

NYS Soil & Water Conservation Committee
10B Airline Drive, Albany NY 12235 – Telephone (518) 457-3738

STATE COMMITTEE MEETING
July 18 & 19, 2005—Suffolk County, NY

PRESENT: Voting Members – D. Hill, B. Aman, G. Proios; Executive Director – R. Kaplewicz; Assistant Director – M. Latham; SWCC Staff – S. Gordon, C. Frasier, R. Lewis, L. Miller, M. Moore, R. Rausch, B. Silvestri, B. Steinmuller, J. Ten Eyck; NYSDA&M – J. Rusnica; NRCS – A. Cornell, J. Del Vecchio, M. Grennan, R. Young; NYSCDEA – A. Barber; NYSDEC – G. Chartier; NYSDOH – P. Kaczmarczyk; Suffolk County SWCD – T. McMahon; Suffolk County CCE – D. Moyer, B. Orloski, T. Williams, B. Wiseman; Suffolk County Farm Bureau – J. Gergala, P. Nolan; Other – B. Alpern, Lloyd Corwin (Crescent Duck Farm), J. Van De Wetering (Ivy Acres), Massoud Family (Paumanok Vineyard).

CALL TO ORDER/INTRODUCTIONS:

D. Hill called the meeting to order at 8:06 a.m.

D. Hill thanked G. Proios for organizing the fantastic tour of Suffolk County agriculture for yesterday's portion of the meeting.

REVIEW AND APPROVE MINUTES:

**B. Aman moved to approve the minutes of the June meeting; seconded by G. Proios.
Motion passed; carried.**

CORRESPONDENCE:

Letters & Memos

1. Letter from Brymer Humphreys, State Executive Director, USDA to Ron Kaplewicz regarding County Committee Elections taking place December 2005. Nominations may be placed between 6/16/2005 through August 1, 2005. **Letter dated June 23, 2005.**
2. Letter from Jason C. Denno, Incoming CWNS State Coordinator, NYS Environmental Facilities Corporation to Ron Kaplewicz regarding Soil and Water participation in the 2004 Clean Watershed Needs Survey (CWNS). **Letter dated June 24, 2005.**
3. Letter from Walter E. Andrews, Chief, Water Programs Branch, U.S. Environmental Protection Agency to Ron Kaplewicz regarding the proposal for "Reduction of Impacts from Minor Subdivisions Under Stormwater Phase II Construction Program". **Letter dated June 16, 2005.**
4. Letter from Seth Dennis, Tompkins SWCD to Ron Kaplewicz regarding the valuable assistance of Brian Steinmuller and Barbara Silvestri for this year's NYS Envirothon.

Reports & News Letters

1. Final report to NESARE from Cornell University regarding the project "Reducing Phosphorus Fertilizer Inputs for Field Corn Production in New York".
2. **NYFVI** grant programs and staff openings.
3. Lake Champlain Basin Program, State of the Lake – Lake Champlain in 2005 – A Snapshot for Citizens
4. **FYI...**Newsletter of the New York Association of Conservation Districts – June 2005.
5. Information from DEC regarding wastewater treatment infrastructure and how communities, NYS DEC and their partners can work together to maintain public assets.
6. **New York Adventure Guide** – Summer 2005.
7. **USDA Agricultural Research** – July 2005.
8. **What's Cropping Up?** – May-June 2005.
9. **Agricultural News:** May Milk Production; 2004 Apple Production; June Commodity Prices; NY Winter Wheat, Oat Production; NY Peach Production; NY Potato Acreage.
10. **CDEA News** – June 2005.
11. **Conservation Quarterly**, Onondaga County SWCD, Spring 2005.
12. Chemung County SWCD **Natural Resource Activities 2005.**
13. USDA, "Flexible Conservation Measures on Working Land". Economic esearch Report Number 5.

