

# Summary

## Seventeenth Meeting of the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force

New Orleans, Louisiana  
June 16 – 17, 2008

Monday, June 16, 2008, The Historic New Orleans Collection

### **Task Force Participants**

#### Federal

Benjamin Grumbles, U.S. Environmental Protection Agency  
Jack Dunnigan (for Vice Admiral Conrad Lautenbacher), National Oceanic and Atmospheric Administration  
Dick Coombe, (for Gary Mast), U.S. Department of Agriculture, NRCS  
Skip Hyberg (for John Johnson), U.S. Department of Agriculture, FSA  
Sheryl Kunickis, Council on Environmental Quality  
Janice Ward (for Tim Petty), U.S. Department of the Interior  
Dave Vigh (for George Dunlop), U.S. Army Corps of Engineers

#### State

Wayne Anderson (for Brad Moore), Minnesota Pollution Control Agency  
Len Bahr, Louisiana Governor's Office of Coastal Activities  
Jerry Cain (for Trudy Fisher), Mississippi Department of Environmental Quality  
Bill Northey, Iowa Department of Agriculture and Land Stewardship  
John Kessler (for Sean Logan), Ohio Department of Natural Resources  
Jared Thornley, Illinois Department of Agriculture  
Mike Wells, Missouri Department of Natural Resources  
Susan Sylvester (for Russell Rasmussen), Wisconsin Department of Natural Resources

### **Coordinating Committee Participants**

#### Federal

Darrel Brown, U.S. Environmental Protection Agency  
Craig Hooks, U.S. Environmental Protection Agency  
Alan Lewitus, National Oceanic and Atmospheric Administration  
Rob Magnien, National Oceanic and Atmospheric Administration  
Mark Peters, U.S. Department of Agriculture, NRCS  
Mike Sullivan, U.S. Department of Agriculture, NRCS  
Dave Vigh, U.S. Army Corps of Engineers  
Janice Ward, U.S. Department of the Interior, U.S. Geological Survey

#### State

Wayne Anderson, Minnesota Pollution Control Agency  
Jerry Cain, Mississippi Department of Environmental Quality  
Doug Daigle, Lower Mississippi River Sub-basin Committee  
John Kessler, Ohio Department of Natural Resources

Bryan Hopkins, Missouri Department of Natural Resources  
Dean Lemke, Iowa Department of Agriculture and Land Stewardship  
Dennis McKenna, Illinois Department of Agriculture  
Dugan Sabins, Louisiana Department of Environmental Quality  
Susan Sylvester, Wisconsin Department of Natural Resources  
Greg Youngstrom (for Peter Tenant), Ohio River Valley Sanitation Commission

## **Welcome**

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Benjamin Grumbles, Chairman of the Task Force, welcomed everyone to the 17<sup>th</sup> Meeting. He thanked everyone for all of their hard work and commented on the meaningfulness of signing and releasing the 2008 Action Plan. With the new Action Plan, the Task Force has measured progress, updated the science, and developed a revised list of actions. The new Action Plan is more specific and more accountable, and was developed through a consensus-based approach. The upcoming Annual Operating Plan will be a roadmap for implementation. We will celebrate the new Action Plan with a symbolic signing.

Lou Buatt, Assistant Secretary Louisiana Department of Environmental Quality, welcomed everyone to New Orleans. Mr. Buatt noted that the Gulf of Mexico and the Mississippi River are important and worthy of national attention. They are important to individual state economies, as well as the national economy. The Gulf of Mexico is important to seafood and natural gas production, and is expected to play a large role in natural energy (e.g., wind, wave, tidal). The Mississippi River is important because it is a major artery of commerce and drains 41% of the contiguous United States. Louisiana is concerned with low dissolved oxygen and hypoxia, and has taken steps to reduce nutrient discharges thru a pollution prevention program. The state is also working with industry for additional reductions. Louisiana also developed a wetland assimilation program where nutrient-rich effluent is diverted from immediate discharge to surface water to wetlands. Although the understanding of the causes and impacts of hypoxia have improved, there has been little progress in reducing the size of the hypoxic zone. There is little to no chance of meeting the 2015 goal. More needs to be done quickly.

Len Bahr, Louisiana Governor's Office of Coastal Activities, offered his sympathies to those people upstream of New Orleans dealing with the flooding. We need to think of the river as system that interconnects a large amount of our country. We also need to plan for reducing the land loss and hypoxic zone in an integrated fashion. The U.S. Army Corps of Engineers manages the Mississippi River. Therefore, it is critical to work with them to redefine how the river is managed and to make it flow more functionally. The USACE has managed the river well to enhance navigational flooding. But at the time, the environmental implications of their actions were unknown. Now, USACE has taken on a third mission: managing the ecosystem. Funding from Congress will be necessary to better manage the river. Through fiscal conservatism Congress has reduced funding to federal agencies to monitor sediment, nitrogen, phosphorus, and flow. This is not the right time to be reducing funding for monitoring. Once a station is turned off, data during that time is lost forever.

## **Introduce 2008 Action Plan**

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***Presentation A: Gulf Hypoxia Action Plan 2008, Darrell Brown, U.S. Environmental Protection Agency***

## **Task Force Comment**

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Task Force members were invited to comment on the Action Plan and efforts made.

Garret Graves, Director of the Governor's Office of Coastal Affairs, also provided some welcoming remarks and expressed his sympathies to those suffering from flooding in the Midwest and Ohio. He briefly discussed the levy system on the Mississippi River allowing it to be used for navigation source, and how decisions made concerning oil and gas have compromised coastal areas. He thanked the Task Force for all of their hard work, reiterated that success will require participation of river states, and expressed his eagerness to working with everyone on the challenge of reducing nutrients in the Basin and Gulf.

## **Signing Ceremony**

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Task Force members officially approved the 2008 Action Plan in a signing ceremony where they signed a poster replica of the front cover of the document.

## **Celebration and Press Q&A**

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Meeting attendees were able to visit the "Surrounded by Water" Exhibit at the Historic New Orleans Collection. Members of the press were invited to interview the Task Force.

Tuesday, June 17, 2008, New Orleans, Marriott

## **Task Force Participants**

### Federal

Benjamin Grumbles, U.S. Environmental Protection Agency  
Dick Coombe (for Gary Mast), U.S. Department of Agriculture, NRCS  
Sheryl Kunickis, Council on Environmental Quality  
Rob Magnien, (for Vice Admiral Conrad Lautenbacher), National Oceanographic and Atmospheric Administration  
Janice Ward, (for Tim Petty) U.S. Department of Interior  
Dave Vigh (for George Dunlop), U.S. Army Corps of Engineers

### State

Wayne Anderson (for Brad Moore), Minnesota Pollution Control Agency  
Len Bahr, Louisiana Governor's Office of Coastal Activities  
Ken Brazil (for Randy Young), Arkansas Natural Resources Commission  
Jerry Cain (for Trudy Fisher), Mississippi Department of Environmental Quality  
John Kessler (for Sean Logan), Ohio Department of Natural Resources  
Dean Lemke, Iowa Department of Agriculture and Land Stewardship  
Susan Sylvester (for Russell Rasmussen), Wisconsin Department of Natural Resources  
Jared Thornley, Illinois Department of Agriculture  
Mike Wells, Missouri Department of Natural Resources

## Welcome

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**Benjamin Grumbles:** Good morning and welcome to the second day of the seventeenth meeting of the Mississippi River Gulf of Mexico Watershed Nutrient Task Force. I want to thank everyone who helped make yesterday a success. I hope that you all were able to enjoy the signing ceremony and the exhibit “Surrounded by Water” at the gallery. I think it is always appropriate to celebrate important milestones in development, and the production and release of the 2008 Gulf Hypoxia Action Plan is certainly one of those milestones. Now that we have achieved this milestone in the reassessment process it is time to start switching our focus and think about how we can most effectively implement the plan.

Today, a critically important day in the discussions of the Task Force, is a day to focus on the efforts needed for the implementation of the Action Plan and in particular, the Annual Operating Plan. Today we will discuss the Annual Operating Plan, talk about the nutrient reduction strategies, the composition and productiveness of the Task Force, and the 2008 Farm Bill. These are all issues that are central to maintaining momentum and achieving the goals of the 2008 Action Plan. The first order of business is to turn to Darrell Brown for an overview of the 2008 Annual Operating Plan. The Plan will serve as a roadmap for the Hypoxia Action Plan in identifying each year the incremental steps that will be taken by each state and federal agency to implement the 2008 Action Plan.

## Presentation of the 2008 Annual Operating Plan

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### *Presentation B: Overview of the 2008 Annual Operating Plan, Darrell Brown, U.S. Environmental Protection Agency*

**Benjamin Grumbles:** I have a few comments and then the members of the Task Force will be able to ask questions or make comments. Just to restate for everyone, the current status of the 40 page Annual Operating Plan document before us is draft. Can you provide us with any further specificity on the distance and time between draft and final?

**Darrell Brown:** The distance and time are within a few minutes, we hope to make it final today. This represents efforts on the part of the Coordinating Committee to compile this list of activities and projects within there. It has received a considerable amount of attention within the Coordinating Committee. This is the final version that we have agreed on and we do not think there are going to be many more changes, if any, to the document.

**Benjamin Grumbles:** I feel particularly proud of the work of the Coordinating Committee in getting us to this point and I think one of the key aspects of this is the increased specificity, accountability, and transparency of the process. In the spirit of transparency, please reiterate what the ability of the public to access the document will be after we approve it.

**Darrell Brown:** We will post this to the Task Force Website, [www.epa.gov/msbasin](http://www.epa.gov/msbasin). We will also make hard copies available to anyone that requests one.

**Benjamin Grumbles:** I am not seeing any questions from the Task Force. Darrell, what is the next step?

**Darrell Brown:** We want to be certain that the Task Force is comfortable with the Operating Plan and have them affirm that we will be releasing the Plan.

**Benjamin Grumbles:** The intent of the Chair and the Task Force Committee is to do exactly that unless someone has further comments or questions or concerns.

**Dave Vigh:** I was just wondering, similar to the 2008 Action Plan where we get some public input, will there be any 30-day period where the public gets to see a draft before we go to final? I know this is an agency-type document, but the public may have some suggestions.

