

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

STATE COMMITTEE MEETING

July 16, 2002 – Albany, NY

Present: D. Hill, Chair; R. Aman, G. Proios, Voting Members; R. Kaplewicz, Director; M. Latham, Assistant Director; E. Dodd, Staff; R. Zimmerman, S. Collins, J. Rusnica, DAM; B. Silvestri, B. Steinmuller, Schenectady SWCD; P. Black, SUNY-ESF; G. Chartier, DEC; R. Lewis, T. Goddard, A. Perez, USDA-NRCS; L. Travis, NYSCDEA; J. Herring, NYSDOS; R. Entringer, P. Kaczmarczyk, NYSDOH; A. Cartin, NYACD; K. Speanburg, M. Rodd, A. Persaud, SWCC Intern, R. Brower, Essex SWCD; L. Hurtgen, Farm Bureau.

Call To Order

Meeting convened at 10:17 a.m.

Review Minutes

R. Aman moved to approve the June 2002 minutes with corrections submitted by P. Black; seconded by G. Proios. Motion passed; carried.

Introductions were made. R. Kaplewicz introduced interns, Alicia Persaud, Katie Speanburg, and Marigrace Rodd to the State Committee. He advised the Committee on the excellent work that they are all doing. A. Persaud is developing a relational database to track Ag. NPS Abatement and Control projects; K. Speanburg is assisting B. Silvestri with AEM visual communication reports and brochures; and M. Rodd is assisting M. Latham with the compilation and development of comprehensive Mini-Grant reports.

Correspondence – R. Kaplewicz

Letters & Memos

1. NACD Memo to State Association Presidents and Executives, from Gary Mast, regarding the Development and Implementation of Farm Bill Conservation Programs-June 28, 2002.
2. From the NYS DEC to Interested Applicants announcing the availability of State Assistance grants from the New York Great Lakes Protection Fund (NYSGLPF) for research projects that will protect, restore and improve the health of NY's Great Lakes-July 17, 2002.
3. From NACD President, J. Read Smith, to Conservation District Leaders regarding the opportunities that bioenergy could provide for agriculture and conservation, with attached report-June 25, 2002.
4. From Dean Susan A. Henry, Ph.D., Cornell University, to Ronald Kaplewicz advising Mr. Kaplewicz that a new designee will be appointed by the end of August-July 2, 2002.
5. From Sandy Huey, NYS Envirothon Committee Chairperson, to Ronald Kaplewicz, letter of thanks for the State Committee's support to the NYS Envirothon to help fund the program that took place on May 29th-30th, 2002 at SUNY Cobleskill- June 11, 2002.
6. From Tyrone Goddard, NYS Soil Scientist (NECSSC Co-chair), to Ronald Kaplewicz, letter of thanks for his participation as a speaker at the Northeast Cooperative Soil Survey Conference-July 3, 2002.
7. From Sherry Forgash, NYS Envirothon Funding Committee, to Ronald Kaplewicz, letter of thanks for the NYS SWCC and Ag. & Mkts. contribution in support of the State Envirothon-July 12, 2002.

Reports & News Letters

1. **NACD Conservation Briefs, Interior Funding Bill Clears Senate Approps. Committee, House Panel Passes Fiscal '03 Agriculture Bill, Third Party Vendors Effort Moving Forward**-July 5, 2002.
2. **NACD Conservation Briefs, NACD Moves Out on Farm Bill Implementation, Third Party Vendors Rules Taking Shape, ESA Hearings Held**-June 21, 2002.

3. **CDEA News**, *Out of the Blue: regarding ag. and non ag. project funding difficulties*-June 2002.
4. **NASCA Update**, *regarding the numerous opportunities to address natural resource needs through the Farm Bill*-June 2002.

Conferences & Seminars

1. **NYS GIS 2002**, 18th Annual Conference, October 10-11, 2002, Holiday Inn, Liverpool, NY.

Agricultural NPS Abatement & Control Grant Program-E. Dodd

E. Dodd distributed copies of the current status report.

STATUS OF ROUNDS I-VIII

Of 275 projects, 126 are active and 149 are complete. Of the 36 Round VIII projects, all plans of work have been submitted, and 25 contracts are fully executed. There is still one pending contract in Round VI and one in Round VII.

ROUND IX

SWCDs whose projects ranked 1-50 were asked to submit information to address the potential contract concerns listed on the Round IX ranked list. Most responses have come in and are being reviewed.

