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

**STATE COMMITTEE MEETING**

**April 5, 2006**  
**Hotel Utica**

**Present:** G. Proios, D. Hill, J. Dickinson, B. Aman, D. Stein, Voting Members; P. Brennan, R. Zimmerman, J. Rusnica, Ag. and Markets; R. Kaplewicz, B. Steinmuller, J. Ten Eyck, R. Lewis, L. Travis, C. Frasier, L. Prezorski, R. Rausch, SWCC; N. Lee, S. Machovec, NRCS; A. Barber, J. Carmichael, NYSCDEA; P. Black, SUNY-ESF; G. Chartier, B. Williamson, DEC; J. Tauzel, NYFB; J. Green, DOS; L. Coffin, NYACD.

**Call to Order:**

Agriculture Commissioner Patrick Brennan addressed the Committee. Brennan advised the Committee that Round XII of the Agricultural Nonpoint Source Abatement and Control Grant Program was announced on a Madison County Dairy Farm on March 29<sup>th</sup>.

Introductions made.

**Review and Approval of Minutes**

**D. Stein moved to approve the February minutes as presented; seconded by G. Proios. Motion passed; carried.**

**Correspondence**

**Annual Reports:** Keeping It on The Land; 2004 Ag & Mkts. Annual Report; USDA Fiscal 2003-2005 Activities; National Urban and Community Forestry Advisory Council 2005 Annual Report.

**Reports & Newsletters**

Agricultural News – various commodities; Save The Bay March 2006; Nuggets & Nibbles; CFA News; The Upper Delaware; Agricultural Research February 2006 and March 2006; NY FarmNet; Waterworks; Bay Journal; Northeastern IPM Center February 2006; CDEA News; NYACD March 2006 Newsletter; Estuary News Winter 2006; Oneida Lake Watershed Connections March 2006.

The State of Hamilton County Lakes – A Statistical Analysis of Water Quality Trends.

**Conferences & Seminars**

Community Forestry at its Best

R. Kaplewicz read a letter from the NYS Landscape Association thanking him for speaking at their Board Meeting. Kaplewicz told the Committee that the Draft Policy on the sale of trees and shrubs will be presented at the May State Committee meeting.

R. Kaplewicz read a letter of thanks from LEAD New York for speaking at a recent conference.

Finally R. Kaplewicz read a letter from Columbia County SWCD asking the Committee for a decision regarding the closure of two state funded manure storages on a farm in the county. The farm is selling the operation to the NYS Office of Parks and Recreation and asked the District to be relieved of its obligation to operate and maintain the storages for their specified life spans.

The farmer will be following the NRCS Standard 360, Closure of a Waste Impoundment, and will be solely responsible for the expense estimated to be over \$180,000. The District has reviewed their contract with the farmer and has determined that the closure of the structures meets the contract requirements. The District is asking the Committee for their support of this decision before the farmer proceeds.

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**B. Aman moved to approve the actions of the Columbia County SWCD; seconded by G, Proios. Motion passed; carried.**

G. Proios requested that the TAC review the potential for environmental hazards to exist with the abandonment of BMPs.

**Agricultural NPS Abatement and Control Program** – B. Steinmuller

Round XIII

**Voting Member, J. Dickinson, was not present for the discussion and motion. He is officially recusing himself from the discussion.**

The Round XIII RFP, Proposal Rating Sheet and Evaluation Instrument were emailed to the State Committee after approval from the Department of Agriculture and Markets. The Round XIII changes are mainly procedural, focusing on the need to streamline the application process and to clarify the RFP Checklist so that Districts may have a better understanding of what constitutes a critical flaw.

The State Committee made a motion at the January meeting approving language to be inserted in the RFP and Proposal Rating Sheet that increases focus on the assistance to CAFOs and encourages an increase of CREP projects.

In February the State Committee agreed on the concept to include a point threshold on the evaluation instrument, which will cut off funding for proposals that score under that threshold.

Pending approval by the State Committee, the Round XIII RFP will be released on April 14<sup>th</sup>, 2006. Proposals will be due on June 5<sup>th</sup>, 2006.

The eligibility of engineer evaluations of undesigned waste storage structures was discussed. G. Chartier noted that the engineer's conclusion is not known at the time of proposal submission, so it may be difficult for the applicant to budget appropriately. The evaluations could lead to three distinct possibilities:

- ◆ The facility meets NRCS Standard 313 and does not need improvement
- ◆ The facility substantially meets NRCS Standard 313 but needs improvements
- ◆ The facility is an environmental hazard and should be closed immediately.