CREP:

R. Lewis gave a brief overview of the status of the Conservation Reserve Enhancement Program (CREP) in New York State. CREP is a variation of CRP and Continuous CRP in that it offers a higher land rental rate for enhanced environmental benefits. NYS CREP is a \$52 million partnership between USDA, the Commodity Credit Corporation, and New York State. The state is required to contribute a twenty percent state match or \$10.2 million. Soil and Water Conservation Districts can be involved in CREP with marketing and providing technical assistance. Ten Districts statewide have completed contribution agreements with NRCS to provide technical assistance to complete CREP conservation plans. The combined acreage cap for Years 1 and 2 is 7,000 acres. As of May 31, 2005 there are 2,086 acres enrolled in NYS CREP.

The CREP Steering Committee is also working on ways to further enhance incentives such as the school tax credit, which needs to be reintroduced in the New York State legislature in order for it to become an eligible component. They are looking to promote a more concentrated effort to meet statewide CREP goals and provide additional incentives for participation, while FSA will be conducting a more active approach to marketing the program at the county level.

The following needs have been identified for NYS CREP: More aggressive marketing, additional incentives, enhanced technical training, expansion of the partnership, documentation of water quality benefits from CREP. R. Kaplewicz noted that producers need to be made aware of the program directly and that articles are being drafted for publications such as Farm Bureau's Grassroots, and Country Folks. M. Latham also remarked that marketing of the program is being hindered by the lack of additional funds to help promote the program.

R. Lewis mentioned the training materials available that could aid Districts to promote CREP in their county. There are materials such as the CanVis computer software program from the National Agroforestry Center that can offer a visual simulation of what a completed buffer would look like. This and other materials are available from the National Agroforestry center for free. L. Miller suggested that the Steering Committee revisit the idea of having an AEM worksheet for Buffers that would help farmers identify areas that could benefit from enrolling acreage in any of the buffer programs.

Discussion ensued regarding CREP and how the program might be tied into County AEM Strategic Plans. Discussion also focused on possible sources of funding for CREP incentives such as designating a portion of the EPF allocation to the program. The State Committee will continue to be actively engaged in the discussion about additional incentives for the NYS CREP. R. Lewis said that he would reevaluate the Stream Corridor and Floodplain Management worksheets to see if they are doing a good job of identifying these conditions and that they fit in with the issues that CREP could address.

AGRICULTURAL NPS ABATEMENT & CONTROL GRANT PROGRAM

Status of Round I-XI

Of 380 projects, 130 are active, 38 are pending, and 212 are complete.

Round XI cont...

Plans of work are being received in the Albany office. Contract development has begun. Currently 14 plans of work have been sent to the Department's Fiscal Management and Counsel's office for review.

Round XII

The State Committee moved to approve the Round XII RFP at the June meeting. Currently, the AEM Tier 3A, Agricultural Waste Management Plan, is being finalized. The Tier 3A plan will serve as a prescreening tool for applications proposing to implement a Manure Storage System under Round XII. The anticipated release date for the Round XII RFP is August 24, 2005. Applications will be due in late October. A statewide training session is planned for early September.

Public Outreach Materials

The SWCC Summer Intern, Sarah Gordon, has been working on redesigning the Agricultural NPS Abatement & Control Grant Program brochure. The brochure will be formatted much the same as the AEM brochure and will include information pertaining to current program procedures.

A new fact sheet on Comprehensive Nutrient Management Plans (CNMPs) is also being developed. The brochure will explain the benefits and basic components of a CNMP. It will also attempt to answer questions that landowners may have on what costs are determined eligible for state grant purposes.

Guidance Manual

Work on the program guidance manual continues. The purpose of the manual is to provide a collection of current policies and procedures as well as a background on the creation of the program. The Draft Guidance Manual should be completed and released for review by the end of July. I anticipate releasing the final version to the Districts by the fall.

