

ENVIRONMENTAL CONCERNS FOR AGRICULTURE

BILLY KEMPFER
KEMPFER CATTLE CO.
DEER PARK, FL

ENVIRONMENTAL CONCERNS FOR AGRICULTURE MAY NOT BE THE PROPER TERM FOR THIS TALK. A MORE APPROPRIATE TERM MIGHT BE, "CAN WE SURVIVE" OR "WHO WILL SURVIVE".

THE FIRST THING MOST PEOPLE THINK ABOUT WHEN THEY HEAR THE TERM "ENVIRONMENTAL PROTECTION" IS POLLUTION. THIS TYPE OF THINKING MAY BE JUSTIFIED ON THE PART OF "NORTHERN IMMIGRANTS" WHO HAVE SEEN RAW SEWAGE AND INDUSTRIAL WASTE DUMPED INTO THEIR RIVERS AND STREAMS. AGRICULTURE IN FLORIDA HAS BEEN ACCUSED, TRIED, FOUND GUILTY, SENTENCED AND HUNG WITHOUT ANY DATA EVIDENCE EVER BEING PRESENTED AGAINST US. WE HAVE BEEN CONSIDERED TO BE THE VILLAIN IN THE BLACK HAT. WE ARE COMPARATIVELY SMALL IN NUMBERS AND FOR THE MOST PART UNORGANIZED; THEREFORE, WE HAVE BEEN EASY PREY.

THE ENVIRONMENTAL HORSE HAS BEEN RIDDEN ALL THE WAY TO WASHINGTON, D.C. BY NUMEROUS POLITICIANS, PASSING REGULATIONS, APPOINTING POSITIONS AND BOARD MEMBERS, USING BIASED REPORTS AND WHO KNOWS WHAT ALL, JUST FOR THE SAKE OF POPULARITY WITH THE VOTING PUBLIC.

AGRICULTURE HAS A GENUINE CONCERN FOR PROTECTING OUR ENVIRONMENT; IT IS OUR LIVELIHOOD AND LIFE'S BLOOD. ENVIRONMENTAL CONCERNS FOR AGRICULTURE CAN BE ENTIRELY DIFFERENT FOR DIFFERENT TYPES OF OPERATIONS DEPENDING ON WHICH AREA IS GETTING THE MOST MEDIA ATTENTION AT THE TIME. MOST OF US ARE ALREADY AWARE OF THE DEPARTMENT OF ENVIRONMENTAL REGULATIONS AND VARIOUS WATER MANAGEMENT DISTRICTS' RULES AND REGULATIONS. YOU ARE EITHER ALREADY DEALING WITH THEM, OR THEY DO NOT APPLY TO YOUR TYPE OF OPERATION. BEEF CATTLE OPERATIONS, NAMELY COW-CALF, PROBABLY ARE THE LEAST REGULATED TYPE OF AGRICULTURAL OPERATION AT THIS TIME. THE DEGREE OF REGULATION MAY DEPEND UPON WHERE YOUR OPERATION IS LOCATED. ENVIRONMENTAL RULES AND REGULATIONS ARE AN EVER-CHANGING PROCESS, KIND OF LIKE TAXES, ALWAYS INCREASING. AS TIME GOES ON, SO WILL THE MEDDLING OF THE BUREAUCRATS, TRYING TO SAVE OR PROTECT THE WORLD.

IT IS IN MY OPINION THAT A LOT OF THE RULES AND REGULATIONS, AND ESPECIALLY THE PERMITTING BEING FORCED UPON US NOW, ARE THE DIRECT RESULT OF PREDEVELOPMENT LANDCLEARING AND DRAINAGE BEING DONE UNDER THE EXEMPTION OF AGRICULTURE.

THE ENVIRONMENTAL PROTECTION AGENCY'S ENDANGERED SPECIES ACT

HAD IT BEEN INITIATED IN ITS ORIGINAL FORM, THIS ACT WOULD HAVE SET AGRICULTURE BACK FIFTY YEARS. THIS LITTLE ITEM RATTLED EVERYBODY'S CAGE. EVERY KNOWN AGRICULTURAL GROUP, ALONG WITH THE DIFFERENT STATES' DEPARTMENTS OF AGRICULTURE, GOT INVOLVED. I KNOW IT HAS COME A LONG WAY FROM WHERE IT WAS, AND HOPEFULLY IN THE END IT WILL BE SOMETHING WE CAN SURVIVE UNDER.

SURFACE WATER MANAGEMENT OR STORMWATER MANAGEMENT WE NO LONGER HAVE A DRAINAGE SYSTEM, WE HAVE A WATER MANAGEMENT SYSTEM. THE RULES AND REGULATIONS PROBABLY CHANGE HERE MORE OFTEN THAN IN ANY OTHER AREA. PERMIT REQUIREMENTS CAN CHANGE AND YOU CAN FIND YOURSELF IN VIOLATION, WHEN A YEAR BEFORE THE SAME TYPE OF PROJECT WAS EXEMPT. DO NOT TRY TO QUOTE ME IN COURT, BUT I UNDERSTAND MAINTENANCE OF EXISTING SYSTEMS IS ALLOWED UNDER STATE LAW. HOWEVER, SINCE MANY OR MOST OF THESE OLD SYSTEMS WERE PUT IN YEARS AGO WITHOUT ANY ENGINEERING AS TO SIZE OR DESIGN, THERE IS NO WAY TO PROVE THE ACTUAL ORIGINAL SIZE OF YOUR DITCH. I HAVE HEARD THAT SOME OF THE WATER MANAGEMENT DISTRICTS ARE USING THIS AS BASIS TO DISALLOW MAINTENANCE AND REQUIRE A PERMIT AS IF THE DITCH WAS NEVER THERE.