AMENDMENT REQUESTS

Change to Plan of Work

1. Schuyler Co. SWCD – WS Protection in 2 Subwatersheds of Seneca Lake – Round VIII (45-1)
Request: Add an additional BMP within the funds already budgeted for BMPs.
Reason: Additional need identified since proposal was submitted.
Previous changes: 1 change to scope.

G. Proios moved to approve the change to the plan of work; seconded by R. Aman. Motion passed; carried.

Amendments

1. Chautauqua Co. SWCD – French Creek Water Quality Improvements – Round VI (C700596)
Request: Reallocate funds from personnel and engineering services to BMP implementation.
Reason: Cost estimates for waste storage are higher than expected.
Previous amendments: 1 time extension.

R. Aman moved to approve the amendment; seconded by G. Proios. Motion passed; carried.

2. Washington Co. SWCD – White Creek/Salem Aquifer AEM Implementation – Round V (C700039)

Request: No-cost time extension from 3/31/02 to 3/31/03.
Reason: Delays caused by flood-related damage.
Previous amendments: 1 time extension; 2 changes in scope.

G. Proios moved to approve the amendment; seconded by R. Aman. Motion passed; carried.

Staff-Approved Amendments

1. Tioga Co. SWCD – Rotational Grazing Implem.: Owego & Catatonk Creek WS – Round VI (C700609)

Request: Change landowner for one BMP.
Reason: Financial problems prevent original landowner from completing BMP.
Approved by J. Schumacher, 6/21/02.

Policy Determinations

Demonstration Projects-

- Demonstration projects could be useful in introducing proven technology into new geographic areas.
- Demonstration projects could be eligible for Ag. NPS funding, provided they fit within a BMP listed in the Ag Management Practices catalog. Projects cannot combine planning and implementation, according to current grant program rules.
- Research and development projects are not eligible through the Ag NPS program (though there are other programs that can fund R&D activities).
- If demonstration projects are a high priority for the State Committee, this could be reflected in the ranking criteria for Round X.

→ *Does the State Committee want demonstration projects to be eligible for Ag NPS funds?*

→ *Should priority be given to these projects when ranking them against other implementation projects?*

R. Kaplewicz advised the Committee that the Technical Advisory Committee (TAC) recognizes the need to be innovative and responsive to new technologies. It is important to make a commitment to demonstration projects for Ag. NPS funding.

R. Entringer told the Committee that demonstration projects may have a proven water quality benefit, but farmers may not be convinced that they are economically feasible.

J. Herring noted that the Committee may not want to fund a project simply because it is new if it is not the best suited for the site. He added that District Managers know the farms and they are responsible to state in the grant what the best technology is to apply to the site. L. Travis replied that the current rules of the RFP allow District Managers to stress the importance of an innovative project in the narrative section of the grant application.

G. Proios expressed the importance of pilot projects that have research implications. It was noted that R&D projects are not eligible for Ag. NPS funds. Grants are limited to practices that are proven and listed in the Ag. Best Management Catalogue (though there are other programs that can fund R&D activities).

J. Herring said that demonstration projects are already eligible under the current grant rules if they are technologically appropriate. He added that the issue is whether the Committee wants to give priority to demonstration projects when ranking them against other implementation projects.

P. Kaczmarczyk noted the value in demonstrating cost efficient management practices (forage systems, etc.) to reduce the demand for concrete and metal construction projects.

R. Kaplewicz mentioned the possibility of funding for innovative projects through the Farm Bill.

E. Dodd suggested Farmland Viability Grants and NYSERDA might be possible funding partners.

G. Chartier noted that manure management practices have become highly mechanized and he agreed that the State Committee should partner with technical organizations and academia to ensure the success of projects.

R. Kaplewicz added that proposals may receive higher priority if they involve other partners.

R. Aman, speaking on behalf of farmers, told the Committee that many farmers are looking to what other farmers are doing and are open to new technologies.

Discussion continued regarding the need to promote appropriate, innovative demonstration projects.

While innovative projects will continue to be eligible, the Committee decided that no extra points will be awarded for demonstration projects.

G. Proios moved to revise the RFP, to encourage Districts to identify innovative projects that could be demonstrated in their region; seconded by R. Aman. Motion passed; carried.