Amendments for State Committee Consideration

1. Westchester SWCD – Whole Farm Planning for the Croton/Kenisco Watershed AEM Program Round VII – C700659

Request: time extension from 9/30/05 to 9/30/06

Reason: the county is seeking an extension to allow the subcontractor, the Watershed Agricultural Council (WAC) to balance whole farm planning with implementation activities to have time to complete all grant deliverables

Previous Amendments: 2 time extensions

Note: A contract term longer than 5 years is only permitted by the Office of the State Comptroller under extenuating circumstances. L. Miller, Region 6 Water Quality Specialist recommends approval.

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

Staff Approved Amendments

1. Onondaga SWCD – Onondaga Lake Watershed AEM Implementation Project – Round XI – 32-1

Request: change of landowners and BMPs

Reason: original landowner lost the lease to property, new landowner and BMPs identified as a priority through the AEM process

Approved by L. Travis 6/8/05

2. Madison SWCD – Oneida Lake Watershed Grazing Initiative – Round IX – C700713

Request 1: change of 3 landowners

Reason 1: original landowners voluntarily withdrew from the project, new landowners identified as a priority through the AEM program.

Request 2: change of pasture management system components

Reason 2: different components fit the new farms and are identified as a priority through AEM Planning

Approved by L. Travis 7/6/05

3. Erie SWCD – Eighteenmile Creek Ag Planning Project – Round IX – C700709

Request: time extension from 8/31/05 to 8/31/06

Reason: additional time needed to complete CNMPs

Approved by T. Brace/B. Steinmuller 6/26/05

4. Yates SWCD – Keuka Lake Watershed Phase II Implementation Grant – Round IX – C700735

Request 1: change of 1 landowner

Reason 1: original landowner has failed to sign the contract for the project, new landowner identified as a priority through the AEM process

Request 2: change of petroleum product storage and containment BMP to a pesticide handling facility.

Reason 2: new BMP is a higher priority for the watershed, and NRCS no longer has standard for petroleum product storage

Approved by T. Brace/B. Steinmuller 6/29/05

5. Ontario SWCD – Central Lowlands Till Plain Agricultural Program – Phase II – Round IX – C700716

Request: change of 1 landowner

Reason: the original landowner has withdrawn due to financial reasons

Approved by T. Brace 7/15/05

Other

B. Steinmuller discussed the projects that the SWCC summer intern S. Gordon has been involved in since joining the staff in June. S. Gordon has been assisting with the preparation of publications such as the AEM Annual Report, the CNMP Fact Sheet, and updating the Ag NPS Grant program brochure. She has also been working on creating a database for the District Annual report, which will be used to update and track the cumulative success of Districts from year to year. R. Kaplewicz thanked S. Gordon for her diligent work and noted that the hope is that Districts will be able to file the Annual Report electronically using the database S. Gordon has been working to develop.

B. Steinmuller also noted that a draft version of the Ag NPS Guidance Manual will be presented to M. Latham for review by the end of July. After his initial review, the Regional Staff will have an opportunity to review and comment before it is brought back to the State Committee and the Department for final approval.

STORMWATER:

L. Miller indicated that there was no Stormwater Subcommittee meeting held this month due to yesterday's tour. However, the results from the 2004 Stormwater Survey were presented. Detailed results can be obtained by contacting State Committee office. The following items were noted:

- 48 Districts participated
- The average number of District staff working on stormwater per county is 1.83
- 18 SWCD Employees became CPESC Certified in 2004
- Requests for additional training sessions were noted
- 29 Districts participated in the third reporting period for the Stormwater Reimbursement Program

The annual Stormwater Conference has been scheduled for November 9, 2005 in Beacon, NY.

G. Chartier remarked that from DEC's perspective, one of challenges with the stormwater program is getting people to file the NOI. Districts are essential to helping DEC achieve compliance. DEC will be taking an aggressive role in regions to identify situations where people may not be aware or are simply not complying with permit requirements. G. Chartier wanted to recognize the important role that districts are playing in the permit program. A. Barber signified the importance of having consistency between DEC regions in the administration of the stormwater program. L. Miller indicated that there needs to be better communication between Districts and the State Committee Staff so that they know when there is an issue. She also suggested that a protocol be developed in order to get consistency across regions. G. Chartier proposed looking at the MOU to clarify what needs to be done, and noted that the subcommittee and the State Committee have been an excellent forum to raise issues. He suggested that these issues could be discussed with all of the regional DEC staff at a Stormwater Implementation Team (SWIT) meeting. He invited L. Miller and A. Barber to participate. R. Kaplewicz indicated that A. Eaton will be invited to the next subcommittee meeting.