If the applicant budgets for the worst case scenario and the evaluation leads to a certified storage, there may be excess funds available. The District will have the option to return extra funds to the program or request that the funds be utilized on other high priority practices. B. Steinmuller advised the Committee that there is an approved protocol for such a request.

It was noted that the Evaluations of Undesigned Waste Storage Systems will be added as a component of an Agricultural Waste Storage System in the Agricultural NPS BMP Catalogue. J. Ten Eyck explained to the Committee the need to consider the evaluations as an implementation activity.

The preference points for installing riparian buffers on all farms in the application were discussed. Currently the RFP and Proposal Rating Sheet limits the practices to only riparian buffers, filter strips, and/or wetland restoration that have been identified as the highest priority and currently are the most under-utilized CREP practices. The Committee agreed that restricting the eligible practices for the purpose of assigning the preference points unnecessarily limits the incentive to install buffers. The points should be open to all water quality CREP practices. The language in the RFP and Proposal Rating Sheet will read:

The State Committee shall also give preference to projects proposed to implement conservation buffers on all participating farms in the proposal. Acceptable conservation buffer practices for the purpose of

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assigning the preference points include, but are not limited to: Filter Strips (CREP – CP21) and/or Riparian Forest Buffer (CREP – CP22) and/or Wetland Restoration (CREP – CP23/23A).

The scoring threshold of 87.5 points was discussed. The threshold was developed to disqualify proposals that receive a total score below 87.5 or 50% of the maximum allowable points before bonus points are assigned. It was noted that if proposal reviewers agree that a proposal should not be considered for funding than the proposal will have to fall under the threshold. B. Steinmuller told the Committee that the point threshold can be changed for the next round if it proves to be too low or too high. The Committee accepted the point threshold as presented.

A. Barber told the Committee that the Employees' Association has gone on record saying that the scoring system is still too subjective. Districts need a more transparent system. G. Chartier responded that this system is more objective than the DEC nonagricultural program.

**D. Stein moved to approve the Round XIII RFP with the discussed changes; seconded by B. Aman. Motion passed; carried.**

### Amendments for State Committee Consideration

#### 1. Rensselaer SWCD – Tomhannock Reservoir Watershed Ag-NPS Partner II – Round V – C700575

*Request 1:* time extension from 6/30/04 to 12/30/04

*Reason 1:* the time extension will provide additional time to cover expenses on two participating farms (see Amendment Request for details)

*Request 2:* change in BMPs

*Reason 2:* the District has modified the plan on one farm to include a prescribed grazing system. The District has downsized the heavy use area protection practice on another farm and used the extra funds for the prescribed grazing system on the farm noted above. The changes have already been made informally through a misinterpretation of program policies (see Amendment Request for details). The District is asking the State Committee to formally approve these changes so that the grant can be closed out.

*Request 3:* change in budget - is not required because the shift in funds is within the BMP line item, the funds are not being shifted from any other source.

*Previous Amendments: 3 time extensions*

*R. Lewis, Region 5 AEA, recommends approval of the requests to rectify the issues so that the grant can be closed out.*

R. Lewis discussed the details of this request with the Committee. **B. Aman moved to approve both requests; seconded by D. Stein. Motion passed; carried.**

#### 2. Saratoga SWCD – Fish Creek/Sucker Brook Watershed – Round VII – C700649

*Request:* time extension from 12/30/05 to 12/31/06

*Reason:* additional time needed to complete the design and construction of an Agricultural Waste Storage System.

*Previous amendments: 2 time extensions*

*Note: The start date of this contract was 2/28/00. A contract term longer than 5 years is only permitted by the Office of the State Comptroller under extenuating circumstances. Steve Lanthier, Region 5 Associate Environmental Analyst, recommends approval.*

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**B. Aman moved to approve the time extension; seconded by D. Stein. Motion passed; carried.**

3. Wyoming SWCD – East Koy-Wiscoy Creek Ag. NPS Inventory – Round VIII – C700698  
*Request:* time extension from 3/31/06 to 3/31/07  
*Reason:* additional time needed to complete planning activities and associated BMP planning and engineered designs.

