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AGRICULTURE

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Delaware Nutrient Management

October 1, 2019

The Delaware Nutrient Management Commission

In attendance:

Commission Members Present: Vice-Chairman F. Kenneth Blessing, Laura Hill, Kenneth Horeis, Wayne Hudson, Larry Jester, Tak Keen, Garry Killmon, Brenna Ness, Jon Nichols, Jr., Bud O'Neill, Scott Webb

Ex-Officios Present: Nutrient Management Program Administrator Chris Brosch, DDA Deputy Secretary Austin Short, Terry Deputy (DNREC proxy), Jamie Mack (DHSS)

Commission Members Absent: Chairman Bill Vanderwende, Mark Adkins, Robert Palmer, Jim Elliott

Ex-Officios Absent: DDA Secretary Michael Scuse, DNREC Secretary Shawn Garvin, Legal Counsel Jennifer Singh

Others Present: Bob Coleman, Clint Gill, Julia Moore, Aaron Givens, Carol D. Atkinson, James Atkinson, Felix Rutkoske Jr., S. Mark Melson, Kerin Hume, Sydney Riggi, Bruce Snow, Debbie Absher, David Baird, Jeff Ulrich, Jerry Clifton, Jacob Urian, Jennifer Nelson, Kevin Donnelly

This meeting was properly notified and posted as required by law.

Call to Order/Welcome:

Vice-Chairman Blessing called the meeting to order at 7:00 p.m., welcomed everyone in attendance, and reminded those seeking education credits to sign the sign-in sheet.

Approval of Minutes:

A motion was heard to approve the minutes of the last Full Commission Meeting of August 6, 2019. The minutes were motioned for approval by Commissioner Hill and seconded by Commissioner Elliott, resulting in a final vote of unanimous approval.

Discussion and Action Items:

Cover Crop Programs discussion with Districts – Kevin Donnelly, New Castle County Conservation District; David Baird and Debbie Absher, Sussex County Conservation District; and Jennifer Nelson, DE Association of Conservation Districts

- Administrator Brosch welcomed the visitors from the Conservation Districts by introducing those named above who were seated with the Commissioners at the table and acknowledging the presence of some

additional Kent County Conservation District visitors in the audience. He advised that he invited them to talk in some detail about how the Cover Crop Programs work in their Districts. The Nutrient Management program added a significant amount of money to their Cover Crop programs this year with the windfall we have in the 2020 budget, so it was thought to be useful for the Commissioners to have the Districts review a bit so when they invoice the Commission any questions will already have been answered.

- Highlights of the presentation include:
 - The Districts have been running Cover Crop Programs between 10-20 years, depending on which one, as well as providing technical assistance for 75 years.
 - Cost Share rates per county were reviewed, as well as their parameters.
 - The work flow for the Sussex County District, which is pretty similar to that in Kent and New Castle counties as well, outlined the many steps they take to collect data for DNREC, the Chesapeake Bay Model, and the Water Quality Model.
 - They make sure there are no overlaps with other Farm Bill programs.
 - They send packets of pre-filled packets to returning Cover Crop Program farmers, and new packets to new participants. A sample packet was provided to the Commissioners.
 - They strive to make the process as simple as possible, providing instructions to farmers about their responsibilities as part of this program.
 - Once the inspectors check for destruction of the cover crop, cost share payments are released. If the crop is harvested, different options are followed by each District.
 - It was stressed that confidentiality is of vital importance and acknowledged that they need to collect highly personal information from the applicants which is not just financial in nature. But it is being used by many agencies. So, while it seems intimidating, the forms are as streamlined as possible and extremely useful to many programs.
 - It was at the request of DNREC for the purposes of water quality and conservation practices that much of the information had been required at the onset of the program. Yet as the years have passed more details and more information are being requested of DNREC by the EPA. The Districts have complied by collecting then recording the data in spreadsheets to be shared with DNREC as requested.
 - In handling this data, the priority is to make sure the program has integrity and maintains it, because public funds are involved and there needs to be a clear accounting of that to show how those dollars are being used and that there is a verification process the Districts can trust and stand by.
 - Applicants can be owners, operators, tenants, or even “other”, as long as they are listed on that tract in one of those capacities. Based on the corporate structure of each tract of land, these folks could have separate caps for each, or they could have a cumulative cap. Each situation is different.
 - There are rules enforced by the Technical Assistance Planners who work with the applicants, and this program generally expects that the cover crop for which Cost-Share was requested will be destroyed. However, there is also information on the fact sheet, in section #7, outlining the 1-time extension that may be granted by the District Coordinator for soil health purposes. Communication with the District is key if the crop is to be harvested instead of destroyed.
 - There is no incentive or penalty for destruction timing, but there is an added incentive for early planting of the cover crop.
 - All 3 District Boards take the responsibility to make sure this program works well for all involved very seriously and that is why this is such a successful program. In addition, there is an Agriculture Advisory Committee and it helps guide the Boards in putting together not only this

