

MAINE STATE LEGISLATURE

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**REPORT TO THE MAINE LEGISLATURE
On the
IMPLEMENTATION OF THE NUTRIENT MANAGEMENT PROGRAM**



February 15, 2003

Maine Department of Agriculture, Food & Rural Resources

EXECUTIVE SUMMARY

This report is being presented to the Maine Legislature in fulfillment of the requirement set out in legislation in 1998. It describes the status of the Nutrient Management Program and the development and accomplishments of the Program undertaken since 1998. It discusses past needs, present efforts and future challenges. One of the most important of these will be the difficulty of delivering the program without a coordinator.

The purpose of the Nutrient Management Program is still to address non-point source pollution from agriculture, by promoting Best Management Practices on Maine's farms and help ensure their implementation, through a variety of efforts. Much of the recent efforts have been aimed at helping the farming community comply with the different requirements of the Nutrient Management Law. Because of these requirements, important burdens have been put on the farms of the State. One of these is the need for technical assistance, or knowledge to develop and implement Nutrient Management Plans, a focal point of the Nutrient management Law. Another is the need for CAFOs to comply and get a combined Livestock Operation Permit/MEPDES permit from the Department of Agriculture and the Department of Environmental Protection. Finally, and possibly the most important one, is the financial burden associated with certain aspects of the implementation of the Nutrient Management Law. The efforts made in different areas of the Program to address all these issues are discussed in more detail in this report.

BACKGROUND

The Nutrient Management Law, originally passed in 1998, required the Department of Agriculture to establish rules for conducting a Nutrient Management Program and to adopt standards for Nutrient Management Plans. These actions were completed by December 15, 1998 and were ratified by the Legislature the following Spring. In addition, amendments to the Nutrient Management Law were made in 1999, 2001 and again in 2002. These were necessary as the development of the Program required additions to the rules to describe specific processes or simply to correct or change the existing rules to better reflect how the Program was working in reality.

These changes included giving the Commissioner the authority to revoke certifications and permits and to issue provisional permits. They also included tax exemptions for manure storages, appeal processes, and defining nutrient management plans as confidential business information. The most recent changes were added to define the recertification process for Nutrient Management Planning Specialists.

After the rules were approved, the Department began the implementation of the various elements of the program based on the timeline set in legislation. The primary areas of implementation were the training and certification program for Nutrient Management Planning Specialists, establishment of the Nutrient Management Review Board, issuance of variances and enforcement of the winter spreading ban and the establishment of a permitting program. In addition, it was necessary to develop a data management system, identify funding sources for manure storages and to negotiate agreements with the Maine Department of Environmental Protection (DEP) about how the Nutrient Management Program would interface with DEP programs that had overlapping or similar jurisdictions. All these important components of the

Program have been successfully addressed thus far, and an effort is ongoing to identify new areas of the Program needed to meet future goals.

IMPLEMENTATION/ONGOING EFFORTS

The implementation of the Nutrient Management Program is truly being accomplished through a partnership approach. Many players have roles in making the various pieces of the program work. The Department of Agriculture has, of course, taken a leadership role in developing and coordinating the different components of the program. The University of Maine Cooperative Extension (UMCE) has had a primary role in conducting certification training workshops for consultants, farmers and agency people. They have also worked in concert with the Department to develop the outline of a nutrient management plan and guidance materials to assist planners in developing plans.

The University of Maine Cooperative Extension is currently working on a project that seeks to develop and adopt integrated cropping and livestock production systems on small and mid-size family farms. Environmentally sound manure management is a key component of this research and Extension project. The integrated system may comprise within-farm diversification or cross-farm cooperation where farmers with individual crop and livestock enterprises share a land base, labor, equipment or other capital, and exchange plant nutrients, primarily animal manure, for feed crops. Its success will provide new opportunities for a substantial number of small and mid-size farms that are losing out with specialized production systems.

The project spans three years and involves the collaboration of ten institutions across three states with participants from eight different disciplines. The three states (Iowa, Maine and Michigan) represent the Northeast, the Mid-West and the Great Lakes regions of the country. Knowledge gained and farmer adoption experience from this project will be applicable to a significant portion of the U.S. agricultural sector.

The USDA Natural Resources Conservation Service (NRCS) continues to be a strong partner by having many of their professional staff trained and certified and by providing a liason person to work with the Department on technical aspects of the program. NRCS also assisted the department by providing technical assistance for the very successful Nutrient Management Grant Program, both during phase 1 and the ongoing phase 2 of the program. Additionally, they worked closely with Department staff in incorporating the requirements of the State's Nutrient Management Law and Rule into the NRCS requirements for Comprehensive Nutrient Management Plans.

