

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

**STATE COMMITTEE MEETING**

**January 6, 2004-Albany**

**Present:** D. Hill, G. Proios, R. Aman, C. Yunker, Voting Members; R. Kaplewicz, Executive Director; M. Latham, Assistant Director; B. Steinmuller, Schenectady SWCD; L. Miller, Dutchess SWCD; E. Svenson, SWCC Staff; R. Lewis, SWCC/NRCS; S. Machovec, NRCS; N. Rudgers, R. Moore, R. Zimmerman, D. Smith, S. Collins, NYSDAM; G. Chartier, NYSDEC; K. Lewis, NYSCDEA; P. Kaczmarczyk, NYSDOH; P. Black, SUNY-ESF; J. Tazuel, NYFB; K. Smith, NYSDOS

**Call to Order**

D. Hill called the meeting to order at 10:10 a.m. Introductions were made.

**Review/Approval Minutes**

**C. Yunker moved to approve the minutes of the December meeting as presented; seconded by R. Aman. Motion passed; carried.**

**Correspondence,** R. Kaplewicz

R. Kaplewicz read a letter written by M. Watts, Chemung County SWCD Manager, to R. Kaplewicz. It was suggested that M. Watts be present at a future State Committee meeting to discuss his request. Presently the Committee decided to forward the letter to the NYS Department of Environmental Conservation (NYSDEC) Counsel's office for review.

**C. Yunker moved to forward the letter from Chemung County SWCD to the NYSDEC Counsel's office for further review; seconded by R. Aman. Motion passed; carried.**

R. Kaplewicz read a letter written by S. Huey, NYS Envirothon Committee, to the State Committee looking for support for the planning and organization of the International Envirothon to be held in NYS in 2007.

D. Hill read a letter written by C. Schutt, Tompkins County SWCD Manager, to the State Committee thanking the body for taking time on the agenda to hear their case relating to the ineligibility of their Round X proposals. Schutt also stated in the letter that Tompkins County would voluntarily withdraw its two proposals if the Comptroller's office determined that Round X should be nullified based on the request of the District and the actions of the Committee.

R. Kaplewicz advised the Committee of a letter written by P. Smith, Monroe County SWCD Executive Director, to the State Committee explaining her omission of the Monroe County SWCD Board resolutions causing the District's Round X proposals to be ineligible for funding. Kaplewicz deferred reading the letter until P. Smith arrived to discuss her case later on the agenda.

**Agricultural Nonpoint Source Abatement and Control Grant Program,** E. Svenson, B. Steinmuller

**STATUS OF ROUNDS I-IX**

Of 313 projects, 137 are active and 176 are complete. All originally funded Round IX projects are active. 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 Round IX projects are currently being reviewed. There is one pending contract in Round VI and one in Round VII.

P. Smith was given the opportunity to discuss Monroe County SWCD's ineligible proposals. P. Smith accepted full responsibility for the omission of the District Board resolutions. They were presented to the Board at the November meeting and were supported by all seven members. However, at that time official resolutions were not obtained. She told the Committee that the Board passed a resolution supporting the proposals at their December meeting. She made a plea to the State Committee to reconsider the eligibility of the proposals on the grounds that the District Board had knowledge of and supported the proposals before the time of submission. She also added that the farmers involved in the

proposals are in need of the assistance that the grant program may provide and it is the farmers who are being penalized for the District's mistake.

R. Aman expressed concern that deciding to allow these proposals to be ranked now, after a ranked list has already been developed, would disrupt the entire process. G. Proios agreed, stating that the Committee should not put other projects in jeopardy by allowing these proposals to be ranked.

The Committee took no action on this issue.

## **ROUND X**

On January 5<sup>th</sup>, the Round X proposal reviewers met to review the draft ranked list and discuss the merits of individual proposals. Some scores were adjusted as a result of the discussion. Attached is the final ranked list for State Committee approval. The State Committee staff requests that the Voting Members pass Resolution 03-1 approving the ranked list and authorizing funding for projects in ranked order.