- specific Cost-Share program, but the entire Cost-Share program for the state. They are greatly valued and appreciated.
- Regarding compensation to the Districts for all their data gathering and processing efforts, it was noted that there is alternate funding to cover this.
 - Sometimes it comes directly from the Districts, but in most cases, it comes through DNREC in Watershed Stewardship or from DDA.
 - But as part of that, there has been an arrangement with DNREC for the longest time that the Districts are able to take up to 10% of their awards for administrative charges to cover the overhead.
 - Regarding the data gathering itself, DNREC appreciates all the Districts' effort, because without it they couldn't report to the EPA and receive the credits to the model for what's planted.
 - The data has to be verified to satisfy their requirements, so it's a necessary evil.
 - This data provided to DNREC and EPA is aggregated – no individual producers' data is included. The personal data is kept in the District and protected.
 - There is a glut of options in the model to earn varying degrees of credit, thus the requirement for so much data.
 - There is also the knowledge that all the acres applied for in the Cover Crop program will not be planted. Historically, 22-26% of the enrolled acres get planted. This year, the hope is for 33%.
 - If the cover crop is then harvested instead of destroyed, it is not available for any credit here.
 - However, it would be eligible for credit against the Ag Census.
 - There is a provision in the model to consider a commodity cover crop as a separate BMP – it is one of the options – but we may not Cost-Share these commodity cover crops.
 - Even though a commodity crop may drop out of the Cost-Share program, it is still tracked under the “other” category as harvested.
 - Tracking the destruction of the crops is a time-consuming part of this program, but there must be verification if the credits are to be earned.
 - The extra funding provided by DDA was necessary to help address our goals in the WIP and meet farmer demand. This demand for funding far exceeded what was available and it may still exceed what is available even now. There was not much lead time for promoting the additional funding, since it only hit DDA's balance sheet on July 1st, but the Districts have been busy making the most of it already.
 - With this new capacity, the Districts strengthened their efforts to get the word out about the increased funding caps.
 - They have been spreading the word since before the sign-ups started, some even encouraging application of acres above the anticipated cap, in case higher funding became available in the end.
 - A campaign, “Every Acre Counts” has been designed to get more sign-ups and to get more participation by getting the crops actually planted.
 - A promotional video sample is complete and available for review
 - It is too late for this year, but will be run next Spring and Summer, when the Cover Crop program sign-ups are underway.
 - In August a training was held for the state to use some Social Science to talk to those producers more and to explain and convince farmers that they needed to plant cover crops for soil purposes. It was just using a different, alternative

message to reach out, as we all know planting is necessary to reaching out goals for the model. All District and NRCS Planners attended this.

