

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

**STATE COMMITTEE MEETING**

**September 16 & 17, 2003, Cortland  
Principals Tour & Meeting**

**SEPTEMBER 16, 2003**

**Present:** D. Hill, G. Proios, R. Aman, Voting Members; M. Mahany, P. Griffen, Former Voting Members; R. Kaplewicz, Executive Director; M. Latham, E. Svenson, J. Ten Eyck, B. Steinmuller, D. Lake, L. Miller, J. Schumacher, B. Silvestri, T. Brace, SWCC Staff; J. Curatolo, Upper Susquehanna Coalition; R. Lewis, SWCC/NRCS; S. Machovec, NRCS; J. Dunn, R. Entringer, NYS DOH; D. Fox, Cornell University; H. Dillard, K. Czymmek, CCE; S. Henry, Cornell University; A. Cartin, NYACD; M. Stephenson, J. DelVecchio, NRCS; G. Chartier, L. New, L. Stark, S. Eidt, K. Lyal, NYS DEC; K. Smith, NYS DOS; S. Collins, M. Brower, NYS DAM; J. Tausel, NY Farm Bureau; K. Lewis, NYS CDEA; J. Carmichael, Onondaga County SWCD; A. Barber, E. Wright, P. Snyder, J. Steger, Cortland County SWCD; C. Cavallaro, Office of Congressman Walsh; T. Dennis, Office of Congressman Boehlert; B. Croacher, NY Grange; H. Space, Cortland County Farm Bureau; S. Price, Cortland County Legislature; S. Ropel, NASS; L. Griffen, Saratoga Sod Farm; J. Bitter, C. Sobson, First Pioneer Farm Credit; C. Ritter, E. Ritter; Renee Lucas, Cortland Standard.

**Call to Order**

D. Hill called the meeting to order at 12:30 p.m. at Pomeroy's Restaurant. N. Rudgers welcomed the group and made introductions. R. Kaplewicz and D. Hill presented appreciation awards to M. Mahany and P. Griffen for their dedicated service to the State Committee.

**AEM Long Term Strategy**

*R. Zimmerman and J. Ten Eyck reviewed the proposed long-term strategy for the AEM program. Comments are welcome and action will be taken on this issue at the October meeting.*

**Adjournment**

The meeting was recessed at 2:00 p.m. to resume the tour.

**SEPTEMBER 17, 2003**

**Present:** D. Hill, G. Proios, R. Aman, Voting Members; R. Kaplewicz, Executive Director; M. Latham, E. Svenson, B. Silvestri, L. Miller, T. Brace, SWCC Staff; R. Zimmerman, R. Christensen, D. Smith, J. Rusnica, NYS DAM; A. Cartin, NYACD; J. DelVecchio, NRCS; K. Smith, NYS DOS; R. Entringer, NYS DOH; K. Czymmek, CCE; D. Fox, Cornell University; J. Tausel, NY Farm Bureau; G. Chartier, NYS DEC; F. Luckey, S. Froikin, US EPA; A. Barber, Cortland County SWCD; J. Carmichael, Onondaga County SWCD; S. Lorraine, Madison County SWCD; Tom Fiesinger, NYSERDA.

**Call to Order**

D. Hill reconvened the meeting at 8:30 a.m. Introductions were made.

**Review/Approve Minutes**

**R. Aman moved to approve the minutes of the July meeting as presented; seconded by G. Proios. Motion passed; carried.**

## Correspondence

### Letters & Memos

1. Letter from Brenda Weaver, Chairman of the Environmental Education Foundation requesting help raising funds to host the National Envirothon in 2007.

### Reports & News Letters

1. Brochure: Show Your Pride in New York Agriculture - License Plate
2. **Bay Journal** - September 2003 - The Chesapeake Bay Newspaper
3. **USDA NRCS** - Buffer Notes - July 2003
4. **CNY Newsline** - A Central New York Regional Planning and Development Board Publication – Volume XXV - Summer 2003
5. **Headwaters - NYS Tug Hill Commission** - 2003 Newsletter - 2002 Annual Report - Issue 41
6. **Watershed Journal, Vol. 9, No. 2, Summer 2003** (A publication of the Skaneateles Lake Watershed Agricultural Program)
7. **What's Cropping Up?, Vol. 13, No. 4, July-August, 2003** - A newsletter for New York field crops and soils
8. **Great Lakes Commission Advisor, May/June 2003, Vol. 16. No. 3**
9. **NASCA Update** - August 2003
10. **Rural Futures** - September/October 2003 - The NYS Legislative Commission on Rural Resources Newsletter
11. **New York State Agricultural Statistics** - 2002-2003 Annual Bulletin