Expansion-Related BMPs

- BMPs are sometimes requested because projected expansion of a farm would create a water quality concern.
- One perspective is that funding expansion-related projects creates a disadvantage for small family farms.
- Another perspective is that the expansion of agriculture should be supported in NYS.
- One idea is to require a higher cost-share percentage for BMPs made necessary by expansion.
- Another suggestion is to encourage Whole Farm Plans to ensure environmental and business planning are combined.

→ *Does the State Committee want expansion-related BMPs to be eligible for Ag. NPS funding?*

→ *If so, should there be additional requirements for these projects?*

J. Herring noted that a farm must calculate all costs when deciding to expand. These costs include waste management.

Discussion ensued regarding the issue of funding preventative projects in addition to remediation. D. Hill told the Committee that it is better to fix a problem up front than have the expansion create a problem project and have to fix it later. R. Aman supports the idea of having a higher landowner contribution for expansion related BMPs. R. Zimmerman asked the Committee if the issue of remediation vs. control is considered during the evaluation of proposals. Zimmerman also raised the question of whether or not the landowner match is considered in the ranking process. The landowner contribution does add to the priority level and increases the cost-effectiveness of the project. Zimmerman expressed the value of funding projects to prevent pollution from expanding operations

G. Proios recommended that the RFP should include prevention and an increased cost-share for farm expansion related BMPs.

G. Chartier asked how Districts work with farms on expansion issues. R. Kaplewicz responded that AEM addresses the issue of expansion.

R. Entringer expressed the concern that since the grant program focuses on environmentally sensitive waterbodies, the program could inadvertently encourage farm expansion in areas sensitive to pollution.

J. Herring asked the Committee if the RFP should draw a distinction between remediation and prevention in the RFP and if so should it reflect the preference for a higher landowner contribution for prevention/expansion projects. E. Dodd told the Committee that she would consult the Counsel's office to ensure that prevention is eligible for funding.

R. Aman moved to allow the staff to develop a recommendation based on this discussion; seconded by G. Proios. Motion passed; carried. *Once a recommendation is developed it will be emailed to the Committee members.*

AEM Steering/Subcommittee Reports-Staff

AEM Steering Committee

M. Latham distributed an AEM Steering and Subcommittee Report. The AEM Steering Committee last met on June 22, 2002. Highlights from the meeting included discussion on CAFO Working Group progress, integration of AEM and the new Farm Bill, and development of a recommendation for AEM Tier V Evaluation inclusion in the Ag. NPS grants program.

The CAFO Working Group will meet again on July 17, 2002 in Albany. The primary issues being discussed include: an extension for medium size CAFOs for completion of CNMPs; adoption of a compliance strategy for CAFOs; training for NYSDEC regional staff on CAFO inspections/CNMP aspects; and pending revised USEPA NPDES regulations.

Integration of NYS's AEM program and the new Farm Bill is becoming a reality. There are several opportunities where AEM would fit the inventory and assessment needs of the Farm Bill programs. Specifically NRCS will issue new conservation planning policy prescribing that AEM Tier I and II should be completed and included in the producers case file. This partnership of state and federal programs will assist in directing federal EQIP funding and has potential to expand to qualify producers for the future Conservation Security Act payments.

A recommendation was provided to the State Committee for consideration on the inclusion of AEM Tier V Evaluation in the Ag. NPS grants program.

The AEM Steering Committee has identified AEM Tier V, Evaluation, as a priority component to be included in the Round X RFP. AEM Tier V, Evaluation, is designed to measure the effectiveness of the local AEM program as a whole as well as environmental outcomes on individual farms. This includes evaluating both participation in and effectiveness of the AEM program at the individual farm level and at the watershed level. The reasons for evaluating AEM are to measure success in achieving goals and to justify credibility of effort and continuation of funding.

The AEM Steering Committee recommends that the State Committee staff, with advisement from Steering Committee members, proceed with the development of an evaluation component for the Round X RFP.

The Steering Committee agreed that Tier V should be considered a planning function and funding be made available through the Ag. NPS planning grants.

Discussion ensued regarding the incorporation of Tier V in the Round X RFP. B. Steinmuller presented a summary of the discussions from the May and June Steering Committee meetings. Concerns regarding the amount of staff time necessary to develop this component in the RFP were raised. This issue is within the staff's capability. However, to proceed with this component of the RFP, the State Committee must offer its endorsement.

Other concerns were raised regarding final product development. It was suggested that the product definition should come from the AEM Steering Committee, but the Districts should propose their own procedures. By allowing the Districts to develop the specific criteria, they will be able to address their individual needs and adjust the implementation of the process to make it more effective within their boundaries. The evaluation proposals will be ranked together with other planning projects and funded accordingly.