**Darrell Brown:** The way we viewed this was that it was a compilation of federal and state activities best known by the members of the Task Force and the Coordinating Committee. But, it is a living document that would be subject to change annually. If someone had comments we would be glad to take those and listen to them. We could also update that periodically if we wanted to on the Web site.

**Dave Vigh:** But members of the Coordinating Committee could reach out to whoever they needed to for input?

**Darrell Brown:** Absolutely.

**Benjamin Grumbles:** Dave that was a good question. I feel that the right approach is to finalize this document today and agree in the true spirit of adaptive management that this must be a living document. We would have a regular process for the Coordinating Committee and Task Force members to benefit from public comments so that at the next Task Force meeting there may be some changes that could come up and be addressed in a more formal setting.

**Wayne Anderson:** I think this is a good document and we certainly support it. I would suggest that in the future we put forth some effort to provide a companion document listing the efforts being undertaken by NGOs. The list would not necessarily be included in the Annual Operating Plan, since these activities are supported by the members of the Task Force, the agencies and that process. But, not everything that gets done will be done through this group. The NGOs and many citizen efforts will be important places for innovations and activities. In the future we would like to see some place for those to be posted so that we can learn as much as we can from those efforts, as well as our own.

**Benjamin Grumbles:** I think that is a critically important and constructive suggestion. I know that when there was a conference on cooperative conservation efforts convened by CEQ and the administration, the attendance was made up not just of government agencies, but of NGOs and even entrepreneurs and citizen stewards. One of the themes that came out from that was a lot of discussion about the Mississippi River and Gulf hypoxia. I would like to instruct the staff and the Coordinating Committee to really take that to heart and look for ways to provide a forum for NGOs. Their ranks are going to grow over the years to be a very important part of the effort—they are an important part of the effort currently, but in terms of the Annual Operating Plan and the Hypoxia Action Plan I think it is in our best interest and the best interest of the Gulf and the Mississippi River to showcase and empower private involvement.

**Rob Magnien:** We have a 2008 Action Plan that is forward-looking and incorporates the latest science. It puts out challenges in terms of nutrient reduction needed but does not have the specificity that the Annual Operating Plan does. The Annual Operating Plan is primarily a compilation of ongoing activities. It seems that there is a gap in the future roadmap to further specificity. We need to think about how to incorporate something to fill that gap to make sure that future operating plans are as forward-looking as the Action Plan.

**Darrell Brown:** Rob that is an excellent comment. I think that as we designed the Operating Plan we realized that this was the very first one. The next Operating Plan may look different. But it is a great idea to increase the specificity and the accountability and the transparency of the process. As we look at developing future Operating Plans we can look to building those in there.

**Rob Magnien:** I also think that it gets to the issue of resources and puts us in a better position to seek those resources (wherever they may be) by having specific plans of what we would like to do.

**Len Bahr:** I agree that Wayne's suggestion is absolutely appropriate. In that same spirit, I would like to suggest that these Operating Plans have some formal process or procedure that the newly emerging Gulf of Mexico Alliance be included. The goals of the Gulf of Mexico Alliance are absolutely in parallel with reducing Gulf hypoxia. Since that program is now really starting to emerge, it might be wise to ensure that the Annual Operating Plan is in line with whatever actions are taking place with respect to the Gulf of Mexico Alliance.

**Benjamin Grumbles:** I, too, see the great potential of aligning efforts of the Task Force with the Gulf of Mexico Alliance and the five states that are involved with that effort, and the federal agencies like NOAA and EPA that are involved with it. I am going to ask staff to think about next steps in furthering that.

**Rob Magnien:** To reinforce the point: we have been working as a Task Force and Coordinating Committee to promote that relationship and are seeing some movement in that direction. I know that there is a lot of comingling of staff between those two efforts and it seems that as the Gulf of Mexico members are reissuing their Action Plan they are looking more fearfully at nutrient reduction strategies and hypoxia not only off-shore but in some of the near-shore areas. That is a positive development we should support.

**Benjamin Grumbles:** I want to ask if there are any further comments on the 2008 Action Plan. If not, congratulations to all on the Task Force and on the Coordinating Committee. I do think this is a historic and very important move forward in an excellent first product in the Annual Operating Plan process.

Next I would like to turn to Katie Flahive from EPA. She is going to provide an update on the nutrient strategies. As you know, and as I hope the public is beginning to understand, the 2008 Action Plan contains a major shift in strategy. We recognized that the development of local strategies to reduce nitrogen and phosphorus are central to accomplishing our goals. The Task Force recognized that the states have the lead for implementing most of the programs and

appropriately they should have the lead for the strategies. So, while this is a work in progress, Katie will give us a brief update on the status of this important work and this major shift in comparison to the 2001 strategy.

## **Presentation on State Nutrient Reduction Strategies**

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### ***Presentation C: State Nutrient Strategies, Katie Flahive, U.S. Environmental Protection Agency***

**Dave Vigh:** Which additional states will you be reaching out to? Do you have some feel for that?

**Katie Flahive:** We have spoken to a couple different states mainly within the Ohio River Basin, but we have 10 states from the Mississippi River Basin here and up to 31 total to broaden our reach. We will look to existing federal programs in those states to reach out to, and we will look through some of those cross-boundary collaborations that exist through the states on the Task Force and beyond.

**Dave Vigh:** Do you have some critical states that you are looking for?

**Katie Flahive:** It is not in the current Annual Operating Plan, but it might be a goal for the 2009 Annual Operating Plan. Right now, we have identified that we will identify states for these pilot programs. Maybe next year as a next step we can work on identifying certain outside states. It is a very good recommendation.

**Len Bahr:** Katie, how many EPA regions are involved in the states?

**Katie Flahive:** There are about six regions involved.

**Rob Magnien:** I really enjoyed your presentation Katie. I think it presented some ideas to move us forward, especially utilizing some of the existing information that is out there—it is a very logical way to start by looking at what we have while also getting a baseline from the states that are not represented here. Plans probably do exist in all the states. It also addresses the question I asked earlier about filling the proactive-looking gap with specificity. There is no better way to fill that gap than accelerating the development of these state-specific nutrient reduction strategies. Anything we can do to move those forward is an important priority of this Task Force. We should not wait for 2013 to get there or else we will still have that gap.

**Dean Lemke:** I think the shift from regional strategies to state strategies is in fact very strategic. It will allow our strategies to gain traction on the implementation side. Secondly, to augment a point you made Katie, some have alleged that the development of strategies will further slow down the development and implementation of the 2008 Action Plan. I want to assure people that this is not the case. States and the federal agencies are deploying the resources that they have as an ongoing process. Strategies of the future will allow us to more effectively target nutrient reductions and be more efficient, and also help achieve additional resources that are needed. This is not a matter of wasting time and waiting. In my state, every program we offer has a waiting list of people wanting to enroll. We utilize all of the funds that we have. We hope that the

strategy will allow us to become more efficient, but also to achieve additional resources in the future to do the job.

## **Discussion on Composition and Effectiveness of the Task Force**

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**Benjamin Grumbles:** Now we will turn to the discussion on the composition and effectiveness of the Task Force. Craig Hooks will help lead the discussion on the composition for the Task Force and mechanisms to make it more effective. As you know, Craig is the Director of the Office of Wetlands, Oceans, and Watersheds in the Office of Water.

**Craig Hooks:** I think we have arrived at an interesting crossroads for the Task Force this morning. With stakeholder interest and involvement increased, updated science, and a new 2008 Action Plan to guide us, we are on the path to reducing the size of the hypoxic zone in the Gulf. Also, we have a renewed commitment from the states and federal agencies, and local, regional, and national partnerships are improving water quality throughout the Mississippi River Basin. I think it is appropriate to begin a discussion on ways to improve the efficiency of the Task Force. I think this is consistent with one of the guiding policies that Darrell talked about yesterday—reexamining the roles and responsibilities of the Task Force members.

There are a number of questions we can ask ourselves while working on this. For example, if we focus on implementation, do we have the right number and blend of federal agencies and states on the Task Force? While we have great representation from most of the states along the main stem of the Mississippi, there are a number of states along major tributaries that do not have representatives on the Task Force: notably Kentucky and Alabama, as well as upper Basin states such as Montana. There are also some federal agencies whose participation might improve the effort, including the Department of Energy. With the biofuels discussion being part of the national dialog right now, should the Department of Energy be a member of this Task Force to inform our deliberations? It is great to see the Council of Environmental Quality here. Perhaps they can help facilitate some funding on national strategies. Those are just a couple of directions for us.

I would like to initiate our deliberations by asking Task Force members to comment on several key questions. The first of which is: what do you think of engaging either new states or federal agencies as we move forward with the implementation of the 2008 Action Plan—either by inviting them to become members of the Task Force or communicating with them and inviting them to attend and participate in Task Force events? Before you all start, I will refresh your memory about the topic yesterday from Mr. Graves at the museum. He made a suggestion that perhaps all the states in the Mississippi River watershed should be part of the Task Force—bear in mind that would increase the Task Force by 14 states, which would be a pretty large number.

**John Kessler:** I have a few comments with regard to the Ohio River Basin portion. Ohio and ORSANCO have represented the views and concerns of several states that are along the Ohio River main stem but are not currently part of the Task Force. That has been working pretty well. Fortunately we have a good Ohio River Basin steering committee and we have been able to represent the views of the Basin through that mechanism. We hope to keep that because we feel that it is an important complement to the state strategies. However, several states—namely Kentucky, Indiana, and West Virginia—do from time to time bring up the merits of submitting a

request to join the Task Force, and I know that has come up a few times recently. I would just ask Task Force members to keep that in mind. You may get a request if those individual states wish to pursue it. Specifically, West Virginia sent a message for me to relay that just last week their agricultural department and environmental protection department representatives were further considering this, so they may take this further depending on the how the strategies and any future funding successes we have go. I just wanted to relay that they are open to it and perhaps that will be a discussion item later.

**Mike Wells:** Could you give us a little background on how the original Task Force was organized and how the invitations went out—to states or individual agencies, since we have a combination of natural resource agencies and agricultural agencies? This will be a bit of a background for newer members.

**Darrell Brown:** My understanding is that the original composition looked at the Mississippi main stem states and tried to balance that between the environmental agency and the agricultural agency within the state. There were an equal number of federal agencies involved.

