

NYS Soil & Water Conservation Committee
1 Winners Circle, Albany, NY 12235 – Telephone (518) 457-3738

STATE COMMITTEE MEETING

May 20-21, 2002 – Utica, NY

Present, May 20, 2002: P. Griffen, D. Hill, C. Yunker, R. Aman, G. Proios, Voting Members; R. Kaplewicz, Director; M. Latham, Staff; J. Rusnica, R. Zimmerman, DAM; P. Black, SUNY-ESF; S. Pacenka, NYSWRI Cornell; G. Chartier, DEC; J. DelVecchio, USDA-NRCS; A. Cartin, NYACD; L. Travis, NYSCDEA.

Call To Order

Meeting convened at 7:15 p.m.

Review Minutes

D. Hill moved to approve the April 2002 minutes; seconded by R. Aman. Motion passed; carried.

Introductions were made. J. DelVecchio, new NRCS State Conservationist, was welcomed back by P. Griffen and the rest of the group.

Correspondence – R. Kaplewicz, M. Latham

Reports and newsletters were made available for attendees to read and request copies:

Reports & Newsletters

1. Section-by-Section Summary of Title II of the Farm Security and Rural Investment Act (Farm Bill) of 2002 (includes some provisions of Title VIII and IX).
2. NACD, two page summary of the provisions of the conservation title, as well as brief summaries of various provisions in the forestry and energy titles, May 6, 2002.
3. NRCS, Preparation for Implementation of the Farm Bill, March 7, 2002.
4. New York Field Crops and Soils, What's Cropping Up?, Volume 12, Number 2, March-April, 2002
5. NASCA Update, April 2002.
6. NACD Conservation Briefs, Volume 13, No. 8 April 10, 2002.
7. NACD Conservation Briefs-Volume 13, No. 10 May 10, 2002.
8. Soil and Water Conservation Society, Empire State Chapter Newsletter-Volume 55, No. 1 April 2002.
9. NRCS Buffernotes, April 2002.
10. Finger Lakes Nonpoint Source Pollution Control Program 2001-2002 Summary Report.

Conferences & Seminars

1. What You Need to Know About Public Records and Open Meetings in New York, Albany, NY, July 25, 2002.
2. Stream Bioassessment Institute 2002, August 12-16, 2002, NYS DEC Pack Demonstration Forest, Warren Co., NY.
3. Soil and Water Conservation Society, 57th Annual Conference, July 13-17, 2002, Westin Hotel, Indianapolis, Indiana.
4. The Foundation, New York Farm Bureau Golf Classic, Thursday, September 5, 2002, Cornell University, Ithaca, NY.

Organizational Issues-P. Griffen

Election of Officers

P. Griffen requested that R. Kaplewicz assume temporary Chair of the meeting until the election of new officers is complete.

C. Yunker moved to accept P. Griffen's resignation with great appreciation for his years of service; seconded by D. Hill. Motion passed; carried.

D. Hill thanked P. Griffen for his service toward establishing the NYC Watershed Program.

C. Yunker moved to nominate D. Hill as Chair of the New York State Soil and Water Conservation Committee; seconded by G. Proios. D. Hill accepted the nomination. Herein there were no other nominations. Motion passed; carried.

D. Hill assumed responsibilities as chair.

R. Aman moved to nominate C. Yunker as Vice Chair of the New York State Soil and Water Conservation Committee; seconded by P. Griffen. C. Yunker accepted the nomination. Herein there were no other nominations. Motion passed; carried.

Critical Policy Issues/Agenda Development

A list of proposals regarding State Committee meeting structure and proceedings was distributed. The goal is to better utilize available meeting time for the purpose of enabling the SWCC members to play a greater proactive role in the development of policy and programs that support SWCDs.

Discussion ensued regarding the State Committee meeting structure, which included streamlining the amendment process for Ag. NPS Abatement and Control grants and the need to provide the program with policy direction and support.

C. Yunker stated that the goal is not necessarily to shorten the meeting length, but make wise use of the time available in order to expand discussions. He concurs with the presented items and supports applying them where appropriate.

Discussion continued about policy issues, which included developing motions in advance to save time, presenting region reports to improve information exchange throughout the state, and developing a meeting facilitation procedure.

The general opinion was to begin implementing the new proposals where appropriate in order to commit time for important policy discussion

Other Matters

G. Proios expressed the need to improve dialogue with the Department of Environmental Conservation-Division of Water (DEC-DOW) on stormwater management and Phase II regulations.