The UMCE County Offices and the Soil and Water Conservation Districts (SWCDs) have hosted workshops and training sessions and have been the front line delivering information to farmers throughout the state. The Maine Department of Environmental Protection (DEP), the Finance Authority of Maine (FAME) and the Maine Bond Bank have all been partners with the Department in putting together and administering the Nutrient Management Loan Program. The private sector has also taken an interest in the program, with a number of private firms having individuals trained and certified to write nutrient management plans and to assist farm operations that need livestock operations permits or need assistance during phase two of the Nutrient management Grant Program.

Without the commitment and hard work by so many individuals and agencies, it would not be possible to continue implementing such a far reaching program in such a short time frame. The main components of the program are described below, with recent achievements included for each of them.

Update of the Nutrient Management Law and Rules.

In 2001, the Department proposed and adopted amendments to the Nutrient Management Law and Rules, to enable the Commissioner to issue variances on the implementation dates of the Nutrient Management Law. The Nutrient Management Rules have also been amended through rulemaking, to reflect changes made to the Nutrient Management Law, and include the process by which the Commissioner can issue variances on Nutrient Management Law implementation dates. Other changes included in the rules were an appeal process for variances, a process for revocation of Nutrient Management Planner Certification and revocation of full or provisional Livestock Operation Permits, and some changes on Concentrated Animal Feeding Operations (CAFO) designation. Rulemaking in 2002 added a recertification process enabling Certified Nutrient Management Planning Specialists to acquire recertification credits and keep their certification valid.

Nutrient Management Coordinator Position

One of the most significant events impacting the Nutrient Management Program in 2002 was the vacating of the Nutrient Management Coordinator Position. In May 2002, the Coordinator left the position for other opportunities in her native country, Canada. Soon after the position became vacant, it was frozen due to the budget shortfall being experienced. In the fall, the Department received permission to unfreeze the position and proceeded to seek a new coordinator. During the process of interviewing and selecting candidates, it was determined that there would need to be additional cuts in the next fiscal year. The position was proposed to be eliminated at the end of June 2003 as part of the budget cutting process. Even though this was only a proposal and had not been finalized, it prevented the Department from filling the position. The top candidate was offered the position, but was unwilling to accept a position that may be eliminated in 6 months.

The loss of this key player has had a negative impact on the program. Various roles of the Nutrient Management Coordinator have been filled on a temporary basis by other Department staff and many tasks have had to be delayed or indefinitely postponed.

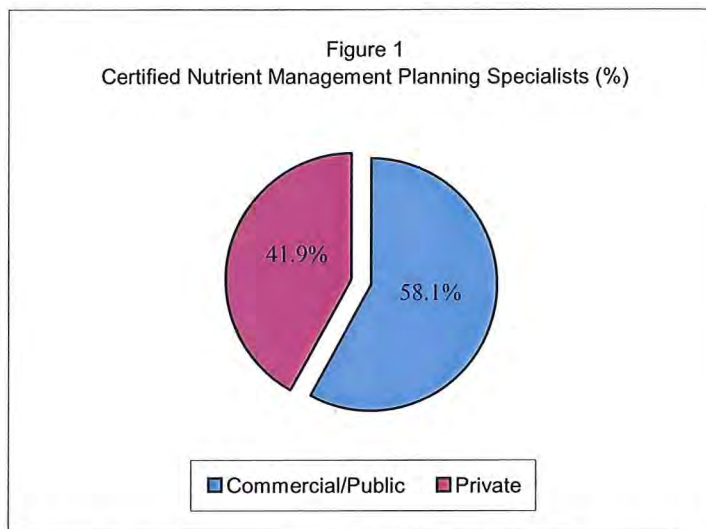
Nutrient Management Planner Training and Certification

Still an important component of the Nutrient Management Program is the availability of Certified Nutrient Management Planning Specialists (CNMPS) who can prepare and certify Nutrient Management Plans for Maine's farming community.

The University of Maine Cooperative Extension has made a major commitment to develop and deliver training sessions to prepare farmers, consultants and agency people for this certification. There are two categories of certification, a private one for farmers who want to prepare and certify their own plan and a commercial/public one for people who want to be able to prepare and certify plans for anyone requesting it. Certification as a Nutrient Management Planning Specialist requires that an individual pass a certification exam administered by the Department.