**Dean Lemke:** I'll comment as well. I think it is important to be as inclusive as we possibly can. The fact that the Task Force started with 10 states and the federal agencies should not bind us to that number and framework for the future. I think that this is an important question. Being inclusive, we also need to have organizational frameworks that are compatible with the number of participants. I was trying to envision the head table if we added 14 more states and several more federal agencies and wondering if that is the most effective way to involve everyone. How do we be inclusive while maintaining effective decision making frameworks? I think back to the axiom that the length of time to make a decision is the square of the number of people on the committee or group. I do not know if that is quite right but there is some relationship there. So, I support being inclusive, but I ponder how we would maintain an effective framework if we went to the full extent of all states and then added the additional federal agencies that appropriately may have some involvement.

**Craig Hooks:** Dean that is an excellent comment. I will ask you this: one thing that has come up in our deliberations about creating a larger Task Force is creating an executive committee within the Task Force. What are your thoughts on that?

**Dean Lemke:** I think that there would need to be something like that if we were to be successful at being much more inclusive. I think there needs to be some core group of a smaller number of which to coalesce ideas and put together options and perhaps to make final decisions—I am not sure what the role of the executive committee would be, but I think that if we were successful at expanding the Task Force to be more inclusive, there would need to be some other subset or framework to help manage that.

**Rob Magnien:** I agree with Dean in that it is probably a stretch in the short-term at least to add 14 states. But I think that we should be open as we reach out to, at least, the ones that have been mentioned here today (Indiana, West Virginia) as possible members. We have a really tough job and it will help to embrace any willing partners to support efforts. Maybe we can consider a more proactive engagement of the other states, at least in an informational mode, to let them

know that what we are doing. I do not think we have really communicated to the rest of the states in the Basin, and we need to at least let them know what we are doing and that we may be looking at some of their plans as contributors.

**Benjamin Grumbles:** I want to seize the opportunity to say how much I appreciate that we are not talking about losing current members—either federal or state. This is not about measuring progress by how many chairs we have at the table. Something I am not taking for granted is that states and agencies are not looking to now pull out of this. We need to be inclusive and continue to build new partnerships. I think it would be a bad move on our part to include all conceivable partners—I think most people realize that as a matter of logistics a Task Force becomes a new branch of government if it becomes so big and unwieldy, so we really do have to think through this. We may not reach a decision this morning here in New Orleans, but I get the sense that the work so far—the Coordinating Committee and Craig’s discussion of it—all of us are not content with the status quo in terms of the make-up of the current Task Force. We think we can do better and we need to be more inclusive and recognize that there are some more key states that are eager to get involved. We do need to think about the growth of the Task Force because the most important thing is to be able to engage constructively and make progress that can be measured in environmental results rather than in bureaucratic meetings and attendance at those meetings.

I would also say—in particular to federal agencies that are part of this effort—I think it is very useful to identify other potential federal agencies to be involved in this effort. I know in working closely with USDA and the Air Office and the offices within US EPA headquarters, as we continue to work on a sustainable biofuels strategy within our own EPA programs and authorities, it is important to make sure that this is part of the discussion. In the spirit of cooperative conservation and collaboration I think there is some real value in having DOE, if not as an official member, at the very least having DOE more aware of important discussions: things that USDA is doing, things that EPA and other agencies are doing and then having CEQ involved in this process. The last point I would make in terms of federal agencies and in terms of composition: I do not think it is normal practice to have OMB as a normal member of the Task Force. I do feel that as we get more and more focused on an integrated budget process on the Annual Operating Plans and looking at some specific initiatives down the road that help us accomplish—from a federal agency perspective—one or more of the 11 actions in our 2008 Action Plan, I know that there will be a need for more engagement with OMB. We want to be strategic on that part. I know they want to be helpful and part of that effort as well. I think there is a two-fold approach of asking ourselves as current Task Force members if we want to add and invite new members to the Task Force, or in the alternative, to have a way where key and interested agencies can get involved more and engage more. What I sense is, as I turn to Craig and others to give their thoughts on this subject, a goal that I have for this morning is to have some sense of what do. We can specifically instruct the Coordinating Committee to do a follow-up to this conversation so that in the coming weeks Task Force members will have an even greater sense of possible options, or the pros and cons of adding three new agencies or states verses 14.

**Janice Ward:** I agree with the comments that have been made about being inclusive but remaining efficient. I think it might be worthwhile to think about when and how we solicit and actively make outreach to the various states and other organizations that are not part of the Task

Force. For example, as we get to be more specific with the Annual Operating Plan we are going to need better engagement from those who are not on the Task Force in order to represent their activities in that annual accounting. We have a communications item in our 2008 Action Plan, but I think what we may need more than just getting these materials available—we need specific outreach to those that are not on the plan and that is something we really should build into our framework.

**Dave Vigh:** I wanted to say that a focus of this 2008 Action Plan is toward states and state action. I feel it would be a travesty if this Task Force did not find a way to reach out to the other 14 or so states. As Janice said, we have a much more robust communications plan and more materials available, so we have more tools than we did before and should be able to effectively communicate with these folks. Now, you have to also balance 14 more people sitting up there with keeping the Task Force a manageable size. Perhaps we need a charge to the Coordinating Committee to further develop a process to make sure the other 14 states are engaged and adequately represented on the Task Force—whether there is a nuclear group of states that represent all of them that sit on the Task Force. We need to reach out and we need to have all the states engaged if we are serious about the hypoxia issue.

**Jared Thornley:** Just a quick comment about adding the 14 other states. While we should be as inclusive as possible in adding groups to this Task Force and to this cause, one of the main factors looking forward is funding. We currently do not have a clear path where the money is going and where it is coming from. We want to add 14 more states, but we should be mindful of budget as we move forward. We do not want to become another bureaucratic mess and not reach the goal that we are here to reach.

**Len Bahr:** On the other hand, the more inclusive and expansive the membership, the more political struggle we will theoretically have. The reason I asked about the number of EPA Regions that are involved is because I assume the regional administrators of each region have been made aware of hypoxia and encouraged.

**Benjamin Grumbles:** Yes, they have. As reflected by the membership on the Task Force, the regional administrators for EPA have been engaged, particularly Regions 4, 5, 6, and 7 as some of the primary ones. But we have a need to focus on Region 3, which includes the states that ORSANCO has been very good and helpful to us on. And as Craig mentioned, Region 8 which involves some of the mountain states, is important too.

**Craig Hooks:** If there are no more comments I have a few more questions. I would like to discuss the ramifications of inviting additional members from the states and federal agencies. As I understand it, when the Task Force was originally created it was formed with an equal mix of state agricultural programs and state water quality programs—one representative from each state. What benefits do you see from having additional representatives from each state: one representing agricultural programs and one representing water quality programs?

**Mike Wells:** I can answer that for the State of Missouri: the governor says the State of Missouri speaks with one voice and he really has a strong position about having different agencies out with different messages.

**Dean Lemke:** I think that Mike's point is a good one. I also think, having worked in both a regulatory agency and a conservation agency, that the cultures and problem-solving techniques and lines of thinking sometimes are quite different. Both are necessary; and both are useful. I think that the original framers of this Task Force, when including both those types of state agencies and federal agencies as well, made a wise choice. I think the alternatives there include two agencies from each state, which further exacerbates the size problem and does not respect the point that Mike just made. Or, we can ensure that there is a reasonable balance both among the state agencies represented and the federal agencies. It has been apparent to me in our discussions in the past year that we still have different problem solving techniques—and I do not pronounce one better than the other. We are still in different cultures. I just say they are both useful and both need to be represented. Unless we do a huge expansion of the Task Force, and have both perspectives from each state, and from the federal agencies—and that poses logistical problems—then I think that balance is the key overall.

**Wayne Anderson:** I agree with Mike's point, as well. It is not a matter of who to select. The agencies that have been sitting on the Task Force have tried to represent their states. We purposely in 2008 used our state seal instead of our agency logo in Minnesota—we did that to further that message that we are trying to present a balanced perspective. I think it is most important in this to retain the confidence of the public that we are doing a balanced job on the work we are doing and to show them through action that this process is not about divisions, but about working together in a balanced way to solve important problems. My advice would be that as we decide if there is some limited increase, that the Coordinating Committee would work with the respective governor's offices, keeping in mind that in the end we want to try to get a balanced perspective of the representation, both between agricultural/environmental perspectives and also federal/state perspectives.

**Rob Magnien:** Although I am a federal employee now, I spent almost four times as long in state governments, so I know what Dean is talking about in the way of different cultures. And possibly more importantly, I understand the different responsibilities that environmental agencies have in states. I think it is important that we find a way to be as inclusive as possible and utilize those resources. One of those was already pointed out: getting the governor's offices involved. We already have that in Louisiana on the Task Force. It also raises the visibility of the issue and raises the problem that we have been discussing all morning of the numbers on the Task Force. Perhaps the Coordinating Committee could have each of the relevant agencies represented and here on the Task Force the governor's office could represent all of the agencies in the respective states.

**John Kessler:** I appreciate the complexity of the comments that have been put out and the balance of the thought in the original formation of the Task Force. We certainly have those forces in Ohio. I would like to echo the comments earlier from Missouri that the invitation or the continuation on the Task Force in my view is to the state. I believe that responsibility is on the state to talk amongst their internal agencies and speak in one voice in the Task Force.

**Craig Hooks:** I have one additional question and it will be my last question for the group: Do we want to consider rotating the chair of the Task Force to another agency, and if so how would we make that work?

**Dean Lemke:** Perhaps the Task Force would be well served with a co-leadership of federal and state. There are two types of agencies. Perhaps there are disadvantages to that too. That is one idea we have had some discussion about.

**Craig Hooks:** Dean, what are the pros and cons of that, could you elaborate?

**Dean Lemke:** I do not know that we have thought about it enough to answer that question. Perhaps it could be meaningful to have a state co-lead working side-by-side in seeking further engagement by and commitment from the states. Certainly that idea does not come out of any dissatisfaction with the current leadership. Perhaps a divided house of leadership is never as effective at all as a single house of leadership. Some of the ideas that I recall when we discussed that were a stronger role of state-empowerment in having a state co-lead, and demonstration to the public that this is a state and federal effort (in addition to the contributions of NGOs and others). I am sure there are other pros and cons, but we have not come to them yet in our discussions.