P. Black agreed with G. Proios and added that an ad-hoc committee on Stormwater may prove valuable.

R. Kaplewicz will place a review of the strategic plan as a June agenda item.

Principals Meeting-All

R. Kaplewicz stated that he contacted several hotels in Ithaca including the Best Western and the Holiday Inn. It appears the October 15-16th date is not available. September 16-17 and November 12-13 are open. He expressed the need to develop an agenda.

D. Hill asked if it would be appropriate to invite the principals to a State Committee meeting to discuss what role the State Committee can play in their programs.

L. Travis asked what the State Committee's expectations are for the Principals Meeting. Are we looking to promote the State Committee, or are we looking to fill a need for the Principals?

J. DelVecchio commented on the need to involve the principals when an issue is brought up by the State Committee that directly relates to the principals' priorities.

G. Proios expressed the need to convene a Principals Meeting so that they can have the opportunity to meet the new members serving on the State Committee.

C. Yunker said he would be glad to talk to Dean Susan Henry of Cornell and encourage her attendance at the meeting.

R. Zimmerman offered a list of items that should be considered when planning this meeting

1. Postpone the date by a few months.
2. Create an attractive event to encourage their attendance.
3. Dinner, tour out in the field.
4. Something to perk their interest.
5. Need to allow the principals ample time to speak.

J. DelVecchio noted that an annual letter to the principals might be a useful communication tool.

G. Proios said that he would like to inquire about the principals' needs to determine their priorities.

C. Yunker moved to recess the meeting until 8:30 a.m., May 21, 2002; seconded by R. Aman. Motion passed; carried.

The meeting adjourned at 9:10 p.m.

Present, May 21, 2002: D. Hill, Chair; P. Griffen, C. Yunker, R. Aman, G. Proios, Voting Members; R. Kaplewicz, Director; M. Latham, E. Dodd, J. Ten Eyck, Staff; J. Rusnica, S. Collins, R. Zimmerman, R. Christensen, NYSDAM; L. Miller, Dutchess SWCD; B. Silvestri, B. Steinmuller, Schenectady SWCD; P. Black, SUNY-ESF; S. Pacenka, NYSWRI Cornell; K Czymmek, Cornell-CCE; G. Chartier, DEC; A. Perez, J. DelVecchio, R. Lewis, USDA-NRCS; A. Cartin, NYACD; L. Travis, K. Lewis, NYSCDEA; L. Hurtgen, Farm Bureau; J. Herring, NYSDOS; Ron Entringer, NYSDOH.

Call to Order

Meeting reconvened at 8:35 a.m.

Principals Meeting Continued- All

D. Hill suggested that the scheduling of the Principals Meeting for the fall does not allow adequate preparation time.

R. Kaplewicz suggested that we plan the meeting for next spring. He looked to the Committee for guidance.

Discussion ensued regarding the need to put together an exceptional agenda to encourage the principals' attendance. Among the items discussed was the need for advisory members' recommendations for site visits.

R. Kaplewicz suggested that we continue the discussion at the June State Committee meeting, or develop a subcommittee to head up this effort.

R. Zimmerman agreed with the idea of forming a subcommittee to handle the details of the meeting, however, feedback from the rest of the State Committee members is encouraged.

A subcommittee was formed to handle the details of the Principals Meeting. The State Committee members that expressed interest to serve on this subcommittee include:

1. R. Zimmerman
2. K. Czymmek
3. K. Porter
4. G. Proios

The subcommittee will meet and develop recommendations for the full Committee.

Internship Program for New York State Water Resources Management- S. Pacenka
S. Pacenka, on behalf of K. Porter, Director of the New York State Water Resources Institute, asked for the State Committee's endorsement for the Professional Internship Program for New York State Water Resources Management. The proposed award amount is \$125,000. This amount will initially fund 10 interns to work on 10 selected priority projects at an expected cost of \$10,000 per internship (\$8,000 in stipendiary and travel costs, and \$2,000 to defray faculty project costs).

The goals of the internship program include:

1. Provide water resource projects conducted through County Soil and Water Conservation Districts (SWCDs) and partnering County Water Quality Committee Coordinating Committees (CWQCCs) with high quality short-term staff resources and to provide a demonstrable and documented professional training experience for the interns.
2. Recruit New York State graduates to the State's food and environmental professions.
3. Engage NYS academic resources in SWCD and County Water Quality Committee activities through shared linkage with interns and their faculty.

J. Herring noted that he would like assessment and evaluation to be added to the list of potential internship projects on the second page of the document. He followed by asking if the program would be open to private colleges.