Applicants who fail to pass the exam are allowed to take a retake exam three weeks after failing the original exam. Once an applicant has passed the exam, they are issued a certificate that is good for five years.

The number of certified people is summarized in Figure 1. Of the 93 people who have passed the exam, 57 are farmers and the remaining 36 are either agency personnel or private consultants. There are an additional 43 people who qualify as Nutrient Management Planning Specialists because they have been certified by the American Agronomy Society as Certified Crop Advisors (CCAs). This makes a total of 136 people who are now qualified to write and approve nutrient management plans in this state. This number will be increasing over the next several months, as new employees of NRCS are trained and pass the certification exam. We may also see an increase in the number of private certifications, from farmers who had their initial plans prepared by a commercial planner, but want to get certified to update and recertify their plan themselves.

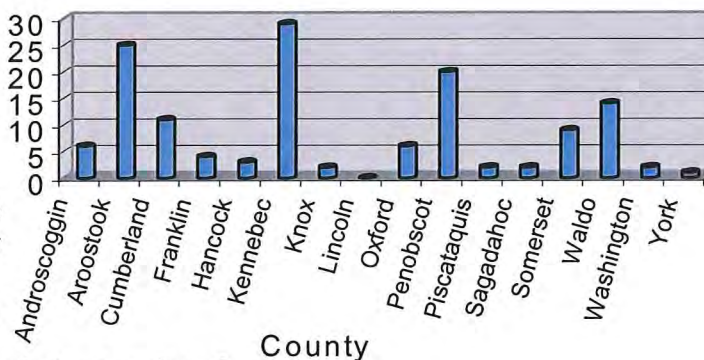


The Department keeps a record of Certified Nutrient Management Planning Specialists per county, as detailed in Figure 2. There is a concentration of CNMPs in Kennebec, Aroostook and Penobscot Counties. Each of these counties has 20 or more persons certified to prepare Nutrient Management Plans.

Figure 2: Geographic Distribution of Certified Nutrient Management Planning Specialists

Recertification Process

The recertification process is the logical continuation of the initial certification process described above. The intent is to have the Planners attend events on topics relating to Nutrient Management Issues, to expand their knowledge and keep them updated on the new Research and Development. Nutrient Management Planning Specialists that are certified through the State of Maine need to acquire 6 recertification credits per 5 years for a private license and 10 recertification credits per 5 years for a public license.



The Department has put in place a process that enables the Planners to receive credits for approved events, and for events to be considered for recertification credits. The forms to request recertification credits, some informational flyers and the database used to keep track of the

credits have been developed and are now being used. The rulemaking to formalize the process was completed and the amended rules were formally adopted in May 2002.

Winter Manure Spreading Ban and Variances

The ban on winter manure spreading is effective December 1 of a calendar year to March 15 of the following calendar year. This prevents spreading during the time of the year that the potential for nutrients to reach waterbodies is at its greatest.

The Department received only 2 requests for variances for the winter of 2002-2003. Both of these requests were approved and both were for a limited time to allow the manure level in a pit to be lowered to ensure that the pit would have sufficient capacity to get through the winter.

The number of variance requests was significantly less than the 15 made in 2001-2002. This is an encouraging sign that the efforts made towards helping farmers build storage systems or identify suitable stacking sites that meet the requirements of the Nutrient Management Law are successful.

Nutrient Management Plans

The mandatory Nutrient Management Plan is a key element of the Nutrient Management Law. A Nutrient Management Plan is a management tool designed to evaluate the amount of nutrients needed compared to those available on a farm. The Plan also includes setbacks from sensitive resources and existing uses, erosion control BMPs and provisions for manure storage for a minimum of 180 days production of manure.

A farm operation is required by legislation to develop and implement a Nutrient Management Plan if:

- the farm confines and feeds 50 animal units or more at any one time;
- the farm utilizes more than 100 tons of manure per year, not generated on that farm;
- the farm is the subject of a verified complaint of improper manure handling (i.e. checked and confirmed by the Department of Agriculture) or
- the farm stores or utilizes regulated residuals

Nutrient Management Plans for most farms had to be completed and approved by January 1, 2001. The Department issued 40 variances on the completion date of January 1, 2001, mostly because of the high volume of plans our cooperators (SWCD, NRCS) had to complete on or around the deadline.