### Conferences & Seminars

1. Professional Development in Administration, Fall 2003 - Binghamton University Division of Professional Development and Research; ([www.binghamton.edu](http://www.binghamton.edu))
2. New York Farm Show - North American Farm Show Council - February 26, 27, 28, 2004 at the NYS Fairgrounds ([sgrigor@ne-equip.com](mailto:sgrigor@ne-equip.com))
3. Stormwater Management in Cold Climates - An International Conference - Planning Design Implementation - November 3-5, 2003, Portland, Maine ([www.cascobay.usm.maine.edu/coldsw.html](http://www.cascobay.usm.maine.edu/coldsw.html))
4. CLE International - National Wetlands Conference - December 4-5, 2003 Marriott Tampa Westshore ([www.cle.com](http://www.cle.com) to register)
5. Great Lakes Commission Annual Meeting - October 1-3, 2003 Chicago, Illinois ([mtonahue@glc.org](mailto:mtonahue@glc.org))

R. Kaplewicz stated that support for the Envirothon will continue. The International Envirothon is scheduled to be held in New York in 2007.

The 2002-2003 Bulletin from the Agricultural Statistics division of the Department of Ag & Markets was made available. R. Kaplewicz noted the useful statistics in this publication and expressed an interest in working with the Ag Statistics division on statistical analysis projects for AEM and other programs. R. Zimmerman explained that Ag Statistics is a partnership between the state (DAM) and the federal National Agricultural Statistics Service.

The MOU to exempt agricultural best management practices from Phase 2 stormwater regulations has been signed by DEC and DAM. The State Committee needs to take action on this issue

**G. Proios moved to sign the MOU; seconded by R. Aman. Motion passed; carried.**

## Principals Tour

D. Hill thanked all those involved with organizing the Principals Tour which was a great success. R. Zimmerman thanked the State Committee staff for their hard work and attention to detail. R. Kaplewicz thanked all the partners and staff who helped plan the tour. G. Chartier mentioned that it would be nice to have an AEM recognition award for farmers, and R. Zimmerman explained that this is being developed.

D. Hill suggested that when planning another tour, we should maintain a focus on small farms as well as large.

G. Proios expressed a desire to have a meeting of the principals (not a tour) once per year.

K. Czymbek hopes the tour can be a springboard to more in-depth discussions and suggested following up with a letter to participants.

R. Kaplewicz stated that N. Murphy offered to host a State Committee meeting at SUNY ESF.

#### **AEM Steering Committee Update**

R. Zimmerman explained that the AEM Steering Committee has been involved with reviewing and commenting on the permit with EPA that authorizes DEC to implement the CAFO permit in New York. The permit is up for renewal in June 2004, and the new federal CAFO rule will affect the agreement. The AEM Steering Committee has prepared comments to present to DEC and is first presenting them to the State Committee for approval.

J. Ten Eyck reviewed the AEM Steering Committee's comments:

1. Supports simplifying the animal number threshold.
2. Supports the change that establishes a medium sized operation as a CAFO if there is an "actual discharge." The current permit states that "there merely has to be the potential to discharge to surface waters of the State in order to meet the discharge criterion."
3. Recommends the continuation of addressing erosion control in CNMPs.
4. Recommends retaining the planner certification program and encouraging a strong farmer/planner relationship.
5. Feels it is not possible to complete the implementation stage of the permit by 2006, the DEC agrees.
6. Feels it is important to define reporting requirements, establishing a balanced public access component.
7. Recommends that the new permit encourage better record keeping.

Discussion ensued regarding the benefits that CAFO coverage offers participating farms. It was stated that CAFOs are guaranteed legal protections if they comply with all permit criteria, lending institutions require potential operations to obtain permit coverage, federal and state grants require compliance with applicable permits, and it is good business to complete permit requirements, e.g. CNMPs.

