Role of Soil and Water Conservation of the Office of Agricultural Water Policy

David S. Vogel

INTRODUCTION

The Department of Agriculture and Consumer Services Office of Agricultural Water Policy (OAWP) was created under state law to ensure that agriculture is effectively represented in the development, implementation, and evaluation of statewide water policy. The primary purpose of this involvement is to participate in water policy issues as they relate to agriculture, to better communicate the needs of our industry to the Legislature, appropriate agencies and the public, to provide greater equity and certainty in water use, allocation and planning processes, and to provide better service to agriculture.

As a part of overall water policy coordination, the OAWP has undertaken specific initiatives to establish a process for agricultural regulatory streamlining, to develop alternative approaches for achieving resource conservation and protection through non-regulatory, incentive-based strategies, to participate in South Florida and Everglades ecosystem restoration activities to ensure that restoration activities are conducted in a manner consistent with sustainability of agriculture and resource conservation, and to provide assistance to Soil and Water Conservation Districts in carrying out conservation activities at the local and watershed level. This process includes participating in pilot demonstration projects for regulatory streamlining, working with the agricultural community and conservation partnership at the local level to provide improved delivery of resource management services to landowners, and establishing a problem-solving approach to compliance and responding to operational problems as an alternative to enforcement.

SOIL AND WATER CONSERVATION

The Soil and Water Conservation Program is charged, under Chapter 582, F.S., to provide administrative and technical support to Florida's 63 Soil and Water Conservation Districts, including funding, education, training and overall leadership. As a part of the above water policy initiatives, the Soil and Water Conservation Program has begun a revitalization effort of the state's Soil and Water Conservation Districts, and has redefined the scope and level of services provided by the Department. In addition to ongoing program assistance, the Department is introducing Soil and Water Conservation Districts to new opportunities for participation at the local level in critical agricultural and water-related issues, including those described above.

During the past year, the Department began efforts to expand the traditional conservation partnership to reach out to additional agencies with jurisdiction in water and land management. The Commissioner has made new appointments to the Soil and Water Conservation Council, and has reformed the role of that advisory council in water- and conservation-related issues. The program has also begun a process to better integrate the local efforts of Soil and Water Conservation Districts into state water management objectives, and to provide greater access for agricultural producers and landowners in water policy decision-making. In partnership with the Florida Association of Conservation Districts (FACD) and the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS), the Department is also assisting Soil and Water Conservation Districts in their role as leaders in locally-led conservation efforts under the 1996 Farm Bill, and in building a local network around Soil and Water Conservation Districts for better community-based services to Florida's landowners in resolving natural resource problems. These efforts are intended to expand the scope of services already provided by Soil and Water Conservation Districts (such as those activities related to conservation tillage and field days) to provide additional benefit to landowners and producers as they deal with today's resource management requirements.

NEW OPPORTUNITIES FOR AGRICULTURE

Through efforts of the OAWF and other divisions, the Department is working to expand services to the agricultural community, and to create new opportunities for locally-led, voluntary management approaches to resolve agricultural and environmental issues This involves not only regulatory streamlining and participation in water policy development, but requires better local participation in land and water

D. S. Vogel, Soil and Water Conservation Administrator, Florida Department of Agriculture and Consumer Services, Soil and Water Conservation, Tallahassee, FL.
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management processes. These efforts represent new opportunities for agriculture in that success will provide greater flexibility and profitability for agricultural producers. These also pose new challenges for agriculture in that success will depend upon the willingness of producers, public agencies, researchers and educators to work together on new approaches. The remainder of this presentation describes new approaches under development or consideration.

Soil and Water Conservation Districts (SWCDs) will play a critical role in this process. This is because a cultural change is occurring in regulatory agencies, encouraged by Congress and the state Legislature, which has created a need for better local, or community-based, services as a preferred alternative to command-and-control regulation. SWCDs represent a unique local perspective to resource management, and have provided resource management services to landowners for many years related to resource conservation and protection on private lands. As we explore alternative approaches to resource management, especially non-regulatory choices, we must redefine and revitalize the role of SWCDs to provide improved local delivery of those alternatives.