G. Proios would like the Department of Ag and Markets to inquire why DEC Officers have not been actively enforcing the Stormwater requirements. He indicated that the problem is beyond the reach of this Committee, and the Commissioner should be made aware of the issues.

CAFO UPDATE:

It was noted that J. Lendrum is the new CAFO manager at DEC.

J. Rusnica discussed the latest information on the May 3rd Second Circuit Court of Appeals decision regarding the National Pollutant Discharge Elimination System Permit Regulation, Effluent Limitation Guidelines, and Standards for Concentrated Animal Feeding Operations. The impact of this decision is still unknown in regards to the permit process. The feeling is that the State should wait and see how EPA decides to handle this. However, it should be noted that New York has been extremely proactive with its CAFO program and already have most of the permits in place. R. Kaplewicz indicated that based on the numbers provided by DEC New York has 100 percent planning compliance with large CAFOs over 80 percent of the medium CAFOs have plans in place.

A. Barber asked what key messages should be passed along to farmers. J. Rusnica indicated that one important message to farmers would be that you cannot operate without a Nutrient Management Plan that meets NRCS standard 312, regardless of whether or not you need a permit. Discussion ensued about possible implications of this court decision.

J. Ten Eyck noted that while the State waits to take any action, AEM outreach should be more aggressive to report the positive impacts agriculture has within a community and how farmers have been making great strides not only in water quality, but all aspects of the environment. Discussion ensued regarding creative new ways in which AEM should be promoted to both the farm and non-farm public.

ANNUAL PLANS OF WORK:

B. Aman moved to approve the following annual plans of work; seconded by G. Proios. Motion passed; carried.

- Cortland
- Lewis
- Onondaga

EFARM:

M. Latham reported that to date, 270 applications have been received by EFC for reimbursement of CNMP development costs. Eighty-one applications have been approved and checks have been issued for a total just under \$.5 million. 119 applications are currently under review and 35 require additional information before payment will be approved. M. Latham added that there is a lot of work that goes into reviewing each application and then verifying whether or not State funds have already been utilized.

R. Kaplewicz noted the variability in the applications that EFC receives and how that makes it difficult to review the applications. The CNMP brochure is being developed so that farmers know what exactly is required of them with respect to a certified CNMP. There are other services that planners provide that are beyond what is required and farmers need to know that these costs are not eligible for reimbursement. This informational brochure will be distributed to both farmers and planners when completed.

R. Kaplewicz shared that the contracts for the CNMP Planning Specialist positions have been signed and will be advertised soon. He indicated that one responsibility these positions will have will be EFARM eligibility and allowable reimbursement review.

OTHER REPORTS:

AEM

J. Ten Eyck stated that the Statewide AEM Base Program trainings have been going over very well and that further training activities are being planned.

NRCS

J. Del Vecchio revealed that \$1.3 million has been awarded for the Farm and Ranch Land Protection Program. NRCS has been able to recoup some \$300,000 for WRP after they appealed the rescission. An RFP will be offered up for the WRP implementation projects. There are 85-87 potential New York State producers eligible for CSP funding, including the vineyard the State Committee visited yesterday. However, it is not yet known who will actually receive funding.

NYCDEA

A. Barber raised the issue of District involvement with conservation easements that was discussed at the June meeting. D. Haight of American Farmland Trust will be offering a training session at the Water Quality Symposium on this topic. R. Kaplewicz indicated that the Committee will address this topic again at the September meeting and will provide guidance to Districts on this topic.

