This bill proposes to require the Public Utility Commission to revise its rules to include enhanced consumer protection provisions related to the cleanup of utility construction sites.

**RURAL ECONOMIC OMNIBUS BILL** Commissioner Michael Snyder from Forests and Parks presented an overview of this bill (still unnumbered) to House Agriculture this week. Among other issues, it will address Act 250 issues, Prime Ag soil mitigation on

forest lands, truck weights on municipal roads, fuel switching, recreation trails and the Forest Futures Program. More information on this will be forthcoming.

### **USE VALUE APPRAISAL (CURRENT USE) DISCUSSION**

Many forestry advocates stopped by the House Natural Resources Committee as they began taking testimony on changes to the Current Use program. Chair Sheldon is focused on the possibility of expanding the program to more "Forever Wild" segments and how to increase passive forest management with the program. Commissioner Snyder reminded members the CUV taxation benefit is based on the productivity of the working lands. The committee will be reviewing the testimony and probably schedule more witnesses in the coming weeks.

At a meeting of the Current Use Advisory Committee in December, it was noted a proposal by the Tax Department to update statutes with current policies observed by the Department. While Vermont Farm Bureau supports the concept of this coordination, we will wait to view the language and work to maintain the integrity of the program.

### **TASK FORCE ON REVITALIZATION OF DAIRY REPORT**

The members of this Task Force have prepared a 35 page report that was presented by co-chair Dan Smith to Senate Agriculture this week. Proposed legislation will include payment for two years' worth of Risk Management Programs for dairy farms enrolled in the DMC, DRP and LGM programs as well as a \$300,000 fund set up within the Working Lands Program to pay for capital projects including driveway improvements and bulk tank purchases. (Please note enrollment for DMC has just opened and Vermont Farm Bureau is encouraging ALL dairy farms to apply.) There were multiple recommendations offered by the Task Force; if you would like a copy, please give me a call at 802-426-3579 or [crkdbrks@aol.com](mailto:crkdbrks@aol.com). It is also available at [www.vermont.legislature.gov](http://www.vermont.legislature.gov) by clicking on "Other Committees" and linking to the Task Force page. Recommendations included advocacy for Federal Milk Market Order Reform, increased purchasing and marketing of Vermont dairy products, exploring labor incentives for the dairy industry and conducting legal analysis of State milk pricing options. The legislation will also request a continuation of the Task Force until early 2023 so that analyzation of these and other recommendations can be accomplished.

Many thanks to the farmers who attended the meetings and offered their suggestions and experiences to the Task Force members.

### **OVERVIEW OF ISSUES IN AGRICULTURE FOR 2022**

The House Committee on Agriculture and Forestry heard from Legislative Counsel Michael O'Grady this week, who presented an exceptional listing of challenges coming in 2022.

H.501 has been introduced in response to PFAS as well as microplastics being discovered in processed sludge on dairy farms. Biosolids from domestic sewage, digestate from farms and food residual recycling as well as compost have found their way into the soils. Part of this is an unintended consequence of the composting bill passed several years ago, which discontinued the use of landfills for food waste. The problem has developed from prepackaged food that is thrown away; processing machines for these items smash the packages and the food into tiny pieces instead of attempting to remove the packaging beforehand. The resulting "sludge" is then spread on farm fields, much like municipal waste had been in years past. There is no current standard for the presence of microplastics, and that is what H.501 attempts to resolve. Vermont Farm Bureau will be monitoring the this and keep you updated.

There has been discussion about the current Right-to-Farm Law and its application due to an ongoing lawsuit in Addison County against a dairy farm. No proposal has been introduced as yet.

The Payment for Ecosystem Services Working Group will offer recommendations to the Legislature on January 15, 2022, after receiving an extension last year for the report. More information after the report is presented.

There is a tremendous amount of money coming into the state for Water Quality Funding through the Federal government, but the concern is most of the funds will be administered by ANR. House Ag Committee members will be monitoring any coordination between VAAF and ANR to assist farmers in accessing some of these dollars.

Neonicotinoid pesticides will probably be discussed again this year, as the EPA issued biological evaluations on three of these and found they adversely affected a majority of threatened and endangered species, including pollinators. VAAF noted in their presentation to House Ag that the spotted lantern fly is headed for Vermont and only a neonicotinoid pesticide has been effective in eliminating that species. Nothing has been introduced as yet.

We may be going back to a discussion on Farming and Accessory On-Farm Use, as a farm in Woodstock built a restaurant on the farm to use local foods and the local zoning board in town questioned the "on-farm accessory" designation.

Both African swine fever and highly pathogenic avian influenza are on the radar for state animal health officials in Vermont. Members were reminded of the 2015 avian influenza outbreak in the U.S. which forced the destruction of many birds nationwide. VAAFM has an updated Avian Influenza emergency response plan and is taking steps to respond quickly to other diseases.

The Initial Climate Council Action Plan for Agricultural organized their recommendations around five action areas:

1. Emissions reductions;
2. Building resilience and adaptation in Vermont's natural and working lands;
3. Building resilience and adaptation in Vermont's communities and built environment;
4. Enhancing carbon sequestration and storage; and
5. Cross-cutting pathways.

Actions include expansion of the Capital Equipment Assistance Program (CEAP) to extend beyond water quality, implementation of: agronomic practices to reduce tillage and increase vegetative cover, grazing practices (rotational), agroforestry and silvopasture practices to integrate woody vegetation in ag production, edge-of-field practices to increase herbaceous and woody vegetation, natural resource restoration practices (wetland restoration, river corridor easements, etc.), Nutrient Management and Amendments (biochar and compost) on crop and grazing land, methane capture and energy generation, and research and pilot of an improved manure management and storage programs as well as development of a climate feed management program to reduce enteric methane emissions.

Chair of the Agroforestry Subcommittee on the Climate Council, Abby Corse (dairy farmer from Wilmington), commented during testimony at the Dairy Task Force meeting that she was adamant to support changes in practice on farms that would either be revenue-neutral or have some funding mechanism attached.

That's it for us this week! Many thanks to our partners at Morris Government Affairs for their contribution to this report. As always, please give me a call at 802-426-3579 or [crkdbrks@aol.com](mailto:crkdbrks@aol.com) if you have questions or comments! Jackie Folsom

