August 25, 2017

Larry Gunderson
Fertilizer Technical Unit Supervisor
Minnesota Department of Agriculture
625 Robert Street North
St. Paul, MN 55155-2538

Dear Mr. Gunderson,

The Minnesota AgriGrowth Council (AgriGrowth) appreciates the opportunity to comment on the Minnesota Department of Agriculture’s (MDA) proposed Nitrogen Fertilizer Rule. AgriGrowth recognizes the need to protect the state’s groundwater resources and its importance to our communities and citizens. AgriGrowth believes all involved in the business of agriculture production share a commitment to utilize crop nutrients as efficiently as possible. AgriGrowth agrees with the stated intent of the proposed rule is to help ensure that nitrogen fertilizer is being used as efficiently as possible.

Nitrogen movement in soils and its effects on groundwater are very complicated – in many cases, nitrate problems in groundwater may exist due to farming practices from a generation or two ago. New technology such as variable rate fertilizer application and advanced nutrient management practices such as the 4R nutrient stewardship principles are just two examples of continuous improvement efforts by farmers and agribusinesses to enhance nitrogen utilization and efficiencies.

AgriGrowth appreciates the acknowledgement of MDA that current adoption of recommended nitrogen practices is very high. To help continue to accelerate the adoption of recommended nitrogen management practices by farmers, AgriGrowth would urge the MDA to consider some or all the following strategies:

• Work with the University of Minnesota Extension research and education programs that focus on all elements of sound nutrient management- rate, timing, form and placement.
• Support and promote the work of industry led nutrient stewardship efforts such as the 4R principles, the Discovery Farms program and nutrient management educational events funded through grower checkoff programs.
• Support and leverage industry led initiatives and research that accelerates farmer adoption of nutrient stewardship practices through the prioritization of, and additional requests for Clean Water funds.
• As MDA is aware, a broad-cross section of agriculture and agribusiness leaders met at the behest of MDA last fall to recommend new approaches to addressing water quality challenges. Language authorizing the formation of locally based, farmer led watershed councils was passed by the legislative this past session. AgriGrowth urges MDA to consider how to help encourage the establishment these councils to help address water quality concerns, including those in sensitive groundwater areas.

AgriGrowth offers the following comments to help MDA insure that the rules developed under the Nitrogen Fertilizer Management Plan (NFMP) might reasonably expect to achieve the goal of protecting groundwater from adverse impacts of nitrogen fertilizer use.

1. **Identification of vulnerable groundwater areas**
AgriGrowth has concerns with the MDA’s proposed vulnerable groundwater area designation areas. We understand the difficulty of defining geography for purposes of a rule, given the highly variable nature of soil types and their shapes. However, in putting forth its vulnerable groundwater area map, the MDA seems to suggest that the
identification of vulnerable groundwater areas automatically implies elevated groundwater nitrate levels. We would suggest that data (i.e. well testing in potential vulnerable groundwater areas) be the key determinant that defines an area as "vulnerable". As an example, it was a great surprise to many farmers and agribusinesses to see so much of northwest Minnesota designated as "vulnerable" when the MDA has minimal well testing data to support that region for inclusion in the vulnerable groundwater area map.

AgriGrowth strongly requests MDA reconsider the thresholds for vulnerable groundwater area designations. Further, within vulnerable groundwater areas, AgriGrowth urges MDA to use field scale boundaries, rather than designation on a section by section basis.

2. MDA’s Township Well Testing Program

As it relates to private well testing, AgriGrowth recommends that the MDA’s proposed rule outlines procedures for eliminating wells affected by construction issues or a nearby non-fertilizer source. In addition, a minimum threshold of the proportion of wells tested within a township needs to be established as well as protocol for mandatory follow-up sampling.

3. Fall Application of Nitrogen

With regards to the question of defining “fall” as after August 1, we propose that MDA give consideration to late planted crops, which are becoming more common in irrigated areas, and which may require nitrogen applications into August or early September. Agronomic factors regarding the timing of nitrogen application should be considered as well. For example, a significant percentage of the nitrogen fertilizer needs for sugarbeet production are applied in the fall due to concerns over seed germination reductions when applying too high a percentage of nitrogen needs in the spring.

AgriGrowth requests the MDA allow for exceptions for phosphorus fertilizers containing small amounts of nitrogen, such as MAP or DAP, in instances where fall application is part of an overall conservation strategy to reduce soil erosion.

4. Local Advisory Teams

Throughout the development of the updated Nitrogen Fertilizer Management Plan and in the MDA’s presentations on the proposed rule, much emphasis has been placed on the involvement of local advisory teams to determine applicable nitrogen fertilizer BMP when additional mitigation steps may be required. MDA should make every effort to ensure that farmers have meaningful representation on these local advisory teams.

Thank you for your consideration of these comments. AgriGrowth looks forward to continued dialog with MDA in this rule making process.

Sincerely,

Perry Aasness
Executive Director
Minnesota AgriGrowth Council