*Previous amendments: 2 time extensions*

*Note: The start date of this contract was 6/22/01. A contract term longer than 5 years is only permitted by the Office of the State Comptroller under extenuating circumstances. T. Brace, Region 1 Water Quality Specialist, recommends approval.*

**G. Proios moved to approve the time extension; seconded by D. Stein. Motion passed; carried.**

5. Jefferson SWCD – Riparian Buffer Strip Project – Round VIII – C700680  
*Request:* time extension from 12/31/04 to 6/30/07  
*Reason:* additional time needed to complete conservation buffer practices

*Previous amendments: 1 time extension*

*Note: The start date of this contract was 6/22/01. A contract term longer than 5 years is only permitted by the Office of the State Comptroller under extenuating circumstances. L. Travis, Region 3 Associate Environmental Analyst, recommends approval.*

**D. Stein moved to approve the time extension; seconded by B. Aman. Motion passed; carried.**

**Staff Approved Amendments**

1. Tompkins SWCD – Cayuga and Owasco Lake Watersheds Management Intensive Grazing – Round XI – C700799  
*Request:* change of landowners  
*Reason:* original landowners voluntarily withdrew. New landowners identified as a priority.  
*Approved by J. Schumacher 2/27/06*
2. Tompkins SWCD – Pasture Management Cayuga and Owasco Lake Watersheds – Round X - C700064  
*Request:* change of landowners  
*Reason:* original landowner voluntarily withdrew. New landowner identified as a priority.  
*Approved by J. Schumacher 2/27/06*
3. Oneida SWCD – Oneida Lake Watershed BMP Implementation – Round XI – C700786  
*Request:* change of BMPs  
*Reason:* the landowner was originally contracted to complete a milkhouse waste treatment system. The landowner will be sending the milkhouse waste to a waste storage structure. The new priority is the implementation of a barnyard runoff management system.  
*Approved by L. Travis 3/3/06*

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4. Ulster SWCD – Esopus Creek – Farm Level Agricultural Nonpoint Source Assessments, Tiers I and II – Round IX – C700732

*Request:* time extension from 2/28/06 to 6/30/06

*Reason:* additional time needed to complete AEM Tier 2 Assessments

*Approved by L. Miller/B. Steinmuller 2/27/06*

### **319 Update** – R. Kaplewicz

R. Kaplewicz thanked S. Machovec for his years of dedicated service to soil and water conservation.

R. Kaplewicz advised the Committee that the Department of Agriculture and Markets and the Department of Environmental Conservation have been meeting to discuss the fate of federal 319 funds. The 319 program is experiencing budget cuts nationwide and the allocation for New York State is also decreasing. Discussions have been made to determine the best use for the limited funds. R. Kaplewicz assured the Committee that personnel funding through March of 2008 is secure with the exception of the Upper Susquehanna Coalition (USC) Director. Year 2 funding for the USC is contingent on finding additional sources. A. Barber, D. Hill, and B. Aman shared the opinion that J. Curatolo's work as the USC Director is extremely important and it would be a shame to lose his services.

### **NRCS Report** – S. Machovec, N. Lee

S. Machovec advised the Committee about the following NRCS programs:

- ◆ **Wetland Reserve Program (WRP)** – there is a new appraisal process, that will be more costly than before and appraised values will be lower, which may result in decreased enrollment.
- ◆ **EQIP** – Sign ups are complete and funds will be released shortly.
- ◆ **WHIP** – funding levels will be set at \$200,000.
- ◆ **Farm and Ranchland Protection** – the final release of the new rule is pending.

NRCS representatives recently attended a Chesapeake Bay meeting. S. Machovec reported that the timeframe for meeting water quality objectives has been extended. NRCS will not be receiving any additional funding for the Upper Susquehanna Watershed. S. Machovec expressed to the Committee that the efforts in the Upper Susquehanna will be in jeopardy if the Committee loses J. Curatolo.

Machovec announced that the new State Conservationist will be reporting for duty on April 17<sup>th</sup>. S. Machovec thanked the Committee for the partnership over the years and complimented the members and staff for their hard work and dedication.

N. Lee told the Committee that the Federal Inspector General has required that those that have access to the USDA network must have background checks conducted. N. Lee advised the Committee there is a procedure in place but NY has been waiting for guidance on who is going to pay for this effort. NRCS will pay for new employees after April 1, 2006. However, NRCS needs an organizational agreement from the State Committee so that background checks can be funded for non-NRCS employees.

