

4.14.2022

Senate Agricultural Committee

Re: H.466

Concerns of the Vermont Vegetable and Berry Growers' Association with H.466

1. H.466 intends to mandate reporting of surface water withdrawals for irrigation by farmers, despite showing no evidence that the current regulatory system in place (so-called *de minimus* withdrawal standards, which match allowed withdrawals to the size of the watershed) is causing any harm to downstream water users or aquatic ecosystems. It also does not differentiate between small and large rivers, which have varying risks associated with withdrawals.
2. While its supporters state that this reporting requirement is solely for data-gathering, H.466 also mandates a vague and unspecified future permitting process for those using surface waters. The presence of a permitting scheme – regardless of what the data collection yields – would appear to imply increased future regulation.
3. Farmers who irrigate (mostly fruit and vegetable farmers) stand to have their water use documented at the unprecedentedly low level of 5,000 gallons/day. A garden sprinkler running for 24 hours can use 5,000 gallons of water. No state has reporting thresholds that low, with most neighboring states 4-20x higher, despite having much higher population densities and less rainfall. Commercial fruit and vegetable farms here are small and well distributed compared to other states, and Vermont is one of the wettest states in the country, so impacts of our water withdrawals are comparatively small. Drip irrigating 1 acre of vegetables for 1-2 hours will trigger a reporting requirement. This is a very small amount of water on a commercial farm.
4. Farmers who irrigate were not made aware of H.466, and the House took no testimony from any farmers when addressing the bill in December 2021. It spent only 21 days in the House, which would appear to be a very short duration for a bill that is not addressing an emergency.
5. The Surface Water Diversion and Transfers Study Group (who drafted H.466) did not include any fruit or vegetable growers, the group most likely to be affected by restrictions on surface water withdrawal regulations.
6. Unlike in arid climates, Vermont's rivers *gain* water as they flow towards outlets; we do not have a Colorado River which steadily loses volume as it flows from its mountain headwaters and down through arid lowlands. Water use is a huge issue in states like California, where irrigated deserts and short-grass prairie have been converted to crop production and are 100% dependent on large quantities of added water.
7. Vermont agriculture is rain-fed; irrigation is a supplemental – albeit necessary – input that farms use to maximize quality and bridge gaps between [typically regular] rains. It is a form of crop insurance in Vermont, and most years, Vermont farmers are contending with *excess rainfall*, not drought. Current data shows that all irrigation in Vermont uses as much water as Okemo ski resort does for snowmaking, and irrigation is spread out fairly evenly across the state.
8. Vermont irrigation is already extremely efficient, and there is no evidence of wanton waste. The majority of irrigation events in Vermont use “drip irrigation”, which is an Israeli technology that maximizes water-use-efficiency by putting the water directly on the soil, adjacent to plants.