Resolution 03-1

### **MOTION:**

That subject to the availability of funds, the Committee shall award funding for projects 1-95 in order ranked and in the amounts recommended by the advisory members of the Committee, consistent with the Soil and Water Conservation Districts Law, the RFP, and any other law applicable to funding of such projects. Consistent with the RFP, the Committee authorizes the Department of Agriculture and Markets to negotiate the terms of the contract with the project sponsors and to make minor adjustments to the project description and budget as necessary to achieve project goals, conform to applicable laws and regulations, and to serve the best interests of the State.

**G. Proios moved to approve resolution 03-1; seconded by C. Yunker. Motion passed; carried.**

K. Lewis praised the State Committee for administering an outstanding program. However, he raised the NYSCDEA's concern that the NPS program may better serve the Districts if it was not a competitive process. K. Lewis stated that delivering a noncompetitive program through Districts would be more cost effective because many hours of District staff time go into developing a proposal, which may never get funded.

Discussion ensued regarding ways to maximize dollars to Districts for implementing AEM. R. Kaplewicz told the Committee that it needs to look carefully at this issue and dedicate time on future agendas for this discussion.

### **Staff Approved Amendments**

1. Yates SWCD – Central Lowlands Till Plain AEM Planning Grant - Round VII – C700661  
*Request:* time extension from 12/31/03 to 12/31/04  
*Reason:* additional time needed to complete planning activities  
*Approved by T. Brace/E. Svenson 01/06/04*
2. Columbia SWCD – BMP Implementation on 3 CAFOs – Round VIII – C700676  
*Request:* time extension from 12/31/03 to 12/31/04  
*Reason:* additional time needed to complete BMPs  
*Approved by L. Miller/E. Svenson 01/06/04*
3. Columbia SWCD – BMP Implementation on HollyRock – Round VIII – C700062  
*Request:* time extension from 12/31/03 to 12/31/04  
*Reason:* additional time needed to complete BMPs  
*Approved by L. Miller/E. Svenson 01/06/04*

**CEM Update**, M. Latham

M. Latham advised the Committee that small steps are being taken toward completing all CEM worksheets. He told the Committee that CEM tracts will be offered at the 2004 Symposium. He noted that American Farmland Trust and the Division of Agricultural Protection for the Department of Agriculture and Markets have been engaged as partners in the farmland protection aspect of CEM.

R. Zimmerman noted that the Department's Agricultural District Law focus is on master planning that promotes farmland protection in a community. He added that those ideas are similar with the goals of CEM. R. Zimmerman told the Committee that planning is a reality of our societal life and CEM is going to be a very important piece in the big picture. He concluded that CEM will greatly benefit the agricultural industry and that Districts can be the appropriate medium for delivering the program's objectives to the community.

#### **Review of NYS Ethics Commission Opinion**, J. Kehoe

J. Kehoe, Counsel for the Department of Ag. and Mkts., reviewed the Ethics Commission's opinion concerning the ethical obligations of members of the State Committee as they administer grants to Districts. She advised the Committee that the Ethics Commission issued a targeted disqualification rule that did a good job of balancing ethics issues and conservation needs. Based on the Ethics Commission's opinion, the State Committee Voting Members who are also members of SWCD Boards do not have to recuse themselves from approving the ranked list if their counties have submitted a proposal. However, those voting members can not take any action regarding specific SWCD proposals. Voting members must also abstain from voting on amendments that change the scope or time frame of contracts specific to their counties. She also advised the Committee of the Ethics Commission's opinion regarding Advisory Members' role in the grant program. The ruling states that where an Advisory Member has some involvement with a County SWCD, either in preparing a grant or performing services under it, the public might suspect that the Advisory Member is predisposed to that applicant. The Commission's opinion states that advisory members may assist in drafting the RFP and in ranking applicants, but they must disclose any business relationship with a County SWCD or other affiliation they may have in an organization performing services under the grant. More specifically, Cornell University and Cornell Cooperative Extension advisory members must not rank any project that involves any Cornell University and Cornell Cooperative Extension employees.

