

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

Minutes
May 16, 2006
NYS Farm Bureau Offices
Wolf Road, Albany

Voting Members Present: D. Hill; D. Stein; G. Proios; B. Aman; J. Dickinson

Present: R. Kaplewicz; M. Latham; P. Black; G. Chartier; J. Rusnica; A. Barber; L. Prezorski; P. Brennan; R. Zimmerman; D. Smith; D. Mosher; B. Steinmuller; J. Tauzel; L. Travis; J. Ten Eyck; B. Silvestri; J. Kick; J. Green; P. Kaczmarczyk; R. Young; K. Czymmek; L. Chase; R. Rausch; A. Rangarajan

Call to Order:

D. Hill called the meeting to order at 10:00 am. Introductions were made and D. Hill thanked J. Tauzel and NYFB for providing meeting space.

Review/ Approval Minutes

D. Stein moved to approve the minutes of the April meeting as presented; seconded by J. Dickinson. Motion passed; carried.

Correspondence:

R. Kaplewicz read a letter from Amanda Barber regarding forestry issues and the need for a revitalized effort in this area. George Proios suggested that the issue of forest practice boards needs to be addressed and how invasive species impact New York forests.

R. Kaplewicz read a letter from Jim Hotaling, Executive Director of the Cayuga County Soil and Water Conservation District, regarding the proposed regional digester to be built on County property. A lengthy discussion ensued.

R. Kaplewicz read a letter from Lois New establishing new section 319 funding priorities for the State Committee and Districts.

R. Kaplewicz read letter from Andrew Spano, Westchester County Executive regarding funding for SWCD's. George Proios stated that a confusing 11th hour change occurred in the Assembly Ag Committee during the introduction of the bill. **A. Barber** stated that the word "competitive" was inserted into the bill language and that word changes the intent of the original proposal.

R. Kaplewicz read a letter from Brymer Humphries of FSA regarding the election of County Committee members.

R. Kaplewicz read a letter from Rick Weidenbach, Executive Director of the Delaware County Soil and Water Conservation District, regarding the agricultural exemption from GP-02-01. This letter was also sent to the Commissioner of Ag and Markets and Sandy Allen of DEC. R Weidenbach is looking for an interpretation of the exemption that was negotiated by MOU with DEC, Ag and Markets and the State Committee. **L. Prezorski** stated that the original intent of the exemption is for the farmer (permit applicant). **D. Hill** stated that the Delaware SWCD Board of Directors feels that the exemption is there to cover SWCD employees. **L. Prezorski** said that the farmer would be exempt even if there is no district involvement. **A. Barber** asked if there is an obligation by Districts to ensure that the job is done right? Is so, there is a fear that the districts may be viewed as the regulatory agency. We need to clarify that this is an agricultural exemption and not a

district exemption **R. Kaplewicz** will draft a letter to R. Weidenbach with a coordination of the response with DEC.

Agricultural NPS Abatement & Control Grant Program

STATUS OF ROUNDS I-XI

Of 378 projects, 133 are active, 6 are pending, and 239 are complete.

Round XII

Round XII awards were announced on March 29, 2006. Plans of work are due on June 30th.

Round XIII

The Round XIII RFP was released on April 14th. Proposals are due by 5:00 p.m. on June 5th. The RFP and attachments are available on the Department of Agriculture and Markets website under "Funding Opportunities". Questions and Answers are also posted under "Funding Opportunities".

Amendments for State Committee Consideration

1. Schenectady SWCD – Normanskill Creek Planning Project - Round VII – C700665

Request 1: time extension from 3/31/05 to 9/30/07

Reason 1: due to being short staffed, the District has not had the opportunity to complete the 3A and 3B plans.

Request 2: change of landowner

Reason 2: one landowner is now deceased and another has voluntarily withdrawn

Request 3: change of deliverables from Tier 3B to Tier 3A plans on 7 farms

Request 4: change of budget

Reason 4: to address the changes in the deliverables, a reduction in state funds is necessary

Previous amendments: 1 time extension

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. R. Lewis, Region 5 Associate Environmental Analyst, recommends approval.