**Len Bahr:** From a local standpoint, I am not at all familiar with how the process works with the change of federal leadership, which is imminent. What would be the implications of a rotating chair and responsibilities in light of that? The new administration may want to take a more aggressive role or not, but it seems like there are implications of a decision like that which would worth discussion.

**Craig Hooks:** That is true. There is always a little time lag getting the new administration up to speed on all of the topics that they are faced with. Certainly the Coordinating Committee is largely made up of career folks, and certainly that will be the glue that will largely keep the group together as we aggressively pursue the goals of the 2008 Action Plan.

**Benjamin Grumbles:** I think that all of us should be thinking about transition in the context of the work of the Task Force. That certainly applies more so if we are thinking about changing the structure, composition and “leadership” of the Task Force. Certainly the next meeting of the Task Force needs to focus on transition and not letting momentum collapse, and doing all of those things that those who are experiencing transitions would want to see. That is another aspect of the question of changing the leadership or making a co-lead.

**Wayne Anderson:** We would be open to other models and selections for leadership but we would certainly not be calling for it at this time. We note that this is a long-haul effort and we need vigorous leadership—and I think we have had that so far. I do think it is important to note that leadership is more than just chairing the meetings of this Task Force, it is the connection to the staffing of this effort and needs to be closely integrated so that the leadership and the staffing can work close together. I think we have been getting that. Whatever models we use and if we need to change it up once and a while to keep the leadership vigorous, that is fine. But if we need to make sure that connection and integration between staffing and leadership stays very strong.

Momentum needs to be there. I do not think we can afford to lose momentum in this effort. In some ways I think we have been trying to hold it together a little bit in the face of a changing economic climate that we have gone through. We are going to go through ups and downs in this process and leadership is going to be critical.

**Dave Vigh:** It could be an interesting dynamic. Certainly it could cause a greater impetus to action. I like the idea of a co-chair that will get more people involved with leadership of the Task Force and I cannot see where that is a bad thing. The Midwest Natural Resources Group does exactly what you are talking about. It is a consortium of 14 federal agencies in the upper Midwest. Every year the chair rotates to a different federal agency. It is picked in the group; whoever wants it is appointed and then the co-chair is picked. Under the chair and co-chair, someone from that group leads the committee. For example, the chair might also have the chairmanship of the Coordinating Committee that year. You can bring it down as far as you want to into the rotation. It also makes you wonder about how you stay consistent and how to keep moving forward with the vision. But people tend to step up when they are put in the bullseye. I support looking at something dynamic like that. EPA has done an excellent job, I have no complaints what so ever, but it might be time to turn it up a little bit in the hypoxia arena.

**Bryon Griffith:** Thank you for the opportunity to speak as an observer. Three years ago when our administration went to establish itself, it got right to heart of these issues. The idea was to play to the strength of the state. The state took a role and found their niche. This configuration worked. Once done, and by state direction, challenges were set forth, and the federal family knew what it had invested in. It did not simply seek additional partners. It now seeks commitment from those that can actually implement programs. It has been extremely effective in this region and will go into our second generation Action Plan release in six months. The word “alliance“ has been used multiple times, by multiple state parties within the context of the dialogue only in the most positive vein because it has proven to represent results.

**Rob Magnien:** Bryon, could you address the issue we talked about earlier—governor-level involvement and how that was helpful or not in the Gulf of Mexico Alliance?

**Bryon Griffith:** It would be foolish to say that the alliance was not helpful, but that is no longer true. After the first party, it just became work—daily work. As a consequence, the driver is to be mindful of the fact (particularly as civil servants) that we all serve the public. The state was the implementation piece of that, it was their ability to bond around and prove this concept, and keep it going. It did not matter if the upper level was ready to be a part of that party or not—it took on its own momentum.

I would also like to point out something else in the context of the Hypoxia Task Force: there is no reason to rotate lead roles around. There should be one person, who is consistently there, to keep things straight—the logistics for the 18 Annual Task Force meeting should not go back and forth from different agencies. This idea of rotating lead roles will be ineffective. To get back to your question, there is no dismissing how effective it was for the White House to call for this action, and the President’s US Oceans’ Action Plan.

**Ken Brazil:** Just to follow upon what some of the other Task Force members said about the effectiveness: I get the sense that there has been a huge effort from the states to stay engaged and keep going. The consistency about having a common chairman has allowed the states to focus on trying to get the 2008 Action Plan revised and to put together the Annual Operating Plan. It seems to me that the focus is now on who will chair the next meeting? In my experience through some committees I have worked with, it becomes just dealing with the logistical side of things, which can be a little bothersome when rotating from year to year. I am for keeping consistency so that the Task Force does not have to worry about that year-to-year, and they are focused on the implementation of the 2008 Action Plan.

**Dave Vigh:** Because I am hearing some call for consistency, we could keep a consistent chair but rotate co-chairs among states. This would bring greater focus to the states over the years. That is a real possibility. Another possibility is the Task Force actually holding our meetings, not just on the main stem of the river, but out around all the MARB states. In having a rotating state co-chair, of what I would consider equal status to the chair, would possibly bring later focus to states' effort initiatives.

**Craig Hooks:** I am going to follow Ben's lead on taking what I have heard back to the Coordinating Committee in hopes to develop options, or at least a path forward. One of the themes I have heard that I can take back at this point is that you are not interested in including all of the states at the juncture, but want to be inclusive of states that would like to be actively engaged with us. Perhaps we could also develop a strategy on how to engage states that are not part of this Task Force. In terms of representation, my thought is that the state representative can speak on behalf of the entire state, not just the agriculture department. My last thought is at this point in time, there is no interest to rotate the chair.

**Susan Sylvester:** I think that if you had a state co-chair for a year it would probably not be that effective, because you would not be able to accomplish much during that period of time. If we had the states be the state co-chair, you might need a longer commitment to that time. I think most importantly, the staffing that EPA has dedicated to this process has allowed us move forward and continue to gain momentum. If we did not have a federal agency to lead us, we would not have that staff support and the commitment to facilitate the meetings and organize all this work. I think that is really critical to making successful future situations.

**Dave Vigh:** I did just want to mention that the thought that just came to mind: if the state were to chair the Task Force, then the states would be telling federal agencies what to do—that could be interesting.

**Benjamin Grumbles:** No comment on that. There are legal and practical considerations and people want to have the public sector sometimes involved with membership on the Task Force, and we would run into a range of different types of issues. I would just like to say to the Task Force members: I think we all benefit by periodically assessing the current situation. On this one, I have not sensed a ground-swell of change, but I think that it is important for us to be thinking about possible changes or new formulas. I think it is a great suggestion to be thinking about a parallel shift in the 2008 Action Plan to the state reduction strategies. We have had really good discussions about some of the downsides, complications, or complexities to a state-lead effort or

potential advantages to a state as a co-lead. I think that the Coordinating Committee should meet for further discussion. I am confident that members of the Task Force do not want to have an unnecessary diversion away from the primary objective and that is implementation of the 2008 Action Plan. There have been some good suggestions, Darrell and Craig about possible considerations and looking at this as a potential down the road. Craig, are there any other pros and cons, or thoughts?

**Craig Hooks:** I do not think so. I feel that you have given us some directions to at least put boundaries on what our next steps and recommendations to the Task Force would be. I think we will be in the position at our next Task Force meeting to offer up a recommendation on the effectiveness of the Task Force.

**Rob Magnien:** I would like to offer one suggestion, in terms of how the Coordinating Committee approaches the subject—rather than jumping into thinking it would be better having co-leads—first, identify the issues that are in the most need of improvement or attention by the Task Force. Then, discuss how we might structure the Task Force, and possibly the Coordinating Committee to strengthen those weaknesses or challenges.

**Benjamin Grumbles:** Thank you, and thank you Task Force members for that discussion and others who were part of it.

## Public Comments

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**Benjamin Grumbles:** I am now pleased to turn to Cynthia Sarthou to start the public comments to the Task Force.

**Cynthia Sarthou:** I am Cynthia Sarthou, Executive Director, of Gulf Restoration Network (GRN), headquartered in New Orleans. The Gulf Restoration Network is a network of groups and individuals committed to uniting and empowering individuals to protect the resources of the Gulf of Mexico.

Since 1995, the GRN has sought action by state and federal agencies, and the agricultural community to address the root causes of the *dead zone*. In fact, one of my first official acts with the GRN was to attend an EPA meeting on the dead zone prompted by a petition filed with EPA seeking an interstate management conference on reduction in nitrogen needed to address the dead zone.

I avidly followed the development and issuance of the initial 2008 Action Plan with the hope that it would result in significant action to nitrogen pollution causing the dead zone. At the time of issuance of the original Action Plan in 2001, my environmental colleagues and I felt that the original plan failed to set specific goals for nitrogen reduction and relied too heavily on voluntary mechanisms to reduce pollution. However, we were willing to give EPA and the Task Force a chance to show us that the Action Plan could prompt action by upriver states and that needed reduction in dead zone-causing pollution could be achieved. Sadly, our willingness to place any faith in the ability of the 2001 Action and the state and federal agencies that were parties to it was a serious error on our part.

After years of no action under the original Action Plan, the decision was made to reassess that Plan and the science underpinning it. After two years of reassessment, the second “Action Plan” has been issued. EPA has heralded the new Action Plan, as “unifying governments and citizens across the country to take action upstream and along the coast to reduce river nutrient pollution and increase Gulf of Mexico health,” and states that “EPA is committed to the work of the Task Force and to meeting its ambitious goals through innovative approaches such as numeric nutrient standards in permits, restoring or creating wetlands for purifying runoff, and encouraging nutrient cap and trade systems for improved water quality.”

Instead of heralding a new period of action to address the causes of the dead zone, the 2008 Action Plan actually calls for little, or no, action at all. This spring and early summer, flooding in states along the Mississippi River has inundated farm fields and swept away others, likely increasing the amount of fertilizer nutrient pollution that will contaminate state waters and the Gulf of Mexico, expanding the size of the dead zone. Yet, the 2008 Action Plan released yesterday ensures that we continue to muddle along for yet another five years with little or no action to address the root causes of the problem.