### **AEM Report** – J. Ten Eyck

J. Ten Eyck distributed a 2006 AEM Year 2 Base Program proposal. The proposal includes an increased level of funding not to exceed \$40,000 to Soil and Water Conservation Districts for the completion of deliverables identified in their AEM Strategic Plan.

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The payments for Tier 1, 2, 3A, and 5A remain the same as Year 1. Additional deliverables have been added:

- ◆ *Tier 5A completion of the following AEM Tier 2 Worksheets on a CAFO: Petroleum Products Storage; Pesticide Storage, Mixing, and Loading; Pesticide Use; and Waste Disposal then providing a summary report and action plan to address issues found - **\$300/farm.***
- ◆ *Tier 5B evaluation of conservation plan or implemented BMP - **\$400/farm.** If the evaluation of an implemented BMP is part of a CNMP developed for a CAFO - **\$500/farm.** **NRCS Job Approval Authority is required.***
- ◆ *Tier 5B development of CAFO CNMP Implementation Strategies. SWCD staff meets with farmer, CNMP Planner, and other farm consultants to review the BMP Implementation schedule from the CNMP, determine work needed for permit compliance, and develop a strategy for securing funding and technical assistance to fully implement the CNMP - **\$300/farm.***
- *Completion of Tier 4 implementation activities for farms that have completed at least Tier 3A planning and the SWCD is not receiving any other funding for technical assistance. **Payment is for technical assistance for BMPs designed, installed, and checked according to NRCS Standards consistent with NRCS Not-To-Exceed Rates for Technical Service Providers in New York State.***
  - ◆ *This component will provide the opportunity to emphasize the installation of buffers on CAFOs and other farms, and provide increased incentive for SWCDs to promote and utilize the Conservation Reserve Enhancement Program (CREP).*
  - ◆ *This component will also provide the opportunity to assist CAFOs with the design, installation, and check of BMPs required as part of their CNMP. **Not-To-Exceed Rates will be increased by 10% for work on CAFOs.***

Districts will be given the opportunity to revise their AEM Year 2 Funding Strategies until May 1, 2006 should they choose to make adjustments to address the expanded scope of the Base Program. The Year 2 Base Program contract will start on May 7, 2006.

Discussion ensued regarding some points of the proposal. R. Zimmerman commented that the proposal makes strides toward capacity building in the Districts. D. Stein noted that if Districts share resources regionally they may be able to obtain enough resources for a position. J. Ten Eyck commented that legally, funding must be evenly distributed across the entire state. Conceptually it is problematic that a county with little agriculture could receive the same level of funding as a heavy agricultural county.

**G. Proios moved to approve the AEM Base Funding Year 2 proposal as a concept, understanding that the details are to be brought back to the Committee; seconded by J. Dickinson. Motion passed; carried.**

J. Ten Eyck advised the Committee that the details will be emailed to the Committee as they are sorted out.

### **Forestry Survey**, L. Coffin

L. Coffin, President of NYACD, distributed a completed forestry survey of the Districts. The purpose of the survey was to find out what Districts are doing, and what their needs are in relation to forestry.

The survey questions included: Is your district actively involved in forest management programs; is forest assistance provided; does your district participate in urban/community forestry; are there any forestry issues that currently exist in your county?

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Discussion ensued regarding the need to collaborate on a forestry forum and revitalize forest practice boards and stewardship committees.

For survey results, contact Linda Coffin, NYACD, 315-894-3302.

**Other Reports** – All

D. Hill announced that the State Committee received the NYCDEA President's Award at the 2006 Water Quality Symposium. D. Hill recognized the State Committee staff and thanked them for their hard work and dedication.

SWCD Annual Reports – the following SWCD Annual Reports were approved by the Committee:

- ◆ Chemung
- ◆ Clinton
- ◆ Erie
- ◆ Madison
- ◆ Monroe
- ◆ Tioga
- ◆ Ulster
- ◆ Wyoming
- ◆ Warren

B. Williamson, DEC Lands and Forests distributed the *Municipal Official's Guide to Forestry in New York State*. B. Williamson also passed around outreach materials regarding invasive insects, such as the Sirex Woodwasp and Emerald Ash Borer to increase awareness.

Meeting adjourned – 3:31 p.m.

Next meeting – May 16, 2006, to be tentatively held in Albany.