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February 10, 2011

Wayne Bogovich  
Conservation Engineering Division  
Department of Agriculture  
Natural Resources Conservation Service  
1400 Independence Avenue, SW.  
Room 6136 South Building  
Washington, DC 20250.

**RE: Federal Register Notice – NRCS 590 Nutrient Management Standards**

Dear Mr. Bogovich,

The Utah Association of Conservation District provides the following comments regarding proposed changes to the 590 Nutrient Management Standards. We represent Utah's 38 conservation districts and are a key member of the Utah conservation partnership that has been assisting animal feeding operations in Utah.

As NRCS–Headquarters should be aware, livestock producers in Utah have been proactive for the past ten years in solving water quality impacts from animal feeding operations. They have invested considerable money to correct impacts. They work closely with conservation district technical planners, and also with NRCS staff to come up with solutions. NRCS has developed a Utah Manure Application Risk Index (UMARI) to determine where it is appropriate to put manure, even on frozen and snow covered ground. That model has worked well with no concern expressed by our State Department of Environmental Quality. Projects have been implemented at great cost to the producer, using this model to engineer the size of manure holding facilities. The UMARI model is also used to develop a Nutrient Management Plan specific to each farm.

Changes to the 590 Nutrient Management Standards could significantly impact agriculture in Utah. The proposed standard states:

*Nutrients shall not be surface applied (except under emergency provisions in accordance with State law):*

- *To frozen and/or snow-covered soils*
- *During seasons of high runoff potential*
- *During periods of winter dormancy*
- *When the top two inches of soil are saturated from rainfall or snow melt, and there is a high risk of transport of nutrients off-site*

We agree that the above conditions can be a potential threat to water quality. However, there are thousands of acres of agricultural land in Utah that, when manure is properly applied during the above conditions, offers no threat to the environment. Utah is a dry, semi-arid state. There are sometimes miles

of flat farm land between the farm and the closest stream of water, or great distances to the depth of ground water. We believe that our UMARI model is a valid way to exclude land application on fields that pose a threat to runoff into state or federal waters.

The climate and cropping practices in our area, combined with the inability to apply to frozen or snow-covered ground, has the potential to triple the storage time and capacity required by each operation. Financial investment to bring operations into compliance will strain an already stumbling economy. More tax dollars will be needed, and regardless of cost-share, many landowners could not meet their portion of the cost.

As an example, to illustrate the seriousness of what is proposed by NRCS, a 450 cow dairy with 490 acres of land available to spread manure presently uses 200 acres for winter application. The 200 acres had been determined suitable under the UMARI model. This operator, under the Utah Strategy, has improved manure holding facilities for 90 days of liquid storage at a cost of \$150,000. Under the proposed NRCS requirement this operator will have zero acres available for winter application and would need to increase liquid storage to 150 days. We estimate the additional cost to comply with the proposed NRCS 590 requirement is \$300,000.

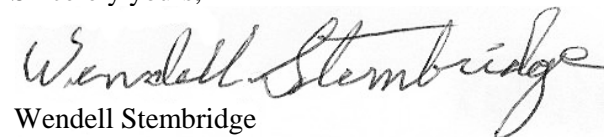
To date, in Utah, \$25 million has been spent to bring animal feeding operations into compliance. This has taken considerable time and effort by the Utah conservation partnership, including NRCS and the conservation districts. Are we now expected to inform those we have assisted and encouraged that they are now not compliant? Not only will these operators be unable to afford the additional improvements, our creditability as technical advisors will be severely undermined. The relationship and trust placed in conservation districts and producer groups in Utah has enabled our federal and state partners to achieve a highly successful level of voluntary compliance. It is unlikely that many Utah producers will be able to comply with unnecessary burdensome requirements. Certainly, the cooperation and trust built up over the past ten years will be lost.

We do not think it is necessary to apply a "global" fix when a regional, or state fix, can be applied and address a problem just as effectively. If this standard is adopted, those producers who are now in compliance with water quality rules, and have expended considerable money based on good scientific advice, will find themselves out of compliance due to unnecessary requirements.

Further, the new standard will also exclude application of manure on land that has subsurface tile drainage. Drained agriculture lands are significant food producing assets important to our citizen's livelihoods and to state and local government economies. State TMDL regulations should determine if this is a serious threat to water quality. Management of water quality from these drains should be handled on a local and state level where a working relationship exists to solve problems.

Thank you in advance for your consideration and the opportunity to comment on this important issue.

Sincerely yours,



Wendell Stembridge  
President

cc: Sylvia Gillen, NRCS State Conservationist  
Utah Congressional Delegation  
Utah Governor, Gary Herbert