

## Review of EPA WOTUS Rule Begins

The Senate Environment and Public Works Committee held a hearing April 26 to review the “Technical, Scientific, and Legal Basis of the Waters of the United States (WOTUS) Rule.” Testimony was provided both in support of and opposition to the current EPA proposal.

Support for the rule was offered by a former EPA official and the CEO of the National Wildlife Federation. Dr. Michael Josselyn of Wetlands Research Associates testified on the use of the EPA’s Connectivity Report, a review of the scientific literature on the connection between headwaters, wetlands, and streams. According to Josselyn, who served on an expert review panel to review the report, the panel recognized the concept of connectivity as a gradient, not a binary property and should “recognize variation in the frequency, duration, magnitude, predictability, and consequences” of connections. Josselyn also testified that “the EPA adopted a WOTUS rule that redefined all tributaries as WOTUS, no matter how small in volume or in frequency of flow”.

Misha Tseytlin, solicitor general for the state of Wisconsin, testified on behalf of the 30 states on record as opposing the rule as too burdensome and intruding on state’s interests.

Retired Army Corps of Engineers Major General John Peabody offered testimony on the process by which the EPA proposal was developed. While the expanded rule is most often presented as a joint work of the EPA and the Corps, Peabody spoke of the frustration of Corps officials who were largely excluded from the process. Peabody noted that “the Corps’ concerns with the factual, scientific, and legal basis for the rule text went unaddressed.” He also testified that it was “the unanimous conclusion of Corps staff that the rule as written was fatally flawed.”

A bipartisan group of senators has introduced legislation that would essentially replace the current EPA proposal. The Federal Water Quality Protection Act (S. 1140) directs the EPA and Corps of Engineers to issue a revised proposal that maintains emphasis on traditional navigable waters and giving states more autonomy to regulate waters within their boundaries.

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## Buffers Continue as Priority Issue

As the 2017 legislative session continues, Minnesota farm organizations report that buffers remain a top priority of farmers across the state. Minnesota Farmers Union recently released a report based on a series of listening sessions held across the state. Top concerns were concerns about clarity on covered public waters, local enforcement, flexibility, compensation, and urban water impacts.

You can find the full report here <http://mfu.org/files/2106.pdf>. Several other MAWRC member groups report similar concerns among their members, with helpful information available at their websites, with links available at <http://mawrc.org/about-us/>.

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## Talking Agriculture and Conservation

I frequently encourage farmers to be prepared to tell their conservation stories, and in return I get frequent calls for help in doing so. Here are just a few basic ideas.

1. Know your audience. Is the group relatively informed about agriculture? Do they want to hear about conservation on your farm, or are they more interested in policy?
2. Know your main points. Typically, an audience will have less capacity to grasp new information than you will have available, so pick out the 3 or 4 ideas you most want them to remember- then stick close to these points.
3. Stick to what you know. If you are talking about your own farm, this is straightforward. What practices work for you? How did you identify practices that work? What did it take to implement these practices? What problem were you trying to solve? Avoid comparing your farm to others. Recognize that other farmers may have addressed the same problem with a different practice. Your choice works for you, but the choices other farmers make can also be successful.
4. Be positive. Avoid the temptation to make your system more attractive by highlighting the flaws in other systems. Don't characterize previous generations as bad stewards, rather, point out how you have learned from things that didn't work so well in the past. Don't characterize your neighbors or other farmers as poor stewards. Within every subset of our industry, there are different levels of stewardship. Try some variation of "the vast majority of farmers are striving to do the best they can, and we all continue to improve every year."

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## Two Farms Added to Discovery Farms Network

Farms in Redwood and McLeod counties have joined the Minnesota Discovery Farms network. The Curt Trost farm near Wabasso produces corn and soybeans. Curt has an interest in cover crops and their impact on both surface runoff and tile drainage.

Read more about the Trost farm at <http://agwaterexchange.com/2017/03/31/meet-the-newest-discovery-farms-minnesota-participants/>.

Joe and Adam Griebe of Brownton are also new to the Discovery Farms Program. Watch for more information about their farm and other Discovery Farms information at <https://discoveryfarmsmn.org/>.

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The MAWRC is a non-profit research and education corporation comprised of 24 agricultural organizations working together to address water issues. For more information, go to [www.mawrc.org](http://www.mawrc.org).