#### **CREP Update**, R. Kaplewicz

R. Kaplewicz distributed a map of eligible CREP Watersheds. Kaplewicz reported that the State Committee and Department are closing in on a final agreement. D. Smith told the Committee that she is working on the final edits. It is hoped that the signing will occur in October of this year. R. Aman asked how the watersheds were chosen. R. Kaplewicz explained that those waterbodies impacted by agriculture as a source of pollution on the state's Priority Waterbody List (PWL) were selected as CREP Watersheds. R. Entringer added that impacted wellhead protection areas were also chosen. G. Proios noted that an interstate CREP agreement should be developed to assure that goals are compatible across state lines.

#### **Agricultural Pesticide Collection Report**, M. Latham, F. Lucky, S. Froikin

S. Froikin reported to the Committee the results of her study on pesticide collection programs throughout NYS. She reported that approximately 600,000 pounds of pesticides have been collected in recent years. Over 1000 participants have taken part in these programs in 54 different counties. Her study included recommendations on how to establish a strong continuous collection program in NYS.

Recommendations based on her study include:

- Ensure Local flexibility
- Combine cost effectiveness and safety
- Combine with household hazardous waste collections
- Establish permanent facilities (establish permanent funding)

G. Proios raised the issue that the State Committee passed a Pesticide Amnesty Resolution at the June 2002 meeting and it has not been sent on.

**G. Proios moved to send the resolution to the governor and chairs of environmental conservation and agricultural committees; seconded by R. Aman.**

Discussion ensued regarding the proper channels for forwarding resolutions and information to the legislature or governor's office for consideration. R. Kaplewicz advised the Committee that it should develop a process for communicating with the legislature. D. Smith advised the Committee that the State Committee could propose legislation through the Department of Ag. and Mkts. J. Rusnica suggested that the Department can communicate on the State Committee's behalf, but it is best to have the support of the governor since the State Committee is an Executive Committee. D. Smith told the Committee that if the Governor does not pick up the issues brought to him through the Department, it could be presented to members of the legislature. R. Kaplewicz noted that in the past the New York Association of Conservation Districts (NYACD) has carried messages to the legislature for soil and water conservation. He also noted that this approach was taken for the Pesticide Amnesty resolution past last June. R. Aman suggested going to NYACD again while determining the proper channels in the mean time.

**G. Proios and R. Aman voted to approve; D. Hill voted against the motion. The motion on the floor failed.**

**D. Hill moved to allow the Executive Director to work with the Department of Agriculture and Markets' Counsels office and Voting Members of the State Committee on a general process for communicating information to the NYS Legislature; seconded by R. Aman. Motion passed; carried.**

M. Latham asked the Committee to consider the several options that were proposed with the Pesticide Amnesty resolution when deciding how to move forward with developing an agricultural pesticide collection program in NYS.

G. Proios said he will request an official opinion from the Attorney General's office on the State Committee's ability to communicate with the legislature.

**G. Proios made a motion requesting that the Department of Agriculture and Markets prepare a program bill with other agencies to establish a state supported agricultural pesticide cleanup program; seconded by R. Aman. Motion passed; carried.**

**CAFO Update**, J. Ten Eyck

Large CAFOs have all completed their CNMPs. There is still a considerable workload for medium sized CAFOs to complete their CNMPs. J. Ten Eyck gave an update on the CNMP planner status. He advised the Committee that there will be training for DEC CAFO inspectors on October 21<sup>st</sup> in Auburn.

### Annual Plans of Work

G. Proios moved to approve the following SWCD Annual Plans of work; seconded by R. Aman. Motion passed; carried.

- Franklin
- Chemung
- Fulton
- Lewis
- Tioga
- Schuyler
- Schoharie

### Agricultural NPS Abatement and Control Program, Emily Svenson

#### STATUS OF ROUNDS I-VIII

Of 275 projects, 103 are active and 172 are complete. All Round VIII projects are active. There is one pending contract in Round VI and one in Round VII.

#### ROUND IX

Plans of work have been submitted for all 37 projects originally funded through Round IX, and contract development is in progress. 21 contracts are fully executed. An additional two projects are being funded through the Bond Act in Suffolk County, and five additional projects were awarded EPF funds. Plans of work for these seven projects are due September 26.

#### ROUND X

The RFP is ready for State Committee review and approval. If the RFP is approved in September, it would be released soon after the meeting, with proposals due in November.