Most of the 11 “action steps” in this Plan do not have due dates and none of them have either nitrogen or phosphorus loading reduction goals or dead zone size reduction goals. In fact, the Task Force ignores its own Science Advisory Board’s recommendations and the recommendations of the National Academy of Sciences that a 40-percent nutrient reduction goal for the Basin should be adopted as a critical first step to ensuring the Task Force can achieve the goal of reducing the size of the dead zone to 5,000 square kilometers. Instead, the goal adopted by the Task Force states the subject to the availability of additional resources, we strive to reduce or make significant progress toward reducing the 5-year running average areal extent of the dead zone to less than 5,000 square kilometers by the year 2015—7 years from now.

What actions does this Plan call for to achieve the needed reductions? Among other things, the Plan suggests, not requires, that states finalize separate and uncoordinated nutrient reduction strategies by the time the next Task Force convenes—in 2013. What the Plan’s authors fail to note is that states were supposed to have been working on state nutrient reduction strategies under the original Action Plan. Moreover, if they are not expected to be produced, much less implemented until 2013, it is a certainty that these plans will result in no significant reduction in the areal size of the dead zone by 2015.

The EPA press release refers to their commitment to achieve reductions through innovative approaches such as numeric nutrient standards in permits. However, nowhere in the 2008 Action Plan are goals or timelines for promulgation of nutrient standards by Mississippi River basin states or the need for incorporation of those standards into point source discharge permits discussed.

The 2008 Action Plan also inadequately addresses agricultural pollution. It is clear that voluntary conservation measures are not working to reduce nitrate nitrogen in the spring. To achieve needed reductions in nitrate nitrogen pollution the Task Force must adopt minimum and mandatory environmental performance standards for agriculture in the nine critical Basin states

and should require USDA and the states to commit to targeting their farm conservation funds to the highest priority locations and on the most cost-effective practices. Only with a targeted action plan can the public ensure that taxpayer subsidies for ethanol production and farm conservation practices are achieving the greatest nutrient reductions for the buck.

In recent years I have frequently been asked why I or representatives of the GRN no longer attend many of the meetings of the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force. The 2008 Action Plan explains it all. Representatives of the environmental community have come to realize that no significant reduction in nitrate nitrogen will come from the Task Force or its Action Plan that relies solely on voluntary actions. So rather than spend our time at unproductive meetings, we are working to identify actions that will motivate EPA and the states to significantly reduce nitrogen and phosphorous pollution throughout the Mississippi River Basin. And as we do, rest assured that you will be hearing from us.

**Greg Youngstrom:** I wanted to make a couple of comments about the state composition of the Task Force. I would encourage the Task Force to look to the example of the Chesapeake Bay, as we often seem to do. They have had some issues implementing their nutrient reduction strategies because of a lack of some of the states being involved—this is the reason why West Virginia has expressed their interest, because they were late to the table at Chesapeake and do not want to be caught in the same situation with the Gulf of Mexico. I think that any state that expressed an interest in developing and joining the Task Force should be allowed on the Task Force and would send a wrong message to those states if they were denied access to the Task Force. I would actively encourage the Task Force to actively seek out those states that have the highest level of nutrients that are not currently on the Task Force. For example, Indiana, you should not make them come to you, rather go out and encourage them to join in your efforts.

**Doug Daigle:** I am Doug Daigle, coordinator of the Lower Mississippi River Sub-basin Committee. I wanted to let everyone know we are having a meeting of our Committee, after this meeting, around the corner at Jean Lafitte National Park Headquarters at 419 Decatur Street. We would like to take advantage of a lot of folks being here at the same time. Everyone is welcome to attend. Some of the things we will discuss are: moving forward—things that we are working on in Louisiana and the second EPA grant we currently are working under (being administered through Arkansas) which involves trying to compile data and information about the nutrient loading and removal in the lower basin states. I hope everyone can make that—you will be welcomed.

**Dave Vigh:** I would just like to mention that I appreciate Cynthia's comments from the Gulf Restoration Network. It is groups like that, that we should try to reach out to and embrace, perhaps somehow involve in our processes, such as, bringing in some outside folks related to the operations plan—the Gulf Alliance Network and other groups like this to get the best of their ideas and see what we can do with it.

**Henry Graham:** My name is Henry Graham, with the Louisiana Chemical Association. I would like to emphasize to the group, our support for voluntary efforts to reduce nutrients. We began a project some years ago with the state (Louisiana Department of Environmental Quality) to identify opportunities for industry to reduce nutrients on nonpoint sources. We have several

industries that have been recognized by the governor, with the Annual Environmental Leadership Award for their efforts. We would like to encourage those efforts and believe that there are opportunities for voluntary efforts and cooperative approaches with government and industry to make a difference. In other states, where they may have a different mix, there may be some other opportunities to work with the farm community to make similar efforts. We believe that voluntary measures are effective and can be effective. It just takes a sustained effort and patience to make some of those projects work over time.

## **2008 Farm Bill Presentation**

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**Benjamin Grumbles:** Are there any other comments from the public? Now we will turn to the next portion, which is to get some insights on the 2008 Farm Bill. We are fortunate to have with us today, Skip Hyberg and Dick Coombe.

***Presentation D: Food, Conservation, and Energy Act 2008; Dick Coombe***

***Presentation E: Conservation Reserve Program; Skip Hyberg***

**Darrell Brown:** What we would like to do now is open the floor up to any questions the Task Force members may have regarding the 2008 Farm Bill.

**Dave Vigh:** Yes, I have a question: what do you need to take the Iowa CREP model and expand it regionally? Where do we need to go?

**Dean Lemke:** What we are working on in Iowa is how we can expand this from the current 72 projects that are constructed or under development. We are currently working with a public/private partnership model that we think has great opportunities for success and can be market driven by market forces. This does present some policy questions, with regard to Federal Wetlands Regulatory Policy, as well as some policy questions in regard to USDA funding and blending public and private money together. We are working on having some agencies sit down with us and discuss their thoughts on how we can work together. I believe that there are great opportunities in moving from a site-by-site where state and federal governments work together to construct a partnership.

**Skip Hyberg:** The Revised Pilot Program for Wetlands and Associated Buffers Program has created resources that are incentives, that before were only available in CREPs, now are available where you no longer need a state match—it has removed one barrier of the state contribution. However, there is still one major barrier in identifying that 10 percent of out-of-pocket costs to land owners. These constructive wetlands on average are about \$100,000 to establish, so that is about \$10,000 out of that land owner's pocket. That \$10,000 addresses runoff that does not necessarily come from the land owner's trucks. What this does is create an opportunity with this new program to develop relationships and funding activities with NGOs, states, and other federal entities to develop how you can get that extra \$10,000. We want to explore that more with a number of our partners.

**Dave Vigh:** It would be interesting if that 10 percent could be developed into a mitigation bank. Agencies, applicants, and NGOs could contribute to and help fund the piece that is missing.

**Dean Lemke:** I agree with that. I think we need to be creative and explore new models thinking outside of the box so we can overcome these barriers. In the interest of the Iowa vision, the potential market driver is bioenergy and the economic returns for bioenergy. Normally, environmentally, we may think in other ways; however the opportunity that we are seeking to exploit is created by the economics from bioenergy.

**Rob Magnien:** This would be for either Dick or Skip, in both of your presentations you had slides that indicated there is new flexibility in the 2008 Farm Bill to address a national or a regional priorities initiative. You do not usually see language like that in the Farm Bill. Do you see that actually being translated into mechanisms and achieving that alignment with some of those priorities? How can we possibly help in going down that road?

**Skip Hyberg:** Dick, I will answer with your words: we have a statute, but the wording of the statute is not what is in the regulations. We are in the process of doing the regulation writing as we speak. Until that process is done, I cannot give you a definitive answer.

**Dick Coombe:** I would echo what Skip said. The policy issue in the rulemaking is critical. I am the lead for the USDA in the Chesapeake Program. One of the things that the states and the federal agencies do (and I cannot emphasize this enough)—those of us at the regional level meet at on a regular basis and also with the appropriate state people. I understand the situation is a little different, the bay is only six states, compared to the large Mississippi River/Gulf of Mexico region here, but we have made tremendous progress. I would advocate that there is nothing like beginning now, it is about getting conservation off the ground, not necessarily about plans and so forth—the way you do that is by building partnerships. If I were Darrell or any of the rest of you I would be doing a lot of talking about how to implement these things; how to bring a strong partnership between state, the federal, and NGOs. My thought would be to get on with some big, strong partnering on these new projects.

**Darrell Brown:** Skip, I had one question for you. You used a term that I am unfamiliar with: flooded farm lands. Can you give me an example of that and the distinction between flooded and un-flooded farmland?

**Skip Hyberg:** This is going to be answered in the regulatory process. Congress identified it in the Farm Bill in a way that is subject to interpretation. When talking about the northern plains, they have had heavy rainfall over the last 5–10 years, which has resulted in many potholes and states taking over agricultural land—they have made that eligible for CRP. Part of the regulatory process will be identifying that and exactly where we are going to go.

**Janice Ward:** As an interested reader in the Farm Bill activities, I am wondering if you could give some opinion on what I see a lot of in the press. There are often stories about the need to be more productive to fill the gap in food production worldwide—especially in competition with raising crops for biofuel. The other thing I have read a great deal about is the price increases of

crops affecting some of the price supports for farmers to implement conservation practices—with this change they do not match the market demands. Could you shed some light on what your views are, and how this new Farm Bill will compensate farmers in light of those pressures?

**Dick Coombe:** I will answer the second part of your question (about land use) with the quote from Secretary Shaffer. I might be interpreting your question a little bit in biofuels, but as we note in the energy portion of the Farm Bill, there is a great emphasis on moving toward cellulosic production of biofuels. One of the things we have noticed is the relationship between hypoxia and the number of nutrients and the amount of stratification that occurs with the amount of fresh water coming down the Mississippi. We have noticed in the previous, large hypoxia areas have been documented after periods of flooding. Along with that—something that people do not realize—our data shows that there was a large increase in corn to make biofuels, but also a decrease in soy production. Consequently, the acreage in row crops have remained remarkably the same—now the amount of corn has come down, and with the amount of rain and replanting, the soy has gone back up. The actual acreage in the Mississippi River Basin, in terms of row crops, has not changed. Lastly, I believe that Secretary Shaffer has provided some very strong leadership to date. He has not allowed any early release of CRP, and Skip that is your area of expertise, not mine.