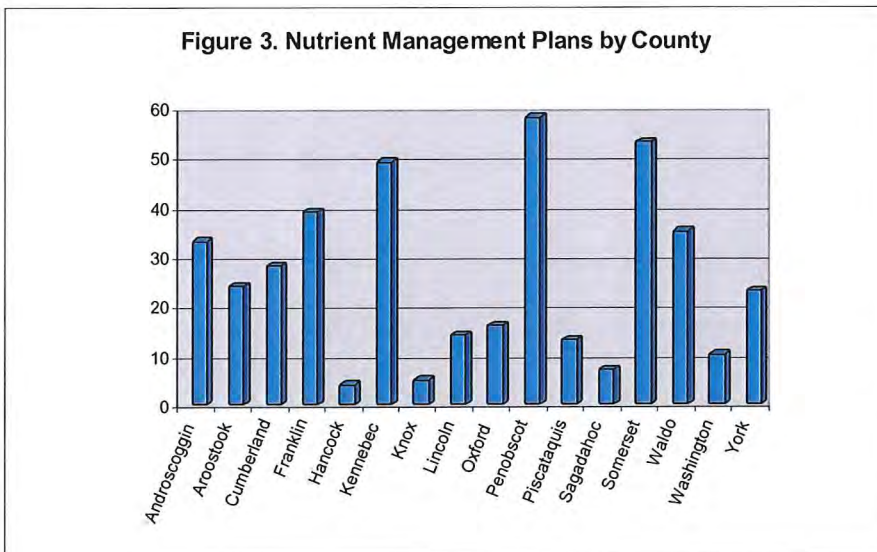
As of September 2001, three farms were known to be operating without a plan or a variance. Later that fall and into 2002, the Department and the Nutrient Management Review Board took steps that resulted in two of these farms voluntarily coming into compliance. One operation remained out of compliance until the fall of 2002, when enforcement actions were sought. The situation was finally resolved in court. The individual is now operating under an approved nutrient management plan.

The farmers have until October 1, 2007 to fully implement their plan. This time span between development of a plan and full implementation allows farmers to arrange financing, buy equipment and build or upgrade storage and handling systems that may be needed to implement

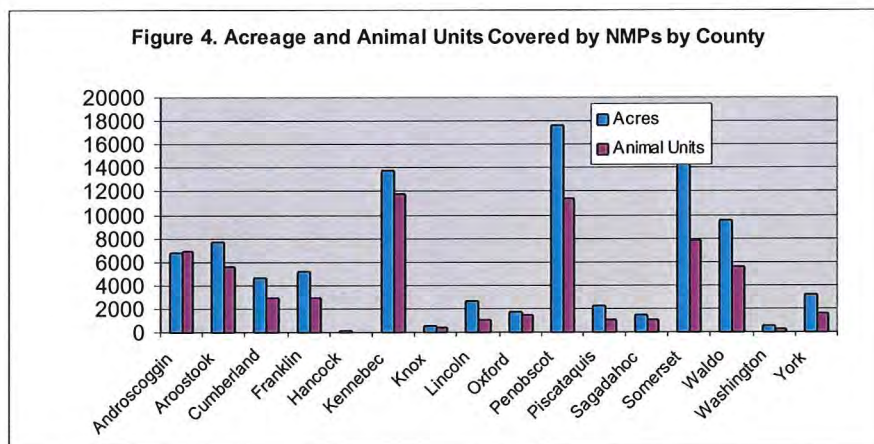
the plan. It is expected that those parts of the plans that do not require structural changes or major investments will be implemented as soon as the plan is approved.

The development and implementation of Nutrient Management Plans is expected to result in a more effective use of nutrients, including manure, on agricultural land, and a reduction of the impact of nonpoint source pollution associated with agricultural operations on water quality.

There are currently 411 Nutrient Management Plans in place throughout the State. Figure 3 shows how these plans are distributed throughout the State. Note that the number of Certified Nutrient Management Planning Specialists in Figure 2 has a similar distribution, indicating that there are more planners in the areas with the greatest need.



The 411 Plans cover a total of 92005 acres (up from 81,579 acres in 2001) and 61736 animal units (down from 71,767 Animal Units in 2001), where one Animal Unit=1,000lbs live weight. Figure 4 shows how these totals are distributed throughout the Counties. An interesting point here is the number of animal units and acreage managed under a Nutrient management Plan in Androscoggin County. Because the number of Animal Units in this County exceeds the



landbase, it is likely that some of the nutrients produced have to be exported to other counties to be utilized, where there are suitable soils that would need those extra nutrients. This illustrates how the information from Nutrient Management Plans may provide information needed for

planning purposes. On a local scale, the farmers can make an informed decision on how and where to utilize the nutrients to minimize the impact on water quality. On a larger scale, the areas with a deficit of nutrients can be compared to those with excess nutrients to determine the potential for moving nutrients to those areas that need them.