S. Pacenka responded that the program would be open to any higher education institution within New York State.

The intern program will be managed under the inter-agency auspices of the NYS SWCC and the New York State Water Resources Institute. Other sponsors in the program will be the Upper Susquehanna Coalition, the DEC Hudson Estuary Program, and the DEC Water Education for Teachers Program (WET). Operational guidance for the project, selection and assignment of interns and program review would be administered through a SWCC Intern Management Subcommittee. There is already an existing WRI/DEC Annual Grants Program Committee (AGPC) that could be augmented.

The AGPC compiles the applications from prospective interns and the applications for projects from the County agencies. Projects would be selected according to the availability of funds and interns matched according to qualifications and to the selected projects. The County agencies may offer their own funds to participate in the program and to that extent the program becomes self-funding. Final selection and appointment then can be made in consultation with the County agencies.

G. Proios moved to offer the State Committee's endorsement for the Professional Internship Program for New York State Water Resources Management; seconded by R. Aman. Motion passed; carried.

Agricultural NPS Abatement & Control Grant Program- E. Dodd

STATUS OF ROUNDS I-VIII

Of 275 projects, 128 are active and 147 are complete. In the past 2 months, 12 projects have been closed out. Of the 36 Round VIII projects, 24 are fully executed. Plans of work have not yet been submitted for 5 projects and are now past due. There is still one pending contract in Round VI and one in Round VII.

ROUND IX RFP

A ranked list was approved by the State Committee on 4/16/02. Awards will be made when funding is made available.

ROUND X PREPARATION

The Technical Advisory Committee will meet on **6/5/02** to discuss the Round X RFP and other grant program issues. The meeting will be at **10:00 a.m. in Cortland.**

AMENDMENT REQUESTS

Amendments

1. Essex Co. SWCD – Five Mile Creek – Round VI (C700043)
Request: Change BMPs on one farm, reduce funds requested accordingly.
Reason: Site conditions and compliance with CNMP.
Previous amendments: One time extension.

C. Yunker moved to approve the amendment; seconded by G. Proios; Motion passed; carried.

Changes to Plans of Work

1. Orleans Co. SWCD – Johnson & Oak Orchard Creek WS Grazing Initiative – Round VIII (35-1)
Request: Change two landowners.
Reason: Two landowners withdrew.

G. Proios moved to approve the change; seconded by C. Yunker; Motion passed; carried.

2. Yates Co. SWCD – Seneca Lake Tier IV Implementation Grant – Round VIII (58-1)
Request: Change BMPs on two farms.
Reason: Changes in funding needs.

C. Yunker moved to approve the change; seconded by G. Proios; Motion passed; carried.

Staff Approved Amendments

1. Tompkins Co. SWCD – E. Susquehanna Basin Mgmt. Intensive Grazing – Round VII (C700658)
Request: Replace four landowners with five new ones.
Reason: Landowners no longer able to participate.
Approved by J. Schumacher on 4/29/02 and 5/9/02.

Correction to Previous Amendment

1. Dutchess Co. SWCD – WFP on 8 Farms in Wappingers and Ten Mile WSs – Round VII (C700629)

In March, an amendment request to replace a landowner in this project was mistakenly listed under contract C700564.

E. Dodd distributed a draft Ag. NPS Abatement and Control Amendment Request Form that could be used by Districts to formalize and expedite the amendment process. Dodd also passed around a sample Final Report for the Committee's information.

R. Kaplewicz stated that \$11.5 million has been allocated for the EPF for FY 01-02 and 02-03 combined. It has not yet been determined how much will be made available for Ag. NPS Round IX through EPF and Bond Act.

G. Chartier noted that the potential contract concerns listed in the latest ranked list should be addressed now that funding is secured for Round IX. Dodd responded that this process had begun.

R. Zimmerman mentioned the need to develop a protocol for Round X on dividing funding between planning and implementation grants.

E. Dodd responded to both Zimmerman and Chartier that their concerns will be on the agenda for the June 5th Technical Advisory Committee Meeting.

Agricultural Environmental Management (AEM) Subcommittee Reports-Staff AEM Steering Committee

J. Ten Eyck distributed a report highlighting the issues of the Certification Subcommittee.

Certified Planner Status: 22 CNMP Planners have been certified, 19 through 3rd Party Vendor process and 3 through NRCS Job Approval Authority. The breakdown on the 19 3rd Party Vendors is as follows: 13 private sector, 4 SWCD, 1 CCE and 1 NYS DAM. Twenty-nine Conditionally Certified Planners have submitted at least one plan for review. The subcommittee has extended the deadline for Conditionally Certified Planners trained in 1999 and 2000 to submit 3 CNMPs for review to October 1, 2002. The subcommittee does not anticipate granting any further extensions.