I WAS CAUGHT IN THIS TRAP LAST YEAR WHILE DOING MAINTENANCE ON MY DYKE. I WAS ABLE TO CONTINUE AFTER SHOWING THE WATER MANAGEMENT DISTRICT A PORTION OF THE DYKE THAT WAS MARL AND SHELL AND WAS CLOSE TO ORIGINAL SIZE THAT HAD NOT SUBSIDED LIKE THE MUCK DYKE. I WAS ADVISED TO GET AN ENGINEERING DESIGN AND FILE IT SO THAT IF IN THE FUTURE WE NEED TO DO ANY MORE WORK WE WILL HAVE IT.

I UNDERSTAND THE STORMWATER RULE IS TO COME BEFORE THE LEGISLATURE THIS YEAR AND WHO KNOWS WHAT WILL COME OUT OF IT, BUT I UNDERSTAND THERE WILL BE SOME MAJOR CHANGES.

STORAGE AND DISPOSAL OF HAZARDOUS MATERIALS

THIS IS AN AREA I FIND MORE AND MORE PEOPLE KNOW VERY LITTLE ABOUT. THE MAIN CONCERN FOR MOST OF US IS FUEL TANKS. THE DEPARTMENT OF ENVIRONMENTAL REGULATIONS IS REQUIRING ALL TANKS OF MORE THAN 500 GALLON CAPACITY BE REGISTERED. ANY FUEL DISTRIBUTOR FILLING NON-REGISTERED TANKS IS IN VIOLATION OF THE LAW. ONE DISTRIBUTOR HAS ALREADY BEEN FINED \$3,000 FOR FILLING A NON-REGISTERED TANK. ANOTHER THING I WAS TOLD BY DEPARTMENT OF ENVIRONMENTAL REGULATION IS THAT THEY REQUIRE TWO YEARS BACK RECORDS FOR FUEL INVENTORY.

IF YOU HAVE A LEAK AND DON'T REPORT IT, I AM NOT CLEAR AS TO HOW THEY WOULD FIND OUT ABOUT IT, BUT I UNDERSTAND IT COULD COST INTO THE HUNDREDS OF THOUSANDS DOLLARS TO REMOVE AND REPLACE CONTAMINATED SOIL. I DO NOT HAVE ANY IDEA WHAT ALL WOULD BE INVOLVED WITH THE GROUNDWATER.

ORDINARY HIGH WATER LINE

OUR RIGHT TO PRIVATE OWNERSHIP IS ON VERY SHAKY GROUND WHEN A GOVERNMENTAL AGENCY CAN COME IN AND TAKE LAND FROM YOU THAT HAS BEEN IN YOUR FAMILY FOR OVER A CENTURY, (LAND THAT YOU HOLD TITLE TO AND PAY TAXES ON) AND SAY YOU NEVER OWNED IT BECAUSE THE STATE NEVER HAD THE RIGHT TO SELL THIS LAND IN THE FIRST PLACE. HOPEFULLY, THIS WILL BE RESOLVED IN THIS LEGISLATIVE SESSION.

ENVIRONMENTAL AUDITS

ANYTIME A LENDING INSTITUTION IS INVOLVED WITH A PIECE OF PROPERTY, THE POSSIBILITY OF OWNERSHIP IS EVIDENT THROUGH FORECLOSURE. THEREFORE, IF A HAZARDOUS MATERIAL IS FOUND ON SITE, THE BANK IS RESPONSIBLE FOR THE CLEAN-UP WHICH CAN EXCEED THE VALUE OF THE PROPERTY. EVEN IF YOU ARE ONLY BORROWING

**OPERATING CAPITAL, IF AN AUDIT IS REQUIRED, IT WILL BE AT THE BORROWER'S EXPENSE.
THE COMPREHENSIVE PLAN**

OUR VALUE HAS BEGUN TO SURFACE. A COUPLE OF YEARS AGO THE TERM AG LAND PRESERVATION CAME ABOUT. WE HAVE DEFEATED THE TERMINOLOGY, BUT NOT THE THEORY.

OPEN SPACE HAS BECOME A VERY DESIRABLE ASSET TO OUR LOCAL PLANNERS. IT PROVIDES SUCH THINGS AS HABITAT PROTECTION FOR ENDANGERED SPECIES, ENVIRONMENTAL RESOURCES, RECREATION, LARGE TAX BASE, SCENIC VISTAS, AQUIFER RECHARGE AND MANY OTHERS. AS LONG AS YOU STAY IN A COW-CALF OPERATION, OR SOME OTHER LOW INTENSITY FORM OF PRODUCTION, YOU ARE PROBABLY OKAY... JUST DO NOT TRY TO GET OUT.