FINANCIAL ASSISTANCE:

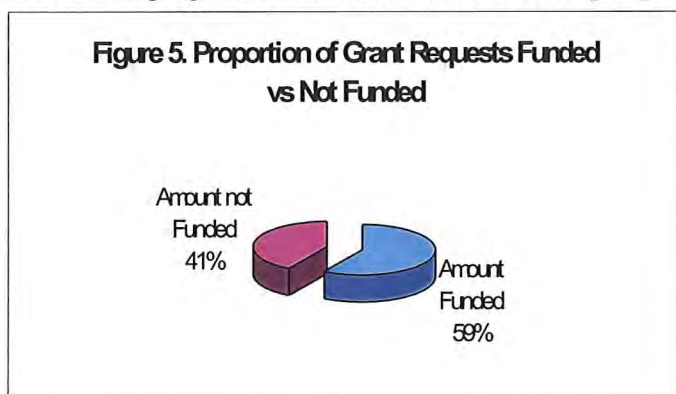
To comply with the Winter Manure Spreading Ban described in the Nutrient management Law, producers need to either have a manure storage facility that meets the requirements of the Department or have identified suitable stacking sites where manure can be stored until it can be spread. These requirements have placed a significant financial burden on some Maine farmers.

For this reason, the Department of Agriculture helped develop a Nutrient Management Grant Program and a Nutrient Management Loan Program, intended to help farm operations comply with the Nutrient Management Law.

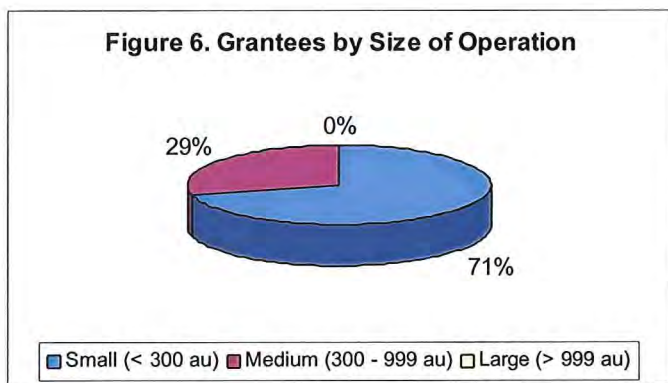
Nutrient Management Grant Program

The implementation of the Nutrient Management Grant Program has been one of the biggest undertakings of the Nutrient Management Program in 2002. The purpose of the program is to help Maine farmers comply with the Nutrient Management Law by providing cost sharing for manure storage and handling systems.

The Nutrient Management Grant Program funds for Phase 1 were appropriated by the 119th Legislature. A total of \$2.5 Million was allocated to facilitate the construction of new or retrofitting of existing manure storages and handling facilities on Maine’s farms. The Department received a total of 145 proposed projects, with a total cost submitted of \$15.4 Million ranging from \$5,500 to \$1.19 Million per project.



Of the \$7.3 Million in grant requests, the Department was able to fund just over \$2.3 million. The amount available could only cover a third of the total requested amount for that round of funding. As a result, the Department sought additional funds for this purpose and was successful in getting \$2.0 million approved as part of a bond package. This was used to establish the second round of grants (identified as Phase 2 to distinguish it from the original round of grants.)



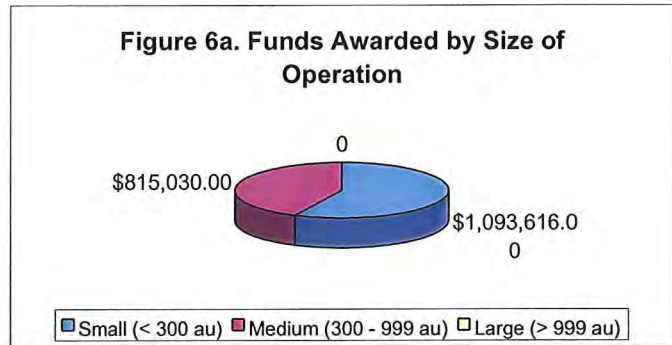
The Phase 2 process was similar to Phase 1 in that an RFP was issued, grant proposals were accepted and a review and ranking process was followed. The applications were reviewed, prioritized and recommended for funding by the Nutrient Management Review Board. Funding was committed to 44 projects in Phase 2. Since then, three grantees have

declined the funds that were earmarked for their projects. This leaves a total of 41 projects with a total grant amount of \$1,908,646 in Phase 2 (see Table 1 below). Figure 6 shows the distribution of projects under phase 2 according to the size of operation, where 1 Animal Unit (AU) is equal to 1000 pounds of live animal body weight. Twenty-nine (29) of the funded projects were on smaller farms(<300 AU), while 12 projects were on medium size (300 – 999 AU) farms. There were no projects on large operations in this round of grants. This distribution is similar to that observed for Phase 1, which had 26 on small farms, 12 on medium farms and 2 on large farms.