CNMP Quality Control Spot-Checking Pilot Program will be launched this summer. Three Certified Planners have been asked to submit the names of all facilities they have prepared CNMPs for. One CNMP per planner will be selected at random to be presented by the planner to an inter-agency review team on site. The review team will examine the use of the planning process, the use of NRCS Standards and, how well the plan fits the farm. The team will provide comments to the planner, and the team will mentor the planner through any deficiencies.

Planner Liability: This issue continues to be a concern for private sector planners and is preventing some Certified/Conditionally Certified Planners from actively developing plans. The subcommittee is looking into private coverage similar to what SWCDs provide to Certified Professionals in Erosion and Sediment Control.

Discussion ensued regarding the planner liability concern. The CNMP workload is so great that it cannot be done without the private sector's participation. It was mentioned that the private sector is outside of the legislation that protects civil service employees. It was agreed upon that insurance companies must be contacted to determine their level of interest in providing liability coverage for this growing market. The Farm and Family insurance firm may be a contact for this liability concern. L. Hurtgen told the committee that their interest might be limited due to the lack of a sizable market. C. Yunker reiterated the importance of absolving the planner's risk of liability. In doing so we may be able to increase the level of participation from the private sector.

G. Proios suggested that a conference call meeting be set up involving interested committee member advisory members, Farm Bureau, and a few selected planners to discuss options and alternatives to address the liability issue.

Outreach Subcommittee

B. Silvestri told the Committee that the Outreach Subcommittee identified the need to reach out to farm neighbors and local governments on what is being done to have the agricultural industry meet their environmental responsibilities in New York State.

B. Silvestri told the Committee that Commissioner Nathan Rudgers (DAM) and Commissioner Erin Crotty (DEC) held a press conference in Suffolk County on May 1, 2002 to highlight the successes of AEM on Long Island. They applauded Long Island's environmental stewardship practices and Suffolk County's AEM Stewardship Committee for adapting the AEM program to fit their agricultural diversity and distinctive environmental setting.

B. Silvestri also told the Committee that AEM in the Keuka Lake Watershed has been highlighted on the *U.S. Environmental Protection Agency's (EPA) Success Stories* web page. The web page is intended to recognize innovative, successful programs that have an overall positive impact on watershed health. The site can be accessed at:
www.epa.gov/owow/nps/Section319111/NY.htm.

R. Zimmerman mentioned that a discussion was led by B. Steinmuller on the AEM Tier V evaluation process. He noted that many SWCDs are at the stage in AEM where they need to revisit the farms within the watershed and evaluate the program's impact. The AEM Steering Committee will develop a recommendation to the State Committee on how to proceed with Tier V evaluation.

Farm Bill Update-A. Perez, J. DelVecchio

J. DelVecchio advised the Committee that the Farm Bill has been signed into law and is now known as the Farm Security and Rural Investment Act of 2002. He further advised the Committee that there is no appropriation to date. He told the Committee to use caution when disseminating information regarding allocations. The final word on how much money New York is expected to receive should come within the next two weeks. DelVecchio added that the funding for the Act comes not from congressional appropriations, but from the Commodities Credit Corporation. The budget agreement through the Commodities Credit Corporation is for a total of ten years, six years from the Act itself and four "out years" that will continue the funding through Fiscal Year 2012.

Perez distributed a folder of informational handouts that can all be accessed on the web at www.nrcs.usda.gov/programs/farmbill/2002. The Farm Security and Rural Investment Act of 2002 has 10 major conservation provisions that include:

- Environmental Quality Incentive Program
- Ground and Surface Water Conservation
- Agricultural Management Assistance
- Wildlife Habitat Incentives Program
- Farmland Protection Program
- Small Watershed Rehab
- Conservation Reserve Program
- Wetland Reserve Program
- Grassland Reserve Program
- Resource Conservation and Development

R. Zimmerman noted that the increased level of funding in this year's Farm Security and Rural Investment Act will help in delivering AEM in NYS.

A. Perez agreed and said that there is no doubt that New York will receive more money for EQIP to complement the efforts of AEM.

K. Lewis stated that EQIP and AEM are integrated programs at the district level. EQIP has been a major cost-sharing resource that has helped the Districts deliver AEM to producers. With this increased level of funding AEM has a greater potential to reach more producers.