A. Barber also asked about the status on developing a subcommittee to address the role of Districts in forestry activities. R. Kaplewicz stated that the response he got from DEC is that they are busy this time of year but would like to continue the discussion and meet sometime later this fall. The signed MOU was distributed at the last State Committee meeting and Districts will need to be surveyed to determine the options for District involvement. It was decided that A. Barber of NYCDEA and the State Association (NYACD) would take leadership for completing a survey of SWCD's statewide.

Discussion ensued regarding ways in which Districts can track accomplishments and avoid duplication when filling out information for the NRCS recording system and the District Annual report. This topic will be discussed at the Four-way partnership meeting in September.

A. Barber indicated that NYCDEA is looking at the role that Districts play in filling out damage survey results for FEMA. They are trying to determine how to get Districts involved and engaged when a disaster is designated. A resolution will be brought before NYACD to consider at the annual meeting, and NYCDEA will be looking for support from the State Committee. J. Del Vecchio added that the challenge is to get FEMA to understand that it is unnecessary to bring in contractors from outside the state when Districts are already trained on local watershed issues.

Discussion ensued regarding emergency management and response. M. Latham indicated that the Department has asked that several employees in each Division receive training and become certified for the incident command system. He indicated that perhaps some Districts would also be interested in pursuing this certification. G. Proios indicated that Suffolk County has a great training system and he will send information regarding the next set of certification classes.

AEM Outreach

B. Silvestri indicated that the 2004-05 AEM Annual Report is in its final review from the Department and will be sent to the printer this week and will be unveiled at Empire Farms Days, August 9-11, 2005.

The newly redesigned website should be released in the near future. Work continues to progress slowly with the contracted vendor.

The five minute AEM video developed from the ITV program will be shown at the next State Committee meeting.

R. Kaplewicz noted that the field staff will be meeting to discuss each of the SWCC programs and how they are being implemented in the field. This will be a great opportunity for the staff to get together and assess what we do and how we do it. Outreach will be an important part of the overall discussion.

Hudson Valley AEM Training

L. Miller announced that an AEM Training will be held August 17, 2005 at the Watershed Agricultural Council's East of Hudson Office in Yorktown Heights. The training will focus on the Tier 2 AEM Horse farm worksheets and other information.

AEM Engineering Needs Survey

R. Young indicated that work continues on the engineering needs survey and hopefully more information about the status of projects will be forthcoming. R. Kaplewicz indicated that this survey will provide a good snapshot of where the State stands in terms of engineering needs. This information will be shared with the Department of Ag and Markets in order to determine where additional engineering resources could be directed. This exercise will help determine the long term support that is required as it relates to BMP implementation on farms.

Other

Thanks were once again given to G. Proios for organizing the tour and meeting. G. Proios also thanked everyone for coming down to Long Island. He indicated that while the tour basically skimmed the surface of Suffolk County agriculture, it was a great opportunity for Committee members to see the difference and challenges that this region is faced with.

G. Proios also indicated that he is interested in continuing the ongoing discussion regarding how research is disseminated from Cornell's satellite research facilities to interested parties.

G. Proios remarked that Suffolk County has just signed an agreement for Region 1 to access money through the pesticide regulation program to fund research into pesticide violations. Proios urged other Districts to look into the possibility of accessing funding for pesticide research.

G. Proios also noted that the Lower Hudson RC&D will be hosting the Mid-Atlantic RC&D Conference September 20-23, 2005 at West Point Military Academy. They will be looking for representation from each RC&D and will reimburse up to 50 percent of the cost.

R. Kaplewicz stated that the Division is beginning budget formulations for the next fiscal year. Budget stories and associated information are due August 5th and a meeting is scheduled with Commissioner on August 8th.

R. Kaplewicz also noted the need for Committee voting members to discuss the need for alternate voting members.

M. Latham noted that there is funding available to send a couple of State Committee Representatives to the Northeast NACD meeting, which will be held August 9-10 in Teneck, NJ.

Next Meeting Date

The next meeting has been scheduled for Thursday, September 15, 2005. Details regarding the meeting location will follow.

Meeting adjourned at 11:58 a.m.