Figure 6a shows the distribution of the funds by size of operation. Almost \$1.1 million (57%) in funding went to small farms and the remaining 43% went to medium size farms. Again, no funds were awarded to large farms in this round.

Table 1. Grants Funds Awarded by

County	Funds Awarded
Androscoggin	\$125,760.00
Aroostook	\$406,639.00
Cumberland	\$35,000.00
Franklin	\$196,196.00
Kennebec	\$129,600.00
Knox-Lincoln	\$58,767.00
Penobscot	\$379,362.00
Somerset	\$265,662.00
Waldo	\$266,660.00
York	\$45,000.00



State Total \$1,908,646.00

Finally, the distribution of the projects throughout the state is shown in Figure 7, while the distribution of the funds themselves is displayed in Figure 8. Note that Waldo (9 projects) and Somerset (7 projects) were the two Counties with the most projects funded. Aroostook and Penobscot were also close with five (5) projects each. Eleven of the 16 counties had at least one project funded. The distribution of funds around the state was similar but not identical to the distribution of projects. Aroostook and Penobscot each received 20% or more of the funds, while Waldo and Somerset each received 14%. Franklin County, at 10%, also received a significant share of the funds. Of these counties, only Penobscot (22.9%) was among the top counties receiving funding in Phase 1. Others receiving 10% or more of the funding in Phase 1 were Kennebec, Androscoggin and Oxford.

Figure 7

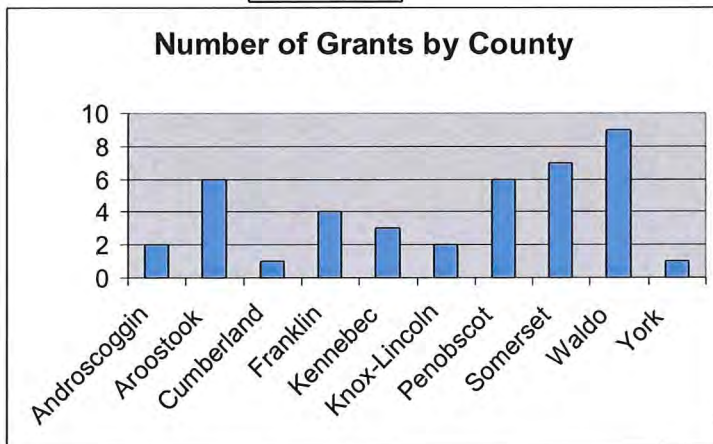
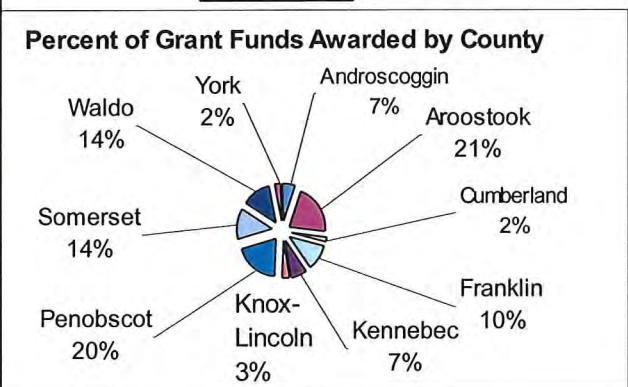


Figure 8



Phase 3 Nutrient Management Grant Program

In November 2002, the Maine voters approved another bond issue that contained \$1 million for the Nutrient Management Grant Program. These funds will be used to initiate a Phase 3 of the program. Due to changes in the NRCS EQIP rules and policies, there may need to be adjustments to the Nutrient Management Grant Program to make the two programs work

together efficiently. The Nutrient Management Review Board plans to review the changes to the EQIP program and make recommendations on any changes that may be needed for Phase 3.