Discussion ensued regarding SWCD's as 3rd Party Vendors. In the past USDA has been the primary provider of technical assistance to conservation program participants. It will become increasingly difficult to meet the increased demand for technical services as financial assistance

increases over the life of the Farm Bill. To meet this demand, assistance from third party providers will be needed. J. DeVecchio assured the Committee that there is specific language within the Act that establishes the possibility of contracting with Districts as 3rd Party Vendors. Section 204 (f) states that the "Secretary may also enter cooperative agreements with state, local, and nongovernmental groups to provide technical assistance."

D. Hill thanked J. DeVecchio and A. Perez for their informative report and encouraged the Committee to take it home and look it over.

Pesticide Amnesty Program-G. Proios

G. Proios introduced a resolution to establish a state sponsored Pesticide Amnesty Program. The resolution states that a key element to successful pesticide collection programs is on going state financial support. This resolution urges the Governor and state legislature to provide funding on an annual basis for counties to participate in and sponsor pesticide cleanup (amnesty) days within their counties.

Discussion ensued regarding the language of the resolution. The resolution could be reworded to clarify the potential danger resulting from improper use and storage of chemicals. It was also suggested that the definition be expanded to include universities and other institutions in addition to agricultural operations.

C. Yunker encouraged the State Committee to adopt a modified version of the resolution.

R. Kaplewicz suggested that an alternative draft be developed and emailed to the Committee to expedite the approval process at the next meeting.

Other Reports and Comments-All

Approve SWCD Annual Work Plans

C. Yunker moved to approve the work plans for Washington, Jefferson, Albany, Schuylar, and Chautauqua Counties; seconded by R. Aman. Motion passed; carried.

Committee Reports

L. Travis advised the Committee that the New York State Conservation Districts Employees' Association (NYSCDEA) approved a resolution at their last meeting to encourage the regular and consistent funding of AEM planning statewide. The NYSCDEA would like to see these activities funded through non-competitive, secured funding sources.

R. Kaplewicz agreed that the State Committee should start the dialogue on how to deliver funding to carry AEM to the next level.

R. Zimmerman noted that now is the time to start to discuss this issue bringing DAM to the table to develop a formalized recommendation.

K. Czymmek recommended that the Committee develop a policy for the Ag. NPS grant program regarding dividing planning and implementation, and regarding awards for innovative/demonstration projects.

A. Cartin told the Committee that they are welcome to submit resolutions to the New York State Association of Conservation Districts (NYACD) by July 1, 2002 for consideration at the annual meeting. She also advised the Committee that the budget has passed and that the Districts can expect full reimbursement funding for this year as well as last year.

R. Zimmerman reiterated the concern of how soft money (EPF) grants will serve AEM in the future. He added that it is incumbent upon the Committee to think creatively, to explore and develop alternative funding sources. *He also asked the Committee members to put a list together of what their respective organizations and agencies are doing in efforts related to the State Committee.*

P. Black told the Committee that the New York chapter of the American Water Resources Association's regional meeting was held in April. The AWRA is electing a new slate of officers. The AWRA International Congress on Watershed Management for Water Supply Systems will be at the Millennium Hotel New York Broadway from June 29th to July 2nd, 2003. The first meeting of the Organizing Committee will be June 7th, the major product of which will be the Call of Papers. For more information contact: www.awra.org. Black inquired about the State Committee's level of interest with this project.

R. Christensen took the opportunity to personally thank P. Griffen on his years of dedicated service and his work in establishing the New York City Watershed Program.

P. Griffen thanked everyone and expressed his appreciation for all of the work that the Committee has done.

S. Pacenka passed R. Kaplewicz a list of agenda items to be considered for future State Committee meetings. He also announced a meeting to discuss a pilot program in Cortland County that focus in surveying upstate NY will water for pesticide contamination.

G. Chartier told the Committee that the DEC-DOW is under a mandate to deliver the Stormwater Phase II Program, which will take a prolonged effort over the next 10-15 years. The DOW will be requiring a commitment of support and input from the State Committee on this matter. He added that SWCDs will have a major role to play in this. *It was suggested that this issue be addressed at the June or July State Committee meeting.*

R. Kaplewicz told the Committee that the MOU with the DEC was signed on April 19, 2002. He added that three members of the Committee were approved to attend the National Association of Conservation Districts (NACD) Northeast meeting and the National Association of Soil Conservation Agencies (NASCA) annual meeting in Dover, DE in August.

D. Hill told the Committee that the next meeting is scheduled for June 18th to be tentatively held in Walton, NY.

Meeting adjourned at 12:15