D. Stein moved to approve the amendments; seconded by G. Proios. Motion passed; carried.

2. Schenectady SWCD – Great Flats Aquifer Implementation - Round VII – C700651

Request 1: time extension from 3/31/05 to 9/30/07

Reason 1: due to being short staffed, the District has not had the opportunity to complete the contract deliverables

Request 2: withdrawal of two landowners

Reason 2: the two landowners voluntarily withdrew

Request 3: reduction in the amount of state funds

Reason 3: the reduction is necessary due to the elimination of two landowners and their associated practices

Previous amendments: 1 time extension

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. R. Lewis, Region 5 Associate Environmental Analyst, recommends approval.

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

Staff Approved Amendments

1. Ontario SWCD – Central Lowlands Till Plain Agricultural Program – Phase II – Round IX – C700716
 - Request 1: change of landowner*
 - Reason 1: original landowner voluntarily withdrew*
 - Request 2: change BMPs on two farms and add a BMP on another farm*
 - Reason 2: new BMPs identified as a priority by the District, Agricultural Advisory Council, and NRCS.*
 - Approved by T. Brace/B. Steinmuller 4/14/06*

2. Ontario SWCD – Central Lowlands Till Plain Agricultural Program – Phase III – Round X – C700760
 - Request: change of landowner*
 - Reason: vineyard has been removed so the need for the BMP no longer exists.*
New vineyard is in the same watershed and identified as a priority
 - Approved by T. Brace/B. Steinmuller 4/14/06*

3. Tompkins SWCD – Owasco Lake Inlet Watershed Protection Project – Round IX – C700730
 - Request: change of landowner*
 - Reason: original farm is up for sale and new farm has been identified as a priority due to animal density/acre, distance to waterbody, and AEM Tier 1 and II process.*
 - Approved by J. Schumacher 4/20/06*

4. Suffolk SWCD – Irrigation Wellhead Protection – Round IX – C700739
 - Request: time extension from 12/31/05 to 9/30/07*
 - Reason: additional time needed to complete contract deliverables*
 - Approved by L. Prezorski/B. Steinmuller 4/14/06*

5. Suffolk SWCD – F. Fletchman Roof Runoff Management – Round IX – C700065
 - Request: time extension from 12/31/05 to 9/30/07*
 - Reason: additional time needed to complete contract deliverables*
 - Approved by L. Prezorski/B. Steinmuller 4/16/06*

6. St. Lawrence SWCD – AEM for the Oswegatchie River – Round IX - C700723
 - Request: time extension from 2/29/06 to 2/28/07*
 - Reason: additional time needed to complete planning activities*
 - Approved by S. Lanthier 3/20/06*

7. Madison SWCD – Oneida Lake Watershed CNMP – Round VIII – C700681
 - Request: change of landowners*

- Reason:* original farm sold operation to new landowner, CNMP was completed for new Landowner
Approved by L. Travis 4/4/06
8. Cayuga SWCD – CNMP in the Watersheds of Cayuga County – Round IX – C700703
Request 1: time extension from 3/31/06 to 3/31/07
Reason 1: additional time needed to complete plans
Request 2: change of landowner
Reason 2: original landowner voluntarily withdrew; two farms have been identified as replacements
Approved by L. Travis 3/22/06
9. Columbia SWCD – Mill Creek Project – Round VI – C700048
Request 1: change of landowner
Reason 1: farm sold, new landowners is committed to completing project
Request 2: budget change from BMP implementation to engineering
Reason 2: landowner funds will be assigned to engineering to cover the cost of private engineer
Approved by L. Prezorski/B. Steinmuller 5/5/06
10. Lewis SWCD – Mill Creek Environmental Assessment – Round IX – T700711
Request: change of budget
Reason: funds were transferred to contractual services to pay a certified planner for complete planning activities
Approved by L. Travis 5/5/06
11. Madison SWCD – Oneida Lake Watershed Grazing Initiative – Round IX – C700713
Request: change of landowner
Reason: original farmer went out of business, new landowner identified as a priority through the AEM process
Approved by L. Travis 5/11/06
12. Broome SWCD – Short Duration Grazing Implementation for the Eastern Susquehanna River Basin in Broome, Tioga & Chenango Counties – Round X – C700742
Request 1: change of landowner
Reason 1: the original landowner sold the operation and the new landowner has higher animal units and density
Request 2: change of BMP
Reason 2: the new landowner requires an alternative water system instead of animal trail and walkway
Approved by J. Schumacher 5/9/06
13. Onondaga SWCD – Otisco/Skaneateles Lake Watershed Tier V AEM Evaluation – Round X – C700759
Request: time extension from 7/31/06 to 12/31/07
Reason: additional time needed to complete contract deliverables
Approved by L. Travis 5/2/06
14. Washington SWCD – Halfway Creek AEM Implementation – Round VII – C700056

