

# WAPAC - Nutrient Management Planning ad hoc Committee

## Position Statement - Summary

### Background

WAPAC members have participated in the development of many facets of nutrient management in Wisconsin since the early 1990's. This has involved the development of NRCS 590 standards, CAFO regulations, non-point rules, siting legislation as well as participating on numerous local, state and federal committees. Our collective experience has given us the unique opportunity to critically review our impact in the development and implementation of nutrient management through various programs in the state. As individuals, WAPAC members have been asked by various state and local agencies how the nutrient management process can be improved or streamlined.

In the spring of 2011, WAPAC formed an ad hoc committee to unify our individual member's experiences to develop comprehensive recommendations for state and federal agencies involved in Wisconsin nutrient management programs.

---

**Complexity and size of Nutrient Management Plans has become an obstacle for effective implementation. Following are suggested ways Wisconsin could improve nutrient management plans.**

***Plans should be prepared with a focus on making the plan implementable by the grower.*** Emphasis should be placed on developing plans that only include materials needed by the grower to implement the plan, and are designed to make the plan easily understood and implementable by the grower.

***Requirements for structured documentation of compliance should be reduced.***

Growers are required to fill out several forms throughout the year that need to be either maintained on site or sent to agencies in quarterly or annual reports. Extensive recordkeeping and documentation of these activities not only adds to the amount of paper in the plan, it is also extremely time-consuming. We feel that all these records should be kept on site and not submitted to DNR annually unless annual reviews demonstrate substantial non-compliance. This approach would allow for many reports to be less formal and allow producers to spend more time addressing specific resource concerns.

***The NMP 590 and NR 243 Checklists should be used to verify substantial compliance of nutrient management plans.***

The current 590 Checklist and to a greater extent, the NR 243 Checklist requires planners to include an extensive amount of reference material and documentation that can pass legal tests, but does very little in providing a grower with a usable plan. In place of the current checklists, a document could be developed to certify that the planner has considered all the information required by a code, and that a plan is substantially in compliance and meets the intent of

nutrient management codes. This would take pressure away from planners to include excessive documentation.

***The CAFO requirement to plan manure over the five year permit period could be eliminated or replaced with a more simple analysis in many situations.*** We recognize that certain situations such as Greenfields (a new operation), expansions, and farms with limited land bases may be required to demonstrate a five year planning scenario. WPDES permit renewals that have a track record for compliance or farms with excess acres should be exempt from this requirement. This could save planners a substantial amount of time in the planning process allowing them to spend that time implementing plans with producers. This would substantially reduce planning costs for some producers.

---

## **Other issues with NMP requirements that should be addressed**

***University of Wisconsin fertility recommendations that are meant to be used as guidelines have become codified into Wisconsin Statute.*** We fully support University of Wisconsin fertility recommendations. However, codification of University recommendations, which are intended to be guidelines, can stifle the development and implementation of new research and the consideration of new technologies which have begun developing very quickly in our dynamic industry.

***Research dollars need to be allocated to allow the UW to keep pace with the needed research to stay current with new fertility requirements of ever increasing yields.***

Research funding has been disproportionally directed at environmental research rather than crop production practices.

***Latitude to vary from UW fertility recommendations based on experience and professional judgment should be allowed.*** Current planning tools force trained agronomists to ignore professional judgment by requiring them to adhere to recommendations that were never intended to be codified.

***Soil Survey information that is out of date or incorrect is commonly used as a basis for Nutrient Management Planning.*** There are major issues in Wisconsin with soils that are incorrectly mapped as having a shallow depth to either bedrock or groundwater. The burden of proving that these determinations are incorrect has been placed on the farmer and the plan writer. We propose that a committee of stakeholders be formed to review the issue of incorrectly mapped soils. A review of yield potential ratings of all soil types in the state is also needed to ensure that a consistent method of determining yield potential ratings and the assigning of soil types to yield potential groups has been applied uniformly across the state. There may be nutrient recommendation limitations due to the requirement to pick predominant soil types to meet conservation compliance rather than agronomic requirements. There needs to be the option to choose the predominant soil type for nutrient recommendations separately from the predominant soil map unit for conservation compliance.

***Wisconsin Nutrient Management Planners need to be able to use the best available programs, models and tools.*** Wisconsin agencies should not play a custodial role in NMP program tools and models, but rather act as a facilitator for Wisconsin recommendations into all valid programs and models developed and supported by others. Wisconsin nutrient management planners should have more choices of valid programs, tools or models in developing a NMP that does not rely on the use of Snap Plus to meet Phosphorus Index requirements.

***Discrepancies in code interpretation between DNR Regions, County Agencies, and Local Township Government.*** There are large discrepancies between DNR regional personnel's interpretation of NR 243. In addition, there can be differences in NMP documentation required by individual counties and townships. For planners who work in more than one county, this can be a frustrating situation providing different information for each county.

***Have some Wisconsin Nutrient Management Plan requirements exceeded the intent of the Wisconsin Legislature?*** This Committee feels that this question needs to be investigated. We feel that there may be a disparity between the legislative intent of promulgated nutrient management requirements and the current implementation requirements. All current NMP requirements – in administrative codes, technical standards and state agency implementation guidance – should be reviewed on this basis.

---

These recommendations can be achieved through setting priorities at the state agency level and developing implementation plans. Many of our recommendations can and should be implemented through agency guidance or revisions of University publications, but some may require review of administrative rules.

We pose the following questions, which highlight some of our biggest concerns:

1. If the animal unit threshold for WPDES permit requirements were to decrease, would smaller farms be able to comply with, let alone implement, a practicable and effective NMP?
2. If more farms are covered under WPDES permits, would agency staff be able to review and approve NMPs in a timely fashion, considering budget cuts and current staffing needs?
3. If TMDLs become a reality, a much larger group of different size farms will be required to develop NMPs – will they utilize the current process which is extremely costly, cumbersome and confusing?
4. Will use of the current NMP process be sustainable given budget restraints, limited number of qualified planners, and current or reduced staffing of agency review staff?

Although we recognize that the current regulatory process has had its successes, we feel the current process will not be economically or environmentally sustainable. There needs to be a fresh look at developing a nutrient management planning system that considers a balance between resource protection, practical implementation and economic viability.