Concurrent with these efforts, the 1996 Farm Bill has created an opportunity to help rebuild local networks around SWCDs through establishment of Local Working Groups to implement the Farm Bill's Environmental Quality Incentives Program. The Department is cooperating with FACD and NRCS to help SWCDs organize these local networks which will provide the needed coordination at the local level as resource management services are expanded beyond Farm Bill programs.

ANIMAL AGRICULTURE

A recent conference on Southeastern animal agriculture explored issues associated with animal production, and emphasized the need to develop and apply new solutions to problems in animal waste management, land management, grazing lands, and farmland sustainability. Since that conference, we have been workmg with producers and regulators to consider how to apply a voluntary, incentive-based approach to managing animal waste associated with dairy and poultry operations. This process is a result of recognition that traditional command and control regulatory programs are not the most effective approach to working with people to solve these types of problems. The voluntary approach also maximizes the delivery of technical and financial services to landowners, and applies resources more directly to *the* problem In response to a request for help by animal producers the Department is taking a leadership role in this process.

The primary components of a suggested approach to animal waste management are as follows:

Voluntary participation. The best way to ensure that improved practices become a part of a producer's operation is to provide an opportunity for a producer to make his or her business decision to adopt such practices. This decision means that practices, or an operational plan, belong to the producer, rather than to government, and that government's role is to assist the producer in achieving his or her goals. A voluntary approach offers producers a choice of following the regulatory path or an alternative which provides greater flexibility.

Incentive-based participation. Producers must be given proper incentives to change their practices or to install technical solutions. These should include appropriate relief from burdensome regulatory requirements otherwise satisfied through adoption of improved practices, including a presumption of compliance with applicable water quality standards through use of BMPs or other practices shown to be effective in resource protection, and a reduction in regulatory oversight and duplication. Increased and simplified financial cost-share assistance should also be made available as an incentive, as agencies should be encouraged to apply funding toward putting practices on-the-ground, as a substitute for traditional regulatory program costs. An important part of the regulatory incentive is the shift from regulatory inspections (often involving multiple agencies) to a more local, non-regulatory partnership where Department personnel and Soil and Water Conservation Districts work with the producer to track progress and assist with his or her plan, replacing traditional regulatory inspections.

Research-based Best Management Practices (BMPs) or Recommended Management Practices (RMPs). Government, researchers and producers must cooperate to develop and demonstrate improved practices (BMPs), and to implement RMPs on a trial basis, to provide a menu of sound management practices from which to choose. These practices must meet two tests - they must be effective in meeting the resource protection objective, and they must be feasible (cost-effective) for a producer to implement. By working with producers to install practices, the partnership will be in a position to identify where practices must be refined and where additional research is needed (such as manure management and land application to crops).

A problem-solving approach to compliance. As described above, a local, non-regulatory partnership

will replace a regulatory or enforcement program to ensure most effective adoption of improved practices. Through this same partnership producers will be granted flexibility while installing corrective actions where problems are encountered. This involves employing the same personnel who assist producers with their plan to help resolve cases of actual or suspected non-compliance. For example, where a problem (e.g., delay in a producer's construction schedule, a structural failure, poor housekeeping) is identified through routine on-farm visits, a producer receives a recommendation for corrective measures, and is allowed a specified period of time during which no regulatory enforcement will occur to work with partners (Soil and Water Conservation Districts, NRCS, private. consultant engineers) to solve the problem. This provision, sometimes referred to as safe harbor, facilitates greater efforts by producers to identify problems, helps producers apply their resources directly toward fixing the problem, and gives producers credit for successful problem-solving. It also achieves greater and more timely compliance with resource protection objectives at a reduced cost to the public.

The Department is working with producers, the Florida Farm Bureau, legislators, and the Department of Environmental Protection to develop and implement this approach. While specifics are uncertain as of this writing it is anticipated that voluntary, incentive-based approaches will play a significant role in responding to these animal waste management issues. Soil and Water Conservation Districts will play a crucial role in this process, by providing a local, non-regulatory partner through which resource management services can be delivered to landowners, and through which landowners and producers can receive additional benefits in dealing with regulatory requirements.