#### AMENDMENT REQUESTS → MOTIONS NEEDED

1. Madison SWCD – Oneida Lake Watershed Comprehensive Planning – Round VIII – C700681  
*Request:* remove 6 farms and replace them with 4 new farms (more acres and animal units)  
*Reason:* original farms went out of business or are no longer interested in developing CNMPs  
*Previous amendments:* none

G. Proios moved to approve the change in landowners; seconded by R. Aman. Motion passed; carried.

2. Madison SWCD – Oneida Lake Watershed Grazing Initiative – Round IX – 25-2  
*Request 1:* remove one farm and use funds to add BMPs to another farm already in the grant  
*Reason 1:* landowner voluntarily withdrew  
*Request 2:* replace one farm with another farm and shift some funds to a different farm in the grant  
*Reason 2:* landowner voluntarily withdrew  
*Previous amendments:* none

R. Aman moved to approve the change in landowners; seconded by G. Proios. Motion passed; carried.

3. Rensselaer SWCD – Tomhannock Watershed Partner II Project – Round V – C700575  
*Request :* time extension from 6/30/03 to 6/30/04 (original end date was 12/31/01)  
*Reason:* additional time needed to complete BMP implementation  
*Previous amendments:* 2 time extensions

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

#### Staff Approved Amendments

1. Cayuga SWCD – Fall Creek Barnyard Runoff & Nutrient Management – Round VII – C700055  
*Request 1:* use leftover funds for additional barnyard runoff and silage leachate control practices  
*Reason 1:* additional BMPs needed  
*Request 2:* time extension from 6/30/03 to 6/30/04

- Reason 2: additional time needed to complete BMP installation  
Approved by J. Schumacher, 8/26/03 (both requests)*
2. Genesee SWCD – Oak Orchard Creek AEM Planning Project – Round VIII – C700678  
*Request: time extension from 9/30/03 to 3/30/04  
Reason: additional time needed to complete Tier I and II work  
Approved by T. Brace/E. Svenson, 8/27/03*
  3. Madison SWCD – Oneida Lake Watershed Comprehensive Planning – Round VIII – C700681  
*Request: time extension from 1/31/04 to 1/31/05  
Reason: additional time needed to complete CNMPs  
Approved by J. Schumacher, 8/26/03*
  4. Monroe SWCD/Wyoming SWCD – Multi-County Oatka Creek Tier IIB Planning – Round VIII – C700682  
*Request: change ownership of one farm – new farm operator is already participating in project  
Reason: farm operation changed hands  
Approved by T. Brace/E. Svenson, 9/12/03*
  5. Monroe SWCD – Braddock Bay AEM Tier 1 & 2 – Round VII – C700638  
*Request: time extension from 9/30/03 to 12/31/03  
Reason: additional time needed to complete project  
Approved by T. Brace/E. Svenson, 9/12/03*
  6. Montgomery SWCD – Canajoharie Project – Round VIII – C700683  
*Request: change diversion ditch BMP to access road improvement and waterway  
Reason: design changes  
Approved by S. Lanthier, 8/26/03*
  7. Orange SWCD – Ag Waste & Nutrient Management in Wallkill Watershed – Round VIII – C700688  
*Request: use available funds to add cover crop BMPs on four new farms  
(change budget to reflect this change)  
Reason: funds available and BMPs recommended  
Approved by L. Miller/E. Svenson, 9/2/03*
  8. Orange SWCD – Ag Waste & Nutrient Management in Wallkill Watershed – Round IX – C700718  
*Request: change several BMPs resulting in the addition of cover crop practices on eight farms  
(change budget to reflect this change)  
Reason: changes in plans due to EQIP allocation, farms changing plans and farm going out of business  
Approved by L. Miller/E. Svenson, 9/2/03*
  9. Otsego SWCD – Upper Susquehanna Lakes Watershed Implementation Project – Round VII – C700647  
*Request: time extension from 3/31/03 to 12/31/03  
Reason: additional time needed to complete project  
Approved by J. Schumacher, 8/26/03*
  10. Schenectady SWCD – Schenectady/Schoharie NPS Abatement Planning Project – Round VII – C700650  
*Request: time extension from 3/31/03 to 3/31/05  
Reason: additional time needed to complete project  
Approved by S. Lanthier, 7/14/03*
  11. Schenectady SWCD – Ag NPS Implementation, Mohawk/Great Flats Aquifer – Round VII – C700651  
*Request: time extension from 3/31/03 to 3/31/05  
Reason: additional time needed to complete project  
Approved by S. Lanthier, 7/14/03*