**Craig Hooks:** I am not going to say anything other than, when you talked about the food prices; there is a very good publication that was just released by the Economic Research Service. The publication talks about global food prices and what is driving those. I suggest that you go on the Web site and look at that, because it is very informative as to talking about the economic drivers and resource drivers, while also putting them in a historical context. Ron Rossell (the author), will receive many kinds of awards for his work because it is really good. Dick, if I could just follow up on your question, you said that the Secretary did not authorize any release of CRP funds, what exactly does that mean?

**Dick Coombe:** No, I am very specific in what I am saying. There were no early releases of CRP acreage—if I misspoke, I apologize. If you have signed-up for CRP, farmers have requested to be released so that they could plant more and the Secretary has not allowed that to date.

**Dave Vigh:** I have something that is lingering in my mind: the federal participation in cost-sharing and partnership opportunities in the Farm Bill. I understand that much of this is geared toward farmers and private land owners—is there any feel for how different federal agencies can work? Is there a highlight in the bill, a focus or an area that can guide the other federal agencies to try to leverage our resources?

**Dick Coombe:** There is more emphasis on working with our states and with our partners. As I mentioned in a few parts, the AWRP Equip portion is important. I am not sighting the Chesapeake as the only example, but I am pleased to be meeting with EPA, US Forest Service, US Fish and Wildlife, and my other federal partners that are in the same role as me. I oversee 23 states and the Caribbean. One of the things we said in our program is that we have a reverse auction for WRP across the country. Two weeks ago in Georgia the appraisal came in at \$1,100 an acre. We had a couple of million to put in there and the landowners came in at \$713 per acre, so we got a lot more acreage. There is now a new tax incentive in the new Farm Bill, which they

can actually take off that different portion. I would recognize that there is a wonderful opportunity for those of us in the federal family to partner with state folks in these programs. To reiterate, there are a lot of opportunities for pilot programs. I would also like to come back to what Cheryl said in the public comments, it is important for this Task Force to get results, and that means getting conservation off the ground—that is what your 2008 Action Plan is calling for.

**Darrell Brown:** Is there a central Web site that we can go to: to look for the rules that are being produced and the time schedule for the proposed rules?

**Dick Coombe:** Each agency has its own—so either the FSA or NRCS. However, I would recommend [www.usda.gov](http://www.usda.gov). We are posting on a regular basis, but that would be the one that would cover them all. If you go to this Web site you will be able to see rulemaking and policymaking evolve if you go to that Web site. I would like to mention here that I am speaking for Gary Mast, the Deputy Undersecretary. We work very closely on water issues across the country for NRCS.

**Darrell Brown:** Well seeing that there are no additional questions on the Farm Bill, once again I would like to thank Dick and Skip for their presentations. I know that is it very much a work in progress trying to put that together, and it has important implications for our Hypoxia Action Plan. We will be looking to the ongoing activities with interest. Are there any closing comments from any of the Task Force members, in terms of activities today, the Annual Operating Plan and 2008 Action Plan, or any comments in general?

**Dean Lemke:** I would like to express regrets from Secretary Northey, who planned on being here, but was called away very early this morning to go back to our state to deal with a different kind of problem—having too much water. That surplus is unfortunately headed this way as well. With this meeting and the release of the 2008 Action Plan and Annual Operating Plan, another document, as part of the Science Reassessment, is now just back from the printer and we are distributing it. It is the final proceedings from the Gulf Hypoxia and Local Water Quality Concerns Workshop held at Iowa State University in September of 2005. That was the first of the science reassessment workshops. Of note is the way that it was organized and this is put together. We approached it by identifying 14 critical questions relative to the performance of agriculture management practices. We then went to science leaders to create science panels around each of those questions. Then, we asked them the question to give us the state of the science in this area because there are a lot of variability and science research projects, due to uncontrollable counter research. Within the science community, we think this document is getting considerable traction. It is available electronically on our website, [www.umnshnc.org](http://www.umnshnc.org). We also have copies printed that we will be distributing to the Task Force, Coordinating Committee, agencies, and selected others.

**Sheryl Kunickis:** I would be remiss if I came to this meeting and did not say something on behalf of CEQ. I want to mention that last month, a letter, in response to a GAO report on cooperative conservation, was signed by the Secretaries of Agriculture and the Administrator of EPA, as well as leadership from the Departments of Interior, Defense, and Commerce, and the chairman of CEQ. The letter went to Congress, reaffirming our commitment to cooperative

conservation. As a reminder, an Executive Order on cooperative conservation was issued in 2004 resulting in a conference highlighting conservation partnerships. Of interest is the federal membership of this Task Force; it represents the same departments or agencies named in the Executive Order. In a discussion at CEQ about cooperative conservation, it was noted that the goals and objectives of the Task Force fits under the umbrella of cooperative conservation. If you look at what cooperative conservation is, it is not just doing projects, but also gathering the federal agencies together to identify and address obstacles (where possible) that keep our partners or stakeholders from putting conservation on the ground. CEQ is glad to participate and willing to help however we can.

**David Kessler:** I would just like to say how fantastic it is to have CEQ here, it really is—I hope it is a trend for the future, at all of our meetings.

## **Next Steps and Actions**

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**Benjamin Grumbles:** I would now like to turn to Darrell Brown, now for discussion of the next steps and action.

**Darrell Brown:** We have not had a lot of actions, except for the release of the 2008 Action Plan yesterday. One of the items we did agree on earlier this morning was to release the 2008 Annual Operating Plan. There were not changes to that, so it will be posted on the Mississippi Basin Website.

Next, following up of the discussion about potential change to the composition, and improving the effectiveness of the Task Force. We had good conversation on that and I think the action there is to charge the Coordinating Committee to review options for potentially changing the composition of the Task Force and improve effectiveness, and reporting back to the next Task Force Meeting on that—including discussions on change of administration and what that may mean for the Task Force.

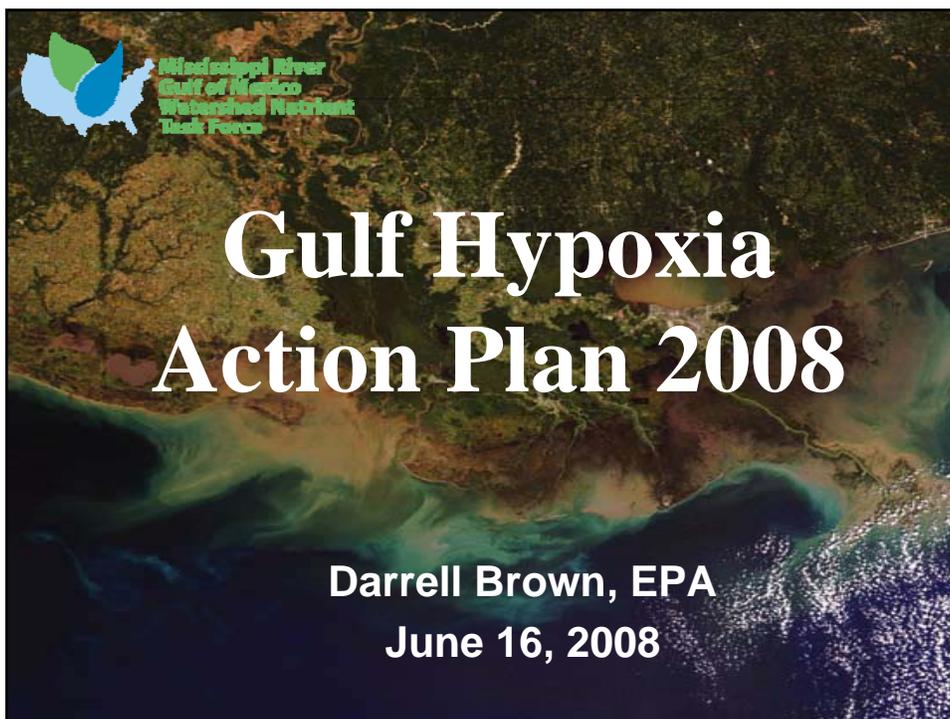
Finally, we have not had any discussions on this, but the Coordinating Committee had talked about the date and venue of the next Task Force Meeting. We were thinking of meeting this fall where we would approve the FY09 Operating Plan and have discussions on the measures to track progress. I think the Coordinating Committee will probably take a look at some of the best dates and the venue for that, unless we have some options from some of the Task Force members.

**Dave Vigh:** Darrell, I would like to reiterate a suggestion I have made in the past. We should try to convene the next Task Force meeting at, on, or involving a farm in the Midwest or upper Midwest. Let us go to where the action is at for the next meeting.

**Dean Lemke:** Related to that, I would like to repeat what Secretary Northey was earlier offering at the Cincinnati meeting—we would love to host you in Iowa at some point. Keep in mind that if you do visit a farm we should keep it seasonally appropriate. In Iowa we do have seasons, right now it is the rainy season—hopefully it will end soon. If we could make a match with the appropriate time in the growing season and when it would be appropriate, we would love to host that kind of a meeting.

**Benjamin Grumbles:** Any other members of the Task Force have any discussion on the location of the next meeting time and location? I would just like to say to all of the Task Force members, Coordinating Committee members, the staff (particularly staff at EPA), and of course the members of the public who are here with us today, thank you for making this meeting a productive one. It was a good exchange of ideas and information, and also a milestone for the Task Force with a renewed commitment to focus on implementation and the next steps. Thank you all. Safe Travels, let's all stay in touch, and see you at the next meeting.

## **Attachment A**



## Gulf Hypoxia Action Plan 2008

- Final product of 4 year reassessment
  - 4 science symposia (2005-2006)
  - EPA SAB Hypoxia Advisory Panel Report December 2007
  - 6 Task Force Meetings
  - Over 750 public comments

*Moving Forward on Gulf Hypoxia*

2



## Six Major Policy Themes

1. Acknowledge the social, political and economic changes and links to emerging issues and policies.
2. Ensure greater specificity and accountability and tie to funding strategies.
3. Track program and environmental progress.
4. Adapt to new scientific findings.
5. Maximize opportunities for stakeholder involvement.
6. Reexamine roles and responsibilities of Task Force partners.

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Gulf Hypoxia*

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## Six Guiding Principles

1. Encourage actions that are voluntary, incentive-based, practical and cost-effective;
2. Utilize existing programs, including existing state and federal regulatory mechanisms;
3. Follow adaptive management;
4. Identify additional funding needs and sources during the annual agency budget processes;
5. Identify opportunities for, and potential barriers to, innovative and market-based solutions; and,
6. Provide measurable outcomes as outlined in the three goals and strategies.