Request: change of BMP

Reason: the recent completion of the CNMP identified the need for a milk center wastewater BMP instead of a compost facility as the top priority

Approved by S. Lanthier 5/10/06

15. Yates SWCD – Seneca Lake Watershed (Yates County) AEM Tier IV
Implementation Grant – Round VIII - C700063

Request: change of BMPs

Reason: the design process identified the need to include a manure transfer BMP to the barnyard water management system on one farm in the grant

Approved by T. Brace/B. Steinmuller 5/7/06

17. Livingston SWCD – Conesus Lake Watershed Tier III Planning Grant – Round X – C700755

Request: time extension from 7/31/06 to 7/31/07

Reason: additional time needed to complete planning activities

Approved by T. Brace/B. Steinmuller 5/7/06

Agricultural NPS Abatement and Control Grant Program Round XIII Question and Answers:

Eligibility

Q. A Farm in the county grows potatoes. They also sort and dice and slice potatoes (process) to sell to restaurants, etc. The waste that comes from the processing of the potatoes is going to be trucked to the Regional Digester. The farm will be getting some of the liquid from the digester operation to use as a nutrient source on the fields that he grows potatoes on. He will need a storage facility for the liquid. Will he qualify for Round XIII? Does he meet the qualifications of an agricultural producer or is he a processing facility that would make him ineligible for funds?

A. The Agricultural Nonpoint Source Abatement and Control Program funds plans, and projects that will reduce and/or prevent the nonpoint source contribution from agricultural activities. Potato processing and its waste are considered a regulated point source. Therefore, the producer as a processor is not eligible for funding under this program.

If the District proposes a project that consists of activities which will reduce, abate, control, or prevent NPS pollution originating from the production side of the farm, then that project would be eligible for funding under this grant program. This additional point was added to the answer as a result of the discussion.

This answer is consistent with a previous ruling made under Round XII:

Q. Can you confirm yes or no, if a farm operation (50 acres of vineyard) which also presses grapes would be eligible for cost share assistance? Specifically addressing the wastewater and sludge produced at the press operation.

A. *If it is a facility that requires a SPDES permit to handle process waste, then it is considered a point source and therefore not eligible for funding under this program.*

B. Aman made a motion requesting the State Committee staff to begin research into expanding the current SWCD law beyond the current NPS WQ program as stated in SWCD Law, Section 11B. Seconded by J. Dickinson. Motion passed; carried.

R. Kaplewicz tasked the AgNPS TAC to develop a position paper on this issue after the completion of Round 13.

Tree and Shrub Policy:

R. Kaplewicz distributed the draft policy on tree and shrub sales by Districts.

B. Aman requested that a vote to approve the draft tree and shrub policy be tabled until such time that the NYACD has time to review the policy.

G. Proios motioned to table the vote to approve the draft policy for one month. Seconded by D. Stein. Motion passed; carried.

Small Farms Presentation:

Dr. Anu Rangarajan, Director of the CCE Small Farms Program, gave a powerpoint presentation and facilitated some great discussion on the program and is seeking opportunities to collaborate with groups and organizations such as the SWCC.

G. Proios asked if there exist a comprehensive list of groups/organizations assisting small farms. How can a comprehensive list be established? How can we share information? How can we design a survey to assess the needs of small farms?

A. Rangarajan suggested that part of the problem has been a lack of coordination among small farms of various types.

R. Zimmerman asked if small farms feel left out of the network of agricultural assistance providers.

A. Rangarajan answered that it depends on the commodity. In the CCE small farms program no distinctions or judgments are made regarding size. It is in all of our best interests to support all agricultural sizes.

AEM Report:

J. Ten Eyck gave a report on the AEM year 1 base program and on the year 2 base program and distributed information on year 2. Year 2 has 53 districts participating and total requests for fund in year 2 are just under \$1.72m. Year 2 work to be performed includes; 1180 tier 1, 1181 tier 2, 544 tier 3A, 145 BMP implementation on farms, 301 tier 5A, 22 tier 5A-cafo, 165 tier 5b, 71 tier 5b cooperation strategies.

J. Ten Eyck announced November 14 & 15, 2006 as the AEM Annual Training dates.

AEM Outreach Report

B. Silvestri gave a report on the 4 Media training workshops that were held around the state. The workshops were attended by 41 Districts and 13 other agencies including; CCE, DEC, FSA, RC&D. A total of 96 people were trained.