It was stated at the previous State Committee meeting, if a voting member wishes to apply for funding on their farm they must abstain from any and all discussions and decisions leading to the development and approval of the RFP. However, they still can approve the ranked list for that round. It was mentioned that this opinion was not specifically addressed in the Ethics Commission's ruling but was formulated by Counsel's Office in the Department. J. Kehoe stated that this opinion is part of a general rule, which follows similar cases and precedents. It was the consensus of the State Committee to seek a targeted opinion of the Ethics Commission regarding this specific issue.

#### **Program Updates**, Staff

CREP – E. Svenson gave an update on CREP. She told the Committee that training sessions are scheduled around the state in January to answer questions relating to the CREP. She suggested that a CREP Steering Committee be created involving participating agencies to manage the unresolved issues relating to the program.

#### **C. Yunker moved that the Committee endorse the idea of creating a CREP Steering Committee; seconded by G. Proios. Motion passed; carried.**

CAFO – on January 8<sup>th</sup>, the CAFO working group will meet at the DEC to discuss the renewal of the general permit. Discussion ensued regarding the need for higher funding for CAFO implementation.

Stormwater – L. Miller told the Committee that the subcommittee has developed a fact sheet for explaining Stormwater, which is currently in draft form. A roundtable discussion is slated for the Symposium dealing with District involvement with Stormwater. A scope and budget has been prepared for the Stormwater Specialist positions. One out of the five positions have been filled to date.

#### **Annual Plans of Work**, M. Latham

The following Plans of Work were approved:

- St. Lawrence
- Warren

*Discussion ensued regarding the State Committee's priorities. It was suggested that time on next month's agenda be committed to discussing an annual work plan for the State Committee.*

#### **Other Reports and Comments, All**

N. Rudgers raised the concern that the Committee should be listening to Districts when deciding which issues to pursue. He spoke about what the Districts are being asked to do from their counties on land use issues. He told the Committee that it is in a good position to provide guidance to Districts regarding their issues of concern. He noted that the integration of local, federal, and state resources to deliver conservation will be a future challenge. He also told the Committee that responding to the changing demographic of the customer base will also be a challenge.

S. Machovec told the Committee that the federal budget has not yet been passed. He told the Committee that not having a federal budget delays the implementation of NRCS' programs. The Conservation Securities Program (CSP) draft rule was released on January 2<sup>nd</sup>. The comment period ends on March 2, 2004. S. Machovec encouraged the Department and the State Committee to provide comments.

J. Tauzel distributed a handout on the NY Farm Bureau (NYFB) agricultural environmental priority issues for 2004. One of the NYFB recommendations is for increasing funding for the nonpoint source abatement and control grant program in the EPF.

G. Chartier advised the Committee that the next Nonpoint Source Steering Committee meeting will be on January 28<sup>th</sup> at the NYSDEC office in Albany. He also told the Committee that the federal appropriations in FY 04 for NPS control in NYS will likely remain the same as it was the previous year.

G. Proios advised the Committee that the NYSERDA, Innovations in Agriculture conference will be held on January 28<sup>th</sup> – 29<sup>th</sup>. He also expressed the need to address the State Committee's website.

C. Yunker advised the Committee that the Agricultural Society Annual meeting will be held in Syracuse on January 8<sup>th</sup>. Susan Henry, the Dean of the State College of Agriculture and Life Science at Cornell will be hosting a "town meeting" at the event.

R. Zimmerman told the Committee that the Pride of New York program for the Department will be hosting a dinner for the East Coast Producer's Council. In response to the global economic policies negatively affecting NY agriculture, the Pride of New York program's objectives include highlighting the values of buying New York products.

R. Kaplewicz noted that the 2004 Annual Water Quality Symposium agenda is available.

P. Black raised the concern over the public's mindset when it comes to energy conservation as it relates to the fuel economy of sport utility vehicles.

Meeting adjourned.

Next meeting – February 19, 2004.