

## **What do you think? Should Wisconsin provide stricter regulation of mega-farms?**

The past year has been remarkable in the general acceptance that phosphorous levels in the nation's waters are at unacceptably high levels, have become a major factor in polluting our waters, and that the prime source of these pollutants is agricultural runoff. Excellent articles in a variety of media have pointed out that the Clean Water Act has vastly diminished phosphorous pollution from point source emitters, but that the exclusion of non-point sources from compliance demands leaves that area of reduction as "the low hanging fruit" for serious efforts at protecting our ecological health. It is time that policymakers establish a mandate and enforce efforts toward reducing agricultural runoff.

Farmers are incentivized, and absolutely whip-sawn, by government policy. Whether by tariffs, price supports, crop insurance, tax breaks, subsidies or land-use incentives, farm operators are guided in their operations, their choice of crops, and their land-use policies.

Public policy has long been the driving motivator in farming practices, and politicians have held a preponderance of the decision-making role in these policies. Farmers have consistently benefited from these regulatory impositions. Continuing the long established political compact of using public money to drive farm practices, legislators certainly have the ability to modify farm practices towards clean water initiatives without fiscal detriment to the farming community.

Public trust In Wisconsin, all waters, including lakes and navigable streams, are owned by the state and held in trust for the public good. Melissa Scanlon, Water Law and Policy Scholar at the University of Wisconsin Law School and founder of Midwest Environmental Advocates, writes, "natural resource managers' implementation of their public trust obligations has lagged significantly behind the courts' expansion of the legal doctrine."

For the trust to work effectively, it is imperative that the trustees be held accountable to their obligations. Confounding the appeal for more protection of the state waters is the DNR designation of its recommended nutrient application procedures as Best Management Practices (BMP's). Current practices have proven to be inadequate, and are certainly subject to improvement. "Best" has to be made better, and policymakers have to be made aware that improvements to the performance imperatives are expected.

The concentration of livestock production results in areas where nutrient production considerably exceeds the needs of the local land. Some 600,000,000 gallons of liquid manure were applied in Manitowoc County last year, which indicates an application rate of 24,000 pounds per acre. Generally throughout the state, 7,800 pounds per acre would be the amount required for crop production. Both feedstock choices and manure management in Concentrated Animal Feeding Operations result in very high concentrations of phosphorus.

The resultant high P level in the manure of concentrated herds creates an intensity of phosphorous that cannot be absorbed by available field application, and subsequently runs into area waters. Manitowoc County waters are impaired, and consistently test for E.coli and P concentrations unacceptable to human health. Beaches are fouled with Cladophora blooms, driving down property values and discouraging tourism. The excess disposed phosphorous becomes a legacy problem, and will continue to cause water quality problems long after this disposal method is terminated. Time for action Most area lakes are seepage lakes, with little recharge flow. What is drained into a lake now will be in that lake for 75 to 100 years. If we wait for a Toledo or Cleveland scale event, we will have insured that our inaction will pass that condition on for several future generations. The next time you see despoiled beaches, fouled lakes, or closed public recreation areas, do not blame the farmer. How can he/she feel culpable when complying with current mandated standards? Instead, contact your elected officials to perform their duties as administrators of the public trust.

What then to do? Some examples:

- Weigh the economics advantages of clean water to the region. Manitowoc County farmers are and have been very competent, making the county the fourth-highest dairy producer in the state. It is time to focus on a balance. Further environmental degradation in attempts to increase that standing will be detrimental to the other components of the county's economic triad, namely industry and tourism.

Industry needs to attract young and competent employees, and more than ever, that requires having quality of life incentives. Tourism is dependent on clean waters and environmental attractions. Algae-fouled beaches and weed-clogged lakes cannot attract those looking for a positive experience in a natural setting. Agriculture may be able to increase its contribution to the area's economic health, but with current practices, only at the expense of the other two industry sectors' growth. That will quickly stifle balance and the net combined economic advancement of having three healthy economies.

- Decrease manure application rates. The concentration of farms has made manure management a disposal problem, and a surfeit is being applied to county lands as a disposal method. Only the minimal amount required for healthy crop production should be allowed, and other methods for disposal instituted for the remainder.
- Increase required vegetated buffer strips. Vegetated buffer strips along waterways and tributary channels stop runoff of nutrients and suspended solids from entering the watershed. These are currently required, but at an ineffective and unusable width of 25 feet. Increasing the width of required setbacks will help protect the waterways from runoff. • Insure that tiling installations do not compromise buffering. Large areas have been recently tiled, a practice of increasing subsurface drainage by installing underground piping. In many instances, these tiles drain the contaminated water directly to creeks or other tributary watersheds. Tile systems are not well documented, and "blown" tiles offer a direct link between the field-applied manure and the waterways.
- Promote on-site manure treatment. A farm of 7,000 animal units produces effluent equivalent to a city of 130,000 people, but with no sewage treatment. As is often the case, the technology exists to address the problem, but the mandate to require the use of that technology does not. On-site treatment of manure to reduce phosphorous and nitrates is an established requirement in most of the European Community. A startling 4,200,000 pounds of phosphorous, in the form of manure, was applied in Manitowoc County last year, much of which could have been and should have been recaptured at the farm for selective use or sale out of the area where phosphorous is lacking.

We have a new slate of administrators of the public trust. Remind them of their unique responsibility and their capability to protect the trust's assets. Remind them also that you expect to learn of their initiatives, and that you will be monitoring the implementation of actions.

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