THE GROWTH MANAGEMENT ACT OF 1985 HAS MANDATED EVERY COUNTY AND MUNICIPALITY, LARGE AND SMALL, TO PRESENT A GROWTH MANAGEMENT PLAN. THIS IS PROBABLY THE TAPROOT FROM WHICH MOST OF OUR FUTURE PROBLEMS WILL GROW, AND WILL PROBABLY FURTHER ERODE PROPERTY RIGHTS.

IN THE STATE'S PLAN, AND IN MOST REGIONAL PLANS, AGRICULTURAL PRACTICES ARE EXEMPT OR REQUIRED TO USE SOIL CONSERVATION SERVICE'S BEST MANAGEMENT PRACTICES. THE COUNTY PLAN IS THE ONE TO WATCH CAREFULLY.

THE LANDCLEARING AND LANDSCAPE ORDINANCES ON THE LOCAL LEVEL COULD BE SO STRICT AS TO REQUIRE A PERMIT, OR EVEN DISALLOW THE MOWING OR CHOPPING OF PASTURES, LET ALONE THE CLEARING AND PLANTING OF NEW PASTURES. AQUIFER PROTECTION CAN RESTRICT OR ELIMINATE PRODUCTION IN DESIGNATED RECHARGE AREAS, WHETHER THEY FUNCTION AS RECHARGE OR NOT. IT WILL BE AT YOUR EXPENSE TO PROVE DIFFERENTLY.

WETLANDS PROTECTION ORDINANCES IN THE PLAN CAN BE MORE RESTRICTIVE THAN ON THE STATE OR DISTRICT LEVELS. LITTLE ITEMS LIKE ENDANGERED SPECIES PROTECTION; WHETHER IT BE PLANT OR ANIMAL, WILDLIFE CORRIDORS, HABITAT PROTECTION AND

NOW EVEN UPLAND PROTECTION CAN RESTRICT WHAT YOU DO IN YOUR NORMAL DAY-TO-DAY OPERATIONS. IT WOULD TAKE A 300 PAGE BOOK TO WARN YOU OF ALL THAT CAN HAPPEN. CONTACT AND MEET WITH YOUR COUNTY COMMISSIONERS AND COUNTY PLANNERS. PROVE TO THEM YOU ARE NOT DESTROYING EVERYTHING AND YOU ARE NOT JUST WAITING FOR A BIG DEVELOPMENT OFFER ON YOUR LAND. BUT YOU MUST ALSO BE CAREFUL NOT TO ALLOW THEM TO LOCK YOU INTO AGRICULTURE. THIS CAN DESTROY YOUR PROPERTY VALUE AND YOUR BORROWING POWER. REMIND THEM OF YOUR VALUE TO THE COUNTY AS OPEN SPACE, AND ABOVE ALL, YOU MUST REMAIN FLEXIBLE TO EXIST. THE MAIN THING YOU NEED TO EMPHASIZE TO THEM IS THAT AGRICULTURE CANNOT CONTINUE TO OPERATE UNDER THE SAME REGULATIONS AS DEVELOPERS, AND CANNOT AFFORD TO GET A PERMIT FOR YOUR EVERYDAY OPERATIONS BECAUSE YOU DO NOT HAVE THE REQUIRED TIME, AND CANNOT PASS ON THE INCREASED COSTS.

IN CLOSING, I WILL AGAIN SAY, GET INVOLVED! IF YOU ARE NOT A MEMBER OF FLORIDA CATTLEMEN'S ASSOCIATION AND THE NATIONAL CATTLEMEN'S ASSOCIATION, I URGE YOU TO JOIN. AGRICULTURE IN THE PAST HAS BEEN PICKED ON BECAUSE WE WERE UNORGANIZED. THIS IS NOT NEARLY AS TRUE AS IT ONCE WAS. THE F.C.A. WAS INSTRUMENTAL IN HOLDING AN ENVIRONMENTAL SEMINAR IN 1988, FROM WHICH WE HAVE GAINED A LOT OF RESPECT AND SUPPORT. THE NATIONAL CATTLEMEN'S ASSOCIATION HAS A FULL-TIME STAFF IN WASHINGTON, D.C., LOBBYING OUR INTERESTS ON THE NATIONAL AND INTERNATIONAL LEVELS. IN TALLAHASSEE, THE F.C.A. HAS PAT MCCAFFREY LOBBYING OUR INTEREST AND HELPING PROTECT US FROM AN URBAN LEGISLATURE THAT JUST DOES NOT UNDERSTAND OUR PROBLEMS. I REALIZE SOME COUNTY OFFICIALS ARE ALSO OF AN URBAN NATURE AND HAVE TURNED A DEAF EAR TO AGRICULTURE. THIS JUST MEANS THAT ON THE LOCAL LEVEL YOUR JOB IS GOING TO BE A LITTLE TOUGHER. I AGAIN STRONGLY URGE YOU... GET INVOLVED AND BE INFORMED.