Nutrient Management Loan Program

The Nutrient Management Loan Program makes available to the farmers a total of \$6 million for financing the construction or improvement of manure and milk room waste containment and handling facilities, and associated costs. It is often seen as a good supplement to the Nutrient Management Grant Program, when Grant funds do not cover the totality of the costs of a project, or when a project is simply not eligible for a Grant.

The Department of Agriculture is working in collaboration with DEP, the Maine Bond Bank and the Finance Authority of Maine (FAME) to deliver this program to farmers. FAME administers the Loan Program using funds provided from the State Revolving Loan Fund, made available by DEP. The Program offers a low interest rate loan (3%) for a maximum loan of \$350,000. In 2002, there were fourteen (14) closed applications (up from 11 the previous year) for a total of \$1,927,797 (up from \$956,993 in 2001). One (1) other application is currently pending for a total of \$119,000. Roughly one third of the total funds have been utilized, leaving about \$4 million available for additional projects. Future increased awareness of the Loan Program may lead more farmers to take advantage of this opportunity.

Tax Exemptions.

Maine tax law contains two provisions that allow farmers to claim tax exemptions. One provision exempts manure storages from property taxes because they are pollution control structures. To qualify, a farmer must be able to show that they have a nutrient management plan for their farm. So far, the use of this exemption has been limited with only two requests in 2002. These have been handled through an informal process of communication between the agencies.

The second provision allows farmers to take a sales tax exemption on those materials used to construct a manure storage or handling system. Due to lack of staff, this provision has not been promoted and so has not been widely used. Department staff has, however, met with staff in the sales tax division of Maine Revenue Services to determine what is needed to formalize the process of applying for and approving this exemption. The sales tax division has taken on the task of developing a special form that farmers may complete when seeking this exemption.

Coordination with DEP Programs/ Joint LOP/MEPDES permits.

The Maine Nutrient Management Program requires a livestock operation to obtain a Livestock Operation Permit (LOP) if it meets one of the following conditions:

- The operation is new with greater than 300 animal units (AU) or expanding to greater than 300 AU.
- The operation meets the EPA definition of a Concentrated Animal Feeding Operation (CAFO) (1000 AU), or is defined as one by the Department.
- The operation plans on expanding beyond its land base or manure storage capacity.

This permit is mandatory for a Livestock operation to operate in the State. Additionally, for operations meeting the EPA definition of a CAFO¹, a Maine Pollutant Discharge Elimination

¹ An operation is considered a CAFO under the Nutrient Management Rules if:

- It confines more than 1,000 animal units

System (MEPDES) permit is also required. The Maine Department of Environmental Protection has been given the authority to issue MEPDES permits by the EPA. The Departments of Agriculture and Environmental Protection cooperated to develop a joint LOP/MEPDES process for those operations, where the operator would come to the Department of Agriculture and get both permits at the same time. The general language and conditions in the MEPDES permits has also been worked out jointly by the two Departments. A common application package has also been recently completed. These joint efforts will facilitate the process, both for the applicant and the issuing authorities.

As of December 31, 2002, seven farm operations had been identified as needing a Livestock Operations Permit. These facilities have all been inspected and issued a provisional permit. These permits are issued for one year and are meant to allow the farm operation the opportunity to meet the requirements for obtaining a full permit and meet the requirements of the law. Most of the farms with provisional permits have met the conditions established in those permits and so are eligible to receive their full permits which will be good for five (5) years.

The EPA rules that govern the National Pollutant Discharge Elimination System have recently been changed. It may take some time before the Departments will know how many of the farm operations with an LOP will also need a MEPDES permit.

Nutrient Management Review Board

The Nutrient Management Review Board is a 7-member Board, with each member representing a different aspect of the agricultural community and the public. The Nutrient management Review Board's duties include approving rule changes, hearing appeals on permit or certification decisions made by the Commissioner and making recommendations to the Commissioner on issues pertaining to Nutrient Management. The Board is staffed by the Department's Nutrient Management Program Coordinator.

The Board was not quite as active in 2002 as in the previous year, since, for much of the year, there was no Nutrient Management Coordinator working on issues that needed Board attention. The three areas of focus for the Board in 2002 were the Nutrient Management Grant Program, enforcement of the Nutrient Management Law and addressing a controversy surrounding the use of sludge compost on farmland. They played a key role in establishing a process, evaluating the proposals that were received, and recommending a list of projects for funding under the Nutrient Management Grant Program. They were also involved in a compliance issue over the deadline of January 1, 2001 for Nutrient Management Plan completion.