- Annual events from here out will include notices about this program:
 - These include workshops, field days, breakfast meetings, website, and social media events planned
 - There will also be an expanded Conference in 2020, which will be a 2-day event.
 - Commercial print advertising will also occur
- It is expected that it may take a few years for the producers to adjust to the expanded program and that issues will most likely arise in the process.
- The Districts will take every opportunity to consider ways to make the program administration more efficient and accountable for the funding received.
- So far, about 223,341 acres have been signed up in the state, which is a significant increase over last year. If that total acreage were to be planted (which we know won't happen, based on history) we would be so very close to our goal, which Administrator Brosch termed as tremendous.
- Thanks were expressed to the Commission, Secretary Scuse, the Deputy Secretaries and for the support of the DDA in securing the additional Cover Crop funding. It is important for the producers and the state.
- As an aside, it was noted that the Districts take all opportunities to leverage the funding awarded to them by DNREC (and now DDA also) into other applications with various other organizations or entities to bring in additional dollars. This helps to fill gaps when they occur due to declines in funding sources. So, the investment doesn't just stop with whatever is appropriated by the General Assembly – they are actively working to use that money to its best advantage.

Administrators Report – Administrator Brosch and staff

- Complaints – Bob Coleman
 - There were 5 informal complaints since our last meeting and 4 are currently open. All were valid. Follow-up is still in process on one mass mortality event that hit in July. There were no other issues.
- Certifications – Administrator Brosch. The certification numbers increased slightly since the last training session was completed.
- Audits, Inspections, Reporting – Administrator Brosch. The numbers are down, but a fresh new list is in use. We will be at or just below the annual goals for the year. This is not the best time of year for audits, but it has been amazing how responsive and thoughtful the farmers are being. They are making the time and it is appreciated.
- CAFO Update – Administrator Brosch.
 - There has been no change since the last meeting.
 - The EPA conducted its regular review, whatever that means to them. To us, it meant they were asking how our inspection process was going in DE.
 - They asked for several records and they are reviewing them.
 - The purpose is to compare DE's protocols with other state protocols to ensure consistency across the US.
 - If we get suggestions about how to run our CAFO program as a result of this review, I will characterize their explanation not as a wrist slap but as a recommendation and the next time they do a review they'd really like to see those improvements.
 - They had some very pointed questions. These were directed at us after DNREC had conducted its own interview as a partner in this process. There was a lack of

communication resulting in us not being in those meeting at the same time, but EPA made it work so we'll see how that turns out.

- A full report will be given the Commission when we get some official documents back.
- Salesforce Database Update – Administrator Brosch. Nothing has changed since the last meeting, but as we get into the Fall and early Winter we will switch into the 2020 reporting season
- Meetings and Training – Administrator Brosch. There is a long list and we would be happy to discuss anything if asked.
- Financials / Budget – Administrator Brosch.
 - The Grant reports are highlighted in yellow because the numbers are not the most up-to-date figures. The Finance department is a bit behind and sends their apologies. The most important thing to know is we are not out of money and will have accurate numbers at our meeting in November.
 - Bob Coleman wanted the Commission to know we caught wind that MD reduced its reimbursement rate for manure hauling. So as a result, our applications for sending manure to the mushroom growers will start taking off, and we anticipate they will be quite high. So the zero on this report won't remain!

Comments from the Commission -

- Administrator Brosch added information about upcoming meetings:
 - At the November 5th meeting Valann Budischack from UD's Livable Lawns Program will present.
 - At the December 3rd meeting representatives from Thompson Ag Consulting and the DE-MD 4R Alliance will present.
 - This will be a morning meeting, at the request of the visitors
 - The meeting will begin at 9:00 am
- There were no further Commissioner comments voiced.

Public Comment –

- There were no further public comments voiced.

Next Meeting: The next regular Full Commission meeting will be scheduled for November 5, 2019 at 7:00 p.m.

Adjournment: Vice-Chairman Blessing adjourned the meeting at 8:08 p.m.

Approved,

F. Kenneth Blessing, Vice-Chairman
Delaware Nutrient Management Commission
jlm