12. Schenectady SWCD – Ag NPS Planning Project, Normanskill Watershed – Round VII – C700665  
*Request:* time extension from 3/31/03 to 3/31/05  
*Reason:* additional time needed to complete project  
*Approved by S. Lanthier, 7/14/03*
13. Schoharie SWCD – Schoharie County CAFO Farm Implementation – Round IX – C700725  
*Request:* change two BMPs on one farm  
*Reason:* changing farm conditions caused a need for different BMPs  
*Approved by L. Miller/E. Svenson, 8/27/03*
14. Schuyler SWCD – CNMP in the Seneca Lake Watershed – Round VII – C700652  
*Request:* change one landowner  
*Reason:* original landowner unable to complete CNMP by deadline  
*Approved by T. Brace/E. Svenson, 9/12/03*
15. Suffolk SWCD – Animal Waste System for Flanders Bay – Round VI – C700047  
*Request:* time extension from 6/30/03 to 12/31/03  
*Reason:* project delayed due to difficulty finding a consulting engineer and by design approval by the county health department  
*Approved by L. Miller/E. Svenson, 9/2/03*  
*Time extension through 12/31/04 will be referred to the State Committee.*
16. Suffolk SWCD – Duck Farm CAFO Planning – Round VII – T700654  
*Request:* time extension from 6/15/03 to 12/31/03  
*Reason:* additional time needed to complete work  
*Approved by L. Miller/E. Svenson, 8/27/03*
17. Suffolk SWCD – Wellhead Protection Demonstration Project – Round VII – C700655  
*Request:* time extension from 6/30/03 to 3/31/04  
*Reason:* additional time needed to complete work  
*Approved by L. Miller/E. Svenson, 8/27/03*
18. Tompkins SWCD – Eastern Susquehanna River Basin Mgmt Intensive Grazing – Round VII – C700658  
*Request:* use leftover funds to add one additional landowner  
*Reason:* funds remaining  
*Approved by J. Schumacher, 7/25/03*
19. Washington SWCD – Poultney Mettawee Ag Waste Management – Round IX – 54-1  
*Request:* change one landowner  
*Reason:* original farm went out of business  
*Approved by S. Lanthier, 8/26/03*
20. Yates SWCD – Seneca Lake Watershed AEM Tier IV Implementation – Round VIII – C700063  
*Request:* change BMPs on three farms  
*Reason:* changes result in additional BMPs which will increase project benefits  
*Approved by T. Brace/E. Svenson, 9/11/03*

### **Round X RFP Approval**

By voting to approve the Round X RFP, R. Aman was advised that he forfeits his ability to apply for an Ag. NPS grant for this Round.

**G. Proios moved to approve the Agricultural Nonpoint Source Abatement and Control Grant Program Round X Request for Proposals, evaluation document, and recommended rates; seconded by R. Aman. Motion passed; carried.**

**Other Reports and Comments.** All

L. Miller distributed the Stormwater Subcommittee report for the meeting held on August 28, 2003. The subcommittee discussed the stormwater management specialist positions, SWCD reimbursement procedure and training opportunities.

R. Entringer gave a Source Water Assessment Program update. He told the Committee that SWAP and AEM are working well together in achieving program goals. He noted that the AEM Evaluation Committee welcomes the unveiling of AEM Tier V on the Round X RFP. He announced that he will be filling a position with the DEC Division of Water as the Chief of the Water Quality Management Section.

T. Feisinger of the New York State Energy Research and Development Authority (NYSERDA) distributed a list of NYSERDA funded animal waste related BMPs. He also announced the Innovations in Agriculture conference to be held on January 28<sup>th</sup> – 29<sup>th</sup> in Syracuse.

R. Kaplewicz distributed NYACD brochures.

Meeting adjourned 2:30 p.m.

Next meeting will be held on October 28<sup>th</sup> at 10:00 a.m. at the Radisson in Corning, NY to coincide with the final day at the NYACD meeting.