Agricultural Compliance Program.

The Nutrient Management Program works in very close collaboration with the Agricultural Compliance Program. The Agricultural Compliance Program investigates and addresses all agriculturally based complaints including odors, insects, improper manure handling, water contamination, improper disposal of farm wastes, cull potatoes and animal carcasses. The Department of Agriculture also cooperates with other agencies when complaints are associated with other regulated materials and activities on the farm.

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- It confines between 301 and 1,000 animal units and that may or does discharge to the waters of the united States
 - It has been designated a CAFO by EPA or its delegated permitting authority.

In connection with the Compliance Program, the Department of Agriculture assists new operations in developing Best Management Practices (BMPs) upon request and works with towns and the agricultural community to address issues associated with the Right to Farm Law, new developments and municipal ordinances.

This process is extremely efficient at correcting improper manure handling problems on farms where a problem has been reported and verified. In recent years, the Department of Agriculture has resolved many ground and surface water related complaints. This effort is ongoing, and continues to be very successful both for the farming community and the general public. One area of concern, however, is the rapidly increasing number of complaints about manure issues from non-farm operations. More and more problems are being identified where there are only one (1) to a half dozen animals (often horses) generating manure that is not being stored or managed properly. Many of these situations can not be defined as a commercial farm and so do not come under the authority of the Right to Farm Law. Future legislative or rule changes may be needed to address these issues.

Other

Every municipality has a mandatory shoreland zoning ordinance, which regulates activities within the shoreland zone (including agriculture). The ordinance is enforced by a Code Enforcement Officer. Many municipalities have other ordinances, which regulate agriculture outside the shoreland zone. If a municipality proposes an ordinance that would prevent a farmer from using BMPs, they are required to send a copy of the ordinance to the Department for review. The Department is therefore aware that some ordinances make it very hard for some farmers to have a sustainable agricultural operation if the ordinance is too stringent (ex: # of animal units allowed), and is working with the municipalities to resolve any issues.

CONCLUSION AND CHALLENGES

One conclusion drawn from the preparation of this report is that there is an impressive number of activities that have been implemented and are underway right now in the Nutrient Management Program. There is a sense that the farming community, by interaction with the different players and activities of the Program, feels more comfortable with the whole concept of Nutrient Management and is getting more and more involved. Efforts in education, certification, financing, technical assistance and public relation are paying off. There is, however, still a lot of work to be done, for example:

The Department will be faced with adjusting to the new EPA guidelines for designating CAFOs and determining if these changes will result in issuing more or fewer permits to farms in Maine. This will mean staff meetings with DEP to discuss the new procedures for designation of CAFOs and perhaps the development of a new agreement between the agencies on how this is to be done.

The Department must address the need for nutrient management plans for fish hatcheries, as mandated by the legislature. This will require the formation of an industry task force that will be staffed by the Department, the development of guidelines and the development and adoption of rules.

The Department will need to reshape and then implement the Nutrient Management Grant program. This will require staff meetings with NRCS to map out the changes that are taking place in the EQIP program and then developing options for the Nutrient Management Review Board. Once the new directions have been set, it will be a staff responsibility to develop all the new materials needed to implement the revamped program.

The Department will need to work with NRCS to ensure that the state guidelines for the development of Nutrient Management Plans are in line with the new USDA guidelines for Comprehensive Nutrient Management Plans that are now required for all farms that receive EQIP funds. NRCS has recently begun implementing those new federal guidelines. While many of the provisions in the new guidelines are similar to the state guidelines, there are a number of important differences. The Department may need to seek legislation or undertake additional rulemaking to bring the state guidelines into line with these federal guidelines without losing the aspects that make them uniquely suited to Maine.

The Department will need to establish a new aspect to its Nutrient Management Planning Specialist Certification Program. NRCS staff are now required to be certified by NRCS for preparing Comprehensive Nutrient Management Plans. This new certification process needs to be evaluated to determine if it is compatible with the State Certification Program and if so, a process needs to be developed to allow that certification to tie in with the State program. This will require a considerable amount of staff background work in order to prepare a proposal for the Nutrient Management Review Board.

The Department will face the challenge of trying to deliver a multifaceted program that has wide reaching impacts on the agricultural community without a coordinator who will be able to organize, communicate and keep all aspects of the program moving.

The second conclusion is that, despite all the positive actions that have taken place to date, staying informed and involved at all these different levels to ensure that the Maine Nutrient Management Program will evolve and remain efficient will be a challenge without a Nutrient Management Coordinator.