Trainers were outstanding and this was reflected in the excellent reviews received.

Our next step is to do a part 2 media training this winter, focused on improving interview skills.

The Outreach Committee will be initiating an “outreach award” to recognize Districts displaying excellent outreach activities in the print and the visual media. We hope to award a digital camera and AEM fleece jackets.

G. Proios praised the award idea and encouraged outreach through utility mailings

B. Silvestri announced that the annual award presented by the NY Potato Growers Assoc., formerly known as the environmental stewardship award, has been renamed the “Agricultural Environmental Stewardship Award”. The prize has been increased as well and now the SWCD and the farmer each get a \$1k cash award.

AEM signage is still being discussed. One potential phrase is “continuously working to make it better”.

Certification Sub-committee:

J. Ten Eyck reported that Greg Albrecht and Bob Brower have been very busy. Their activities to date include; initiating a CNMP quality assurance program, and conducting 2 quality assurance pilot reviews. This is part of the initiative to have all certified CNMP Planners reviewed every 2 years. They have also reviewed over 130 efarm updates, reviewed 3 CNMP’s for new planner certification, provided CNMP training for 25 participants, organized a CAFO update meeting w/ DEC and EFC, provided training at the water quality symposium for 35 nutrient management planners, participated in the CAFO update road show presenting funding opportunities to over 350 farmers, 35 planners, and 10 PE’s at 7 sites, wrote a summary article “ 10 important CAFO issues” which appeared in the April 24 edition of Country Folks, surveyed SWCD’s about agricultural PE’s and developed list of those agricultural PE’s currently being utilized by Districts. They also performed an in-depth evaluation of conservation options for a farm at the request of the NYSDAM.

J. Ten Eyck stated that New York is one of the few states with a performance based plan certification process. The NYS DEC should be promoting this fact with EPA and others.

B. Aman stated that this is one more thing for a planner to do, how much more can we ask them to do?

J. Ten Eyck said that we would like to see them at more trainings.

R. Kaplewicz stated that we are working towards improved technology based solutions in order to reduce paperwork and reporting requirements.

SWCC Annual Plan of Work:

M. Latham distributed the 2005 SWCC Annual Plan of Work Summary. We will be meeting with the staff in June to discuss the work plan for 2006.

G. Proios stated that we need to start working on expanding the scope of 11B and we also need to maintain cooperation between all agricultural organizations. In order to accomplish this we should have a principals meeting every 2 years. This helps to establish and strengthen the bonds between the organizations and the State Committee.

R. Kaplewicz asked that we continue this discussion at the June meeting.

A. Barber encouraged the State Committee to create a spot on the agenda for districts to come to the meetings and speak about what individual districts are doing.

Other Reports:

NACD-NE Meeting

R. Kaplewicz announce that the NACD Northeast Meeting will be held in PA at State College on July 23-25.

D. Stein motioned to approve sending 3 staff members and 2 voting members to the NACD NE mtg. Seconded by G. Proios. Motion passed; carried.

CREP:

M. Latham distributed information regarding the status of CREP.

A. Barber expressed concern that we have been focusing on SWCD capacity and other issues such as BMP cost-share rates and rental rates that may be obstacles to implementing CREP, when perhaps we need to look at and discuss FSA involvement/engagement and capacity at the local level.

G. Proios said that Districts have MOU's with NRCS, why not with FSA?

M. Latham mentioned that recently NACD and FSA have signed an agreement at the national level. This may trickle-down to the local level.

Annual Reports:

M. Latham reported that four annual reports have been reviewed by staff. They are: **Allegany, Onondaga, Steuben and Sullivan SWCD's.**

B. Aman motioned to approve the Annual Plans as submitted. Seconded by J. Dickinson. Motion passed; carried.

Other:

A. Barber mentioned that the Petroleum Bulk Storage standard that was used by NRCS is no longer available. She asked how the Committee can provide guidance on this issue. Should Districts be dealing with this issue on a county basis or can we do a state standard?

L. Prezorski will forward information from Suffolk County.

M. Latham suggested that the AEM program could adopt standards, should we go down this route?

Commissioner Brennan thanked the Committee for their hard work.

Next State Committee Meeting Date is Tuesday, June 20th at a location to be announced.

Meeting adjourned at 3:15pm