G. Proios moved to accept the Steering Committee's recommendation to develop a Tier V component for the Round X RFP; seconded by R. Aman. Motion passed; carried.

AEM Evaluation Subcommittee

The Evaluation Subcommittee continues to follow up on the development of a contract to implement AEM GIS. A contract has been completed with Essex County SWCD to begin the initial data collection and Tier I development aspects of the MOU between the State Committee, Agriculture and Markets and the Department of Health.

AEM Technical Subcommittee

The AEM Technical Subcommittee has initiated the development of a Master Plan for AEM Technical Assistance, which will be used to guide decisions related to technical needs for AEM. These needs may include tools, policies, procedures, and research. The plan should assist in directing personnel resources and matching funding sources with priority technical needs.

The first draft of AEM Tier II Worksheets for vegetables has been received for review by the technical subcommittee. AEM teams in Genesee and Orleans Counties developed the worksheets. Growers are being actively solicited to test the new worksheets. The AEM team is also working with the "Good Agricultural Practices" group out of Cornell to add a food safety component to the worksheets.

An expert group has been formed by the technical subcommittee to begin development of Tiers I and II for equine operations.

AEM Certification Subcommittee

The number of Certified CNMP Planners remains at 25 (14 private, 5 SWCD, 1 CCE, 1 Ag & Mkts., 4 NRCS).

The subcommittee is currently working on the following issues:

- Developing a uniform risk assessment procedure to determine the adequacy of existing BMPs.
- Clarifying the definition and methods of identification of Hydrologically Sensitive Areas (HSA)
- Continuing with the development of CNMP training for CAFO Inspectors.
- Working with the Conservation District Employees' Association on AEM related training for the Conservation Skills Workshop and Water Quality Symposium.

The subcommittee is also assisting the CAFO Workgroup. A survey of CNMP planners was conducted to determine the current status of plan development for medium CAFOs. This information will be used to develop a strategy for completing CNMPs for medium CAFOs. In addition, a report was developed on what implementing CNMPs as part of the CAFO permit is costing some operations.

AEM Outreach Report

The AEM Outreach Committee is modifying and expanding the national Livestock & Poultry Environmental Stewardship (LPES) Curriculum to be more comprehensive and NYS specific. An introductory component for informing and educating local officials and the public on the comprehensive approach utilized in NYS has also been identified as a priority.

AEM is featured in EPA's published (and on the web) 319 Success Stories, Volume III as an innovative state program that has put NYS in the forefront of a national effort to help farmers identify and address agricultural nonpoint source pollution. The publication, which also highlights the Keuka and Wappingers Creek Watersheds, can be viewed on the web at: www.epa.gov.

The AEM Display, 2002 Annual report and updated brochure will be utilized at several local, regional, and statewide events including:

- Northern NY Ag. Expo, Malone, July 17-18
- Empire Farm Days, Seneca Falls, August 6-8
- Quality Communities Forum, Dept. of State, Albany, October 22-23
- Water Quality Summit, Albany, 30th Anniversary Celebration of the Clean Water Act, October 24th.

AEM has been featured as part of a national CNBC educational broadcast highlighting innovative agricultural program in five states including New York, Kansas, Wisconsin, Delaware and Florida. The TECHNO 2100 television series episode "Farming for Clean Waters" aired on June 29, 2002. The NY section includes AEM farmers in Yates and Ontario counties discussing the benefits of AEM to their operations and the environment.

R. Kaplewicz suggested that an open forum between the State Committee members and the Districts be set up for the NYACD Annual Meeting in October. This could be a good venue for open dialogue and information exchange. Kaplewicz also advised the Committee that the State Committee field staff are conducting regular District Managers meetings to enhance communication between the State Committee and Soil and Water Conservation Districts.

SWCC Subcommittee Progress Report

Strategic Plan

A progress report will be given at the September meeting.

Stormwater- G. Proios

Proios will be setting up a meeting with subcommittee members to discuss what the State Committee and SWCD's role could be in the implementation of Phase II Stormwater regulations. Proios suggested looking into how the State Committee can enhance the educational component by adding a direct link to stormwater websites on the State Committee site.

Principals' Meeting- R. Zimmerman

R. Zimmerman reported that Commissioner Rudgers will be taking a leadership role in the convening of the Principal's meeting. The timeframe for the meeting remains next spring.