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## Improvements in the 2008 Gulf Hypoxia Action Plan

- Includes an action framework that increases accountability and specificity
- Shifts the lead for nutrient reduction strategies to the states and adds complementary Federal Strategy
- Includes conclusions from major science reassessment
- Includes communication/outreach plan to engage stakeholders
- Annual Operating Plan and Annual Report provide mechanisms for maintaining and tracking progress between reassessments

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## Next Steps: Getting Results Actions 1-3

- Actions 1-3 are the “heart” of the plan
- Three “Actions to Accelerate the Reduction of Nitrogen and Phosphorus” will have the most direct effect on the size of the zone
  - Focus on State nutrient strategies
  - Complementary Federal strategies
  - Utilize existing programs to enhance protection of Gulf and local water quality

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## Next Steps: Getting Results Actions 4-11

- Actions to Advance the Science, Track Progress, and Raise Awareness
  - Build on the adaptive management approach  
*“continual feedback between the interpretation of new information and improved management actions”*  
(2001 Action Plan)
  - Emphasize tracking progress, filling the still existing gaps in the science, and engaging our stakeholders

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## Moving Forward: Implementation

- State nitrogen and phosphorus reduction strategies
- Federal nitrogen and phosphorus reduction strategies
- Annual Operating Plans
- Annual Report

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# Gulf Hypoxia Action Plan 2008

for Reducing, Mitigating, and Controlling Hypoxia  
in the Northern Gulf of Mexico and Improving  
Water Quality in the Mississippi River Basin



Mississippi River  
Gulf of Mexico  
Watershed Nutrient  
Task Force

## **Attachment B**



# GHAP 2008 Annual Operating Plan

Darrell Brown, EPA  
June 17, 2008

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## Overview

- Purpose and drivers of Annual Operating Plan (AOP)
- FY 2008 AOP Content and description
- Preparation of 2009 Operating Plan
- Hypoxia Action Plan Annual Report

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## Purpose and Drivers

- **Short-term “roadmaps” to achieve the broader goals of the plan**
- **Recognizes need for “interim steps” to accomplish significant change**
- **Specifically implements each action in the plan**
- **Identifies critical needs and allows for strategic planning and funding**

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## FY 2008 Operating Plan Content

- **Summary of Expected Results**
- **Coordinating Committee Action Lead**
- **Implementation Plan**
  - Lead Agency
  - FY 2008 Actions
  - Milestones
  - FY 2008 Funding
  - Critical Needs

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## Operating Plan Appendix

- What is being done currently?
- Deliverables for Action #1, Action #2
  - “list of planned nutrient reduction activities by 6/15/08”
- Partial list of ongoing nutrient reduction activities
- Dynamic “living document”

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## FY 2009 Operating Plan

- FY 2009 Operating Plan due in October 2008
- Intent is that Critical Needs will migrate to fill the “Actions” column in future years
- Aid in maintaining progress and identifying funding needs
- Ties in with Annual Report

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## Annual Report

- **Purpose:** to track progress and evaluate results
- **Benefits**
  - Advance adaptive management process
  - Evaluate programs and management efforts
  - Aid in targeting future actions
  - Inform stakeholders
- **Content**
  - Snapshot of a consistent set of indicators
  - Progress on each of the 11 Actions
- **Next Steps**

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## Next Steps

- Agreement on process and release of Operating Plan
- Plan included in meeting packets and will be posted on Task Force website
- [www.epa.gov/msbasin](http://www.epa.gov/msbasin)
- For hard copies email:  
[ow-hypoxia@epa.gov](mailto:ow-hypoxia@epa.gov)

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## **Attachment C**

# Gulf Hypoxia Action Plan 2008

for Reducing, Mitigating, and Controlling Hypoxia  
in the Northern Gulf of Mexico and Improving  
Water Quality in the Mississippi River Basin



## Action Item 1

- Complete and implement comprehensive nitrogen and phosphorus reduction strategies for states within the Mississippi/Atchafalaya River Basin encompassing watersheds with significant contributions of nitrogen and phosphorus to the surface waters of the Mississippi/Atchafalaya River Basin, and ultimately to the Gulf of Mexico.



## 2008 AOP

- This year:
  - Develop “template”
  - Identify States for pilot efforts
  - Identify planned activities and funding needs
- Key Players:
  - MARB States
  - TF Federal Agencies
  - CC
  - Sub-basin Committees



## Long Term Goals

- Engage all MARB States
- Work within existing state strategies, but build upon them, and modify to incorporate N and P reduction activities in the state to reduce load to the Gulf
- Create a roadmap for each state, a vehicle for coordination with other states
- Engaging broad partnerships



## Where Will We be in 5 Years?

- Completed State Strategies
- Implementation ongoing
- Annual reports outlining the successes and showing adaptive management
- All MARB States Engaged



## Template/Strategy Development

- Where to Start? EPA's 319 Planning Guidance
  - Develop quantitative knowledge of the nature and sources of N and P state wide
  - Build on State Frameworks and Existing Watershed Plans
  - HIGH PRIORITY to Leveraged Programs

### Nine Elements:

1. Identify causes & sources
2. Estimate load reductions expected
3. Describe mgmt strategies & targeted critical areas
4. Define loading / WO success criteria or indicators
5. Describe interim, measurable implementation milestones
6. Describe load reduction / WO monitoring program
7. Describe info & education needed
8. Estimate \$\$ & sources required for implementation
9. Schedule implementation, assign tasks

## Template/Strategy Development

- Identify Existing Datasets for data mining

Examples of datasets:

- Assessment Database (ADB)
- Integrated Reporting under Sections 305(b) and 303(d) (ATTAINS)
- 2002 National Assessment Database (NAD)
- STORET
- GRTS
- Annual Coastal Condition Report
- CEAP
- USDA NASS 2002 and 2007 Farm Census
- Water Permits: PCS/ISIS (Phase 1 and CAFO permits)
- US Census data
- MS4 location data

- Engaging other State Agencies/Stakeholders



## Funding

- Farm Bill Implementation
- EPA Programs (319, TMDL)
- Each state to identify the agency, university, or organization that will best provide a vehicle for development and initial implementation
- Each will be a unique process
- AOP and Action Plan are the first step in requesting additional funds
- Think outside the Standard Box: SAB Recommendations
  - Voluntary programs – without economic incentives
  - Existing Agricultural Conservation Programs
  - Emissions and Water Quality Trading Programs
  - Agricultural Subsidies and Conservation Compliance Provisions
  - Taxes
  - Eco-labeling and Consumer Driven Demand



## **Attachment D**



## Food, Conservation and Energy Act of 2008

*Helping People Help the Land*



### **Progress : Producers have been proactive in addressing nutrient concerns within the basin.**

- From FY 2000-2006 producers in the Mississippi River basin have implemented :
  - 2.3 million acres of conservation buffers
  - 1.4 million acres of wetlands created, enhanced, or restored
  - 20.8 million acres of conservation tillage
  - 18.3 million acres of nutrient management



## Conservation Programs have:

- Improved soil quality
- Improved water quality
  - Reduced erosion/sediment
  - Reduced nutrient/pesticide leaching/runoff
- Conserved water
- Reduced damages from peak flows
- Created, enhanced, and restored wetlands
- Improved wildlife habitat
- Improved air quality



## 2008 Farm Bill Food, Conservation and Energy Act

The Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) became law on May 22, 2008

The legislation includes fifteen diverse titles, including broad provisions for conservation, energy and tax policy

Enactment of the bill followed a multiple year process of deliberation and debate yielding a final product with some but not all of the policy recommendations offered by the United States Department of Agriculture





“We have each taken an oath to faithfully execute the law, and so it is now time to end the debate, roll up our sleeves, and get to work implementing the new legislation.”

-Secretary Ed Schafer

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## Summary of FB Conservation Programs

- Conservation Technical Assistance
- Environmental Quality Incentives Program
  - Agricultural Water Enhancement Program
  - Conservation Innovation Grants
- Wetland Reserve Program
- Conservation Security Program
- Conservation Stewardship Program
- Cooperative Conservation Partnership Initiative
- Conservation Reserve Program FSA



## Conservation Technical Assistance

### Technical Assistance Under the Soil Conservation and Domestic Allotment Act

#### Section 2802

- Broadens the purpose to clarify authorities to preserve soil, water and related resources in addition promoting soil and water quality
- Defines Technical assistance as technical services and technical infrastructure.

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## Environmental Quality Incentives Program (EQIP)

EQIP offers financial and technical assistance to agriculture and forestry producers to promote agricultural production, forest management, and environmental quality as compatible goals

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## EQIP Funding

Fiscal Year	Dollar Amount
2008	\$1,200,000,000
2009	\$1,337,000,000
2010	\$1,450,000,000
2011	\$1,588,000,000
2012	\$1,750,000,000

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## Agricultural Water Enhancement Program (AWEP)

Replaces Ground and Surface Water Conservation Program

Offers financial and technical help to assist farmers and ranchers install or implement conservation practices for agricultural water conservation water quality enhancement activities

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## AWEP Funding

Fiscal Year	Dollar Amount
2008	\$0
2009	\$73,000,000
2010	\$73,000,000
2011	\$74,000,000
2012	\$60,000,000



## Conservation Innovation Grants

Program reauthorized

Emphasis on efficient and effective transfer of innovative technologies and approaches and increase participation of specialty crop producers



## Wetlands Reserve Program (WRP)

A voluntary, non-regulatory, incentive-based program that helps private landowners, farmers and ranchers protect and restore wetlands on their property



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## Conservation Stewardship Program (CSP)

CSP pays farmers who are improving conservation treatment on their working lands to encourage the continuation of farming and ranching practices that benefit soil, water, and air resources



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## CSP Funding

Fiscal Year	ACRES
2008	0
2009	12,769,000
2010	12,769,000
2011	12,769,000
2012	12,769,000

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## NEW INITIATIVES

- ✓ Environmental Services Markets
- ✓ Cooperative Conservation Partnership Initiative



## Customer Service

The Conservation Stewardship Program and the Wetland Reserve program have been made more responsive to customer needs