Pesticide Amnesty Resolution – R. Aman

It was decided that the recent resolution, passed by the State Committee will be forwarded to the State Association through its member representatives.

Regional Report -Lake Champlain, R. Brower

R. Brower, Agricultural Water Quality Specialist for the Lake Champlain Basin, gave a presentation on the Lake Champlain Basin Program. The Lake Champlain Basin Program (LCBP) is a federal, state and local initiative to restore and protect Lake Champlain and its surrounding watershed for future generations.

The New York side of the watershed consists of five counties: Clinton, Franklin, Essex, Warren, and Washington. There are a total of 210 dairies within the watershed confined to Essex, Washington, and Clinton counties. Agricultural NPS water pollution makes up 56% of the total pollution load.

As the Water Quality Specialist, Brower tracks all agricultural BMPs within the New York side of the watershed. The project started in March 2001. Most of the information was obtained from SWCDs and NRCS records. Each practice has an associated savings in phosphorous determined by using an animal unit coefficient. Brower provides an annual report to the Lake Champlain Basin Program and the EPA.

Brower's other duties include assisting five districts and WQCCs, which make up the Champlain Watershed Improvement Coalition of New York (CWICNY). As Secretary to the group, he coordinates efforts by actively seeking alternative funding sources for implementation, transferring technology between the member counties, and lobbying for Lake Champlain designation.

Other Reports and Comments-All

Approval of SWCD Annual Work Plans

The following counties Annual Work Plans were approved:

- Genesee
- Essex
- Jefferson

2002 Mini-Grant Update

M. Latham advised the Committee that SWCC staff and the DEC are looking at six different funding sources to fund as many level III projects as possible. A final ranked list for level III proposals is complete and a recommendation for funding will be made to P. DeGaetano (DOW). The funds will be coming throughout this fiscal year and a priority system for appropriations will be developed.

G. Chartier added that 1 out of the 23 proposals received for level II has been deemed ineligible.

Other Reports

R. Kaplewicz reported that all Districts have received reimbursement. He also advised the Committee that a CAFO workgroup meeting is scheduled for July 17th. Kaplewicz told the Committee that the budget process for FY 2003-2004 will be getting underway.

R. Entringer reported that the Albany County Water Quality Coordinating Committee inquired at their last meeting about action taken by the DEC for medium CAFOs that have not submitted an Appendix B. G. Chartier told the Committee that the DEC is aware of the large amount of resources needed to complete CNMPs for medium CAFOs. Providing that there is adequate dialogue between the farmer and the DEC, these issues will be considered and no penalties will be executed.

L. Hurtgen advised the Committee that the Farm Bureau is actively involved in the CAFO permit issue.

A. Cartin reported that NYACD is reviewing the resolution submitted by St. Lawrence County regarding the 25-year storm facility issue.

L. Travis reminded the Committee that the Administrative Conference is scheduled for October 2nd-3rd, the Conservation Skills Workshop is scheduled for October 7th-11th, and the 4 Way Partnership meeting will be held on July 30th.

P. Black advised the Committee that the International Congress on "Watershed Management for Water Supply Systems" call for papers will be due on September 15, 2002 and the abstract will be available by November 15, 2002.

R. Zimmerman reported on the meeting between himself, R. Moore (Ag. & Mkts.) and DEC administrators to assure adequate funding for agricultural projects in the future. The dialogue is continuing and no decisions have been finalized as of yet. He also advised the Committee about a proposal that the Department is working on regarding water quality trading credits. The third issue that Zimmerman related to the Committee was that the Conservation Restoration Enhancement Program (CREP) agreement is expected to be completed by October.

G. Chartier advised the Committee that Deborah Grantham, Cornell University, will be giving a presentation on the Locally-led Education and Action for Protecting the Environment (LEAPE) program at the next Nonpoint Source Coordinating Committee meeting on July 24, 2002. He also reported on the regional water quality specialist trainings to be held in the fall regarding CAFO compliance.

G. Proios brought up the issue of farm development rights. The E.F.C. is allowing any state municipality to bond with them for the purchase of Farmland Development rights with no interest for three years. Suffolk County recently applied for \$20 million from that program.

J. Rusnica advised the Committee that the NYS Attorney General's office will move to dismiss the claim made by the contractor's employee who was allegedly injured during the construction of BMPs on farm in Onondaga County.

D. Hill thanked the Committee. Meeting adjourned at 2:49 p.m.