## Rule Making for FY2009

Rules to be completed in 90 days



## USDA Conservation Programs and the Gulf Hypoxia Action Plan

- Voluntary, Incentive-based technical and financial assistance
- Flexible to address local, watershed, and state identified priorities
- Should be utilized in support of nutrient reduction strategies called for in the Action Plan



## **Attachment E**

## **Conservation Reserve Program**

**Currently 34.7 million acres Including:**

- **30.6 million acres of General Signup CRP**
- **2.8 million acres of Continuous CRP**
- **1.1 million acres of Conservation Reserve Enhancement Program (CREP) – State Federal Partnership**
- **181,000 acres of Farmable Wetlands Program (FWP)**

## **Conservation Reserve Program In 2007 in the Mississippi Basin**

- **Reduced nitrogen runoff – 295 million lbs**
- **Reduced phosphorus runoff–66 million lbs**
- **Reduced sedimentation – 100 million tons**
- **Protected and restored 1.2 million acres of wetlands**
- **Sequestered 12 million metric tons of carbon dioxide**
- **Enhanced wildlife habitat**



## 2008 Farm Bill Conservation Reserve Program

Includes:

- **32 million acres maximum after Sept. 30, 2009**
- **Revised Pilot Program for Wetlands and Associated Buffers – (1 Million Acres)**
- **Expands CRP objectives to include “*issues raised by State, Regional, and National conservation initiatives*”.**



## CRP Initiatives

Complemented by new objective - ***State, Regional, and National conservation initiatives***

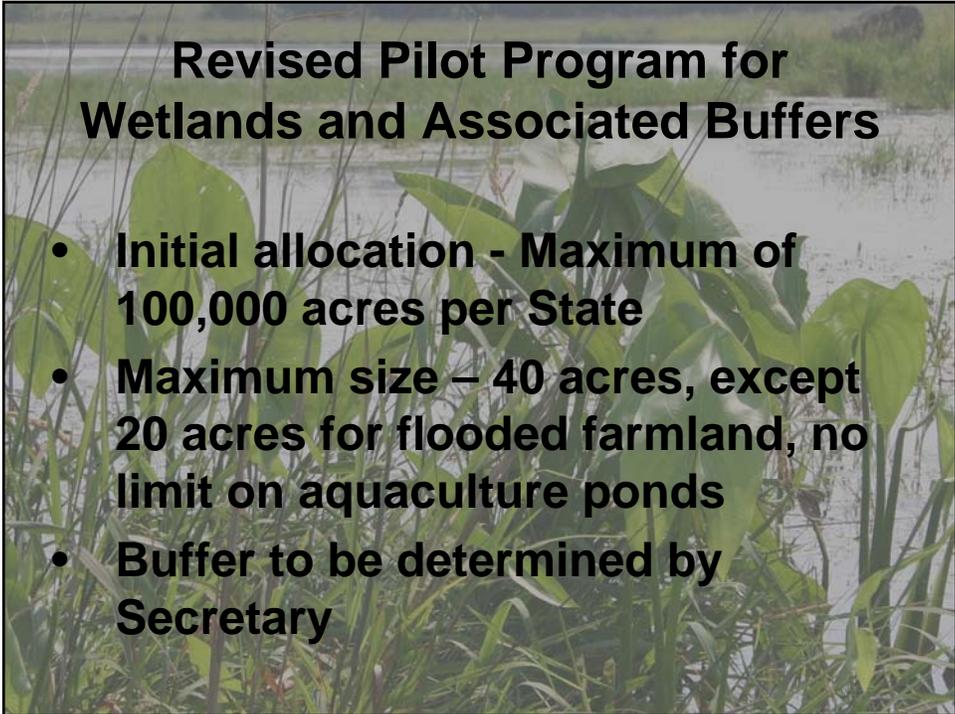
Current CRP Initiatives Include:

- **Conservation Reserve Enhancement Program (CREP) – 41 Projects in 31 States**
- **500,000 acre Floodplain Wetland Initiative – 116,000 acres enrolled**
- **500,000 acre Bottomland Hardwood Trees Initiative – 42,000 acres enrolled**



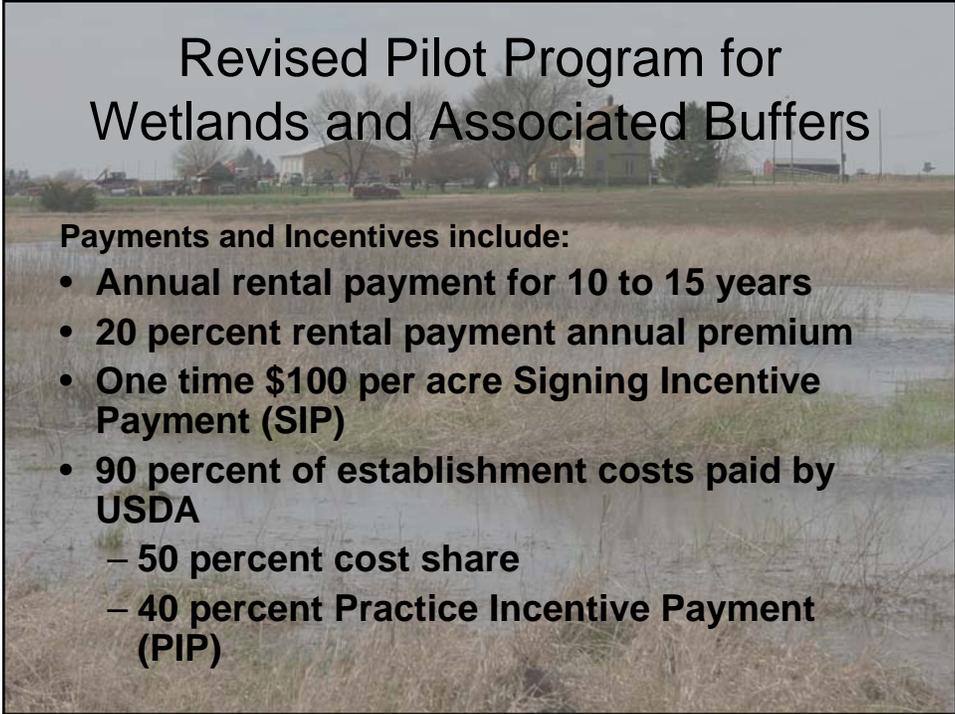
## **Revised Pilot Program for Wetlands and Associated Buffers**

- **Farmable wetlands**
- **Commercial aquaculture ponds**
- **Farmland subject to overflow from prairie wetlands**
- **Constructed wetlands for nitrogen removal**



## **Revised Pilot Program for Wetlands and Associated Buffers**

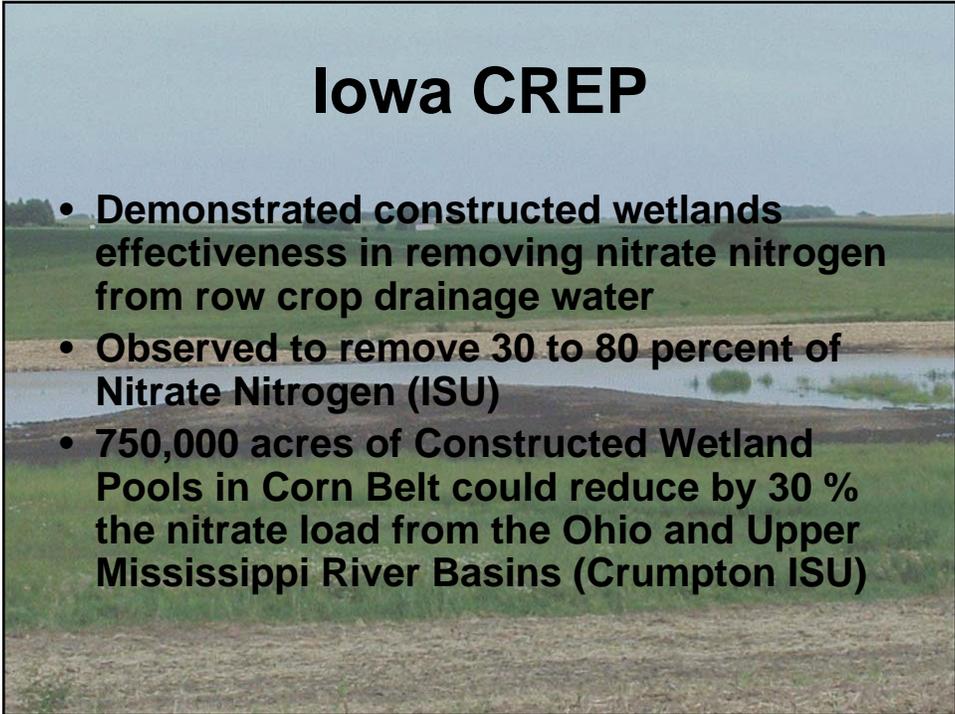
- **Initial allocation - Maximum of 100,000 acres per State**
- **Maximum size – 40 acres, except 20 acres for flooded farmland, no limit on aquaculture ponds**
- **Buffer to be determined by Secretary**



## Revised Pilot Program for Wetlands and Associated Buffers

Payments and Incentives include:

- Annual rental payment for 10 to 15 years
- 20 percent rental payment annual premium
- One time \$100 per acre Signing Incentive Payment (SIP)
- 90 percent of establishment costs paid by USDA
  - 50 percent cost share
  - 40 percent Practice Incentive Payment (PIP)



## Iowa CREP

- Demonstrated constructed wetlands effectiveness in removing nitrate nitrogen from row crop drainage water
- Observed to remove 30 to 80 percent of Nitrate Nitrogen (ISU)
- 750,000 acres of Constructed Wetland Pools in Corn Belt could reduce by 30 % the nitrate load from the Ohio and Upper Mississippi River Basins (Crompton ISU)

## Iowa CREP

### An Average Iowa Constructed Wetland

- 43 acres
- 9 acres of wetland pool – the rest is wetland buffer
- Removes 5 tons of nitrate nitrogen each year
- Treats drainage water from 1349 acres

## 2008 Food, Conservation, and Energy Act

USDA has the tools and resources needed to work with Landowners, States, and other Agencies to:

- Install constructed wetlands remove nitrogen in agricultural drainage, and
- Restore bottomland hardwood wetlands
- Restore and protect floodplain wetlands