

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

STATE COMMITTEE MEETING

September 18th & 19th, 2006
Clarion Hotel, Utica NY

Present: Voting Members: Dennis Hill, Bob Aman, George Proios, Dale Stein, John Dickinson;
SWCC Staff: R. Kaplewicz-Executive Director, M. Latham, J. Ten Eyck, C. Frasier, L. Prezorski, R. Lewis; NYSDAM – R. Christensen, J. Rusnica; NRCS – D. DeWeese, R. Young, B. Hopkins; DEC – G. Chartier; NYSCDEA – A. Barber; NYFB – J. Tauzel

Call to Order

D. Hill called the meeting to order at 1:00 p.m. Introductions were made.

Review and Approval of Minutes

D. Stein moved to approve the minutes as submitted; seconded by B. Aman. Motion passed; carried.

Correspondence

Letters & Memos

Memo from Denise M. Sheehan, DEC regarding applications for Round 9 of the Water Quality Improvement Project program; letter from John W. Lincoln, New York Farm Bureau regarding "Feed & Forage Fund" contributions; Memo from Robert K. Davies, NYS DEC, regarding Sirex Woodwasp and the Forest Land Enhancement Program; Memo from Robert K. Davies, NYS DEC, regarding FLEP State Priority Plan Amendment; Letter to Honorable Steve Johnson, U.S. Environmental Protection Agency from James DeZolt, NYS DEC regarding CAFOs.

Reports & Newsletters

NYSFSMA News: Official Newsletter of The NYS Floodplain & Stormwater Managers Association – Summer 2006; National Agricultural Statistics Service: July Milk Production; New York Crop Prospects; 2005 Cash Receipts Up Slightly; Cash Receipts and Farm Income; New York Apple and Grape Production; New York Egg Production; 2006 Turkey Output in New York Expected to Increase; NYACD Newsletter – July 2006 and August 2006; "Inside Pride" – the newsletter of the Pride of New York Program; USDA "Agricultural Research" – August 2006; CFA News – Summer 2006; Polluted Stormwater Runoff Brochure, "Step By Step" – copies available at rrd1@westchestergov.com; or 914-995-4407; "What's Cropping Up?" - July-August 2006; Notice of Availability of State and Federal Funds for water quality improvement projects addressing non-agricultural nonpoint source abatement and control.

Conferences & Seminars

Ethanol & Biodiesel Project Finance – The Tutorial – November 1-3, 2006; Chicago, IL; register at mail@infocastinc.com, or phone: (818) 888-4440; NYACD 2006 Annual Meeting: October 29 – 31, 2006, Otesaga Hotel, Cooperstown, NY – from to be completed and returned by September 29th.

R. Kaplewicz read the letter from D. Sheehan regarding Round 9 of the Water Quality Improvement Project Program, the John Lincoln letter regarding the Feed & Forage Fund contributions, a letter from NYSDEC and the NRCS in reference to the Sirex Woodwasp and the Forest Land Enhancement Program and a letter to the Honorable Steven Johnson, USEPA from James Zolt, NYSDEC regarding CAFO Regulations.

Agricultural NPS Abatement and Control Program: M. Latham

M. Latham distributed the latest program report and the TAC meeting minutes. M. Latham briefly explained the action items and how they will be handled. The first item was for the TAC to discuss innovative projects and emerging issues such as air quality. G. Proios asked if data was being collected now and if not, is there a way to accelerate the review of Tier 1 and 2 questionnaires to address these issues. M. Latham responded that we are trying to collect some data to get ahead on the air quality issue at this time.

A. Barber asked if the policy and program issues surrounding the Cayuga County Community Digester will be the responsibility of this subcommittee. The subcommittee will look at projects of this scope as well as projects that could be sited on publicly owned land.

G. Proios recommended that we look into evaluating BMPs under extreme weather events such as the recent heavy rain and flooding and that there could be a lot to learn from doing this. R. Kaplewicz responded that the Districts were asked to review BMP'S after the storms and found that there were only 2 or 3 failures. A. Barber added that stream crossings are where damage was prominent and that this issue be a good discussion topic for managers meetings. M. Latham explained that A. Barber and J. Schumacher will co-chair a committee to develop guidance and recommendations as it relates to disaster preparedness and response as requested by the Committee

M. Latham stated that the TAC will also be discussing the scoring of projects for the next round. G. Chartier said that there was a large discrepancy in the ranking of certain projects and asked about the split between project 42 & 43 on the ranked list. M. Latham explained that that this scoring issue will be explored during the Round XIII discussion.

R. Kaplewicz led a discussion on the previous State Ethics determination and it pertains to voting and advisory member involvement on discussions related to the grants program. M. Latham stated that Counsel has ruled that the Ethic's determination on advisory member recusals also applies to the Employees' Association, with emphasis on ranking and funding decisions. We are currently discussing with Counsel if this ruling is sufficient.

Agricultural NPS Abatement & Control Grant Program

STATUS OF ROUNDS I-XI

Of 377 projects, 133 are active, 1 is pending, and 243 are complete.

Round XII

Round XII awards were announced on March 29, 2006. Plans of work are being processed and contracts are being executed.

TAC Priorities

The Technical Advisory Committee met on September 13th and discussed priorities for the year. Among the priorities discussed included:

- ◆ Develop the Round 14 Request for Proposals, Proposal Rating Sheet and Evaluation Instrument.
- ◆ Review and rank Round 14 proposals.
- ◆ Establish a subcommittee to explore opportunities for funding innovative and alternative technology projects that expand AEM to meet emerging issues including but not limited to greenhouse gas reduction, air quality, renewable energy, and SPDES/CAFO compliance.
- ◆ Review the status of the subcommittee's discussions regarding funding programs for innovative and alternative technology.
- ◆ Review current program policies regarding eligible operations and practices.

Staff Approved Amendments

1. Lewis SWCD – Black River, 5 County Watershed, AEM – Round X – C700754

Request: time extension from 10/30/06 to 10/30/07

Reason: additional time needed to complete planning activities

Approved by L. Travis 8/22/06

2. Tompkins SWCD – Pasture Management: Cayuga and Owasco Lake Watershed – Round X – C700768

Request: change of 2 landowners

Reason: original landowners voluntarily withdrew, new landowners identified as a priority through the AEM planning process

Approved by J. Schumacher 8/14/06

3. Tompkins SWCD – Rotational Grazing Implementation: Cayuga and Owasco Lake Watershed – Round IX – C700064

Request: change of landowner

Reason: original landowner voluntarily withdrew, new landowner identified as a priority through the AEM planning process

Approved by J. Schumacher 8/14/06

4. Madison SWCD – Oneida Lake Watershed Ag NPS Reduction Project – Round IX – C700712

Request 1: change of landowner

Reason 1: original landowner voluntarily withdrew; new landowner is in close proximity to Chittenango Creek

Request 2: change of BMPs

Reason 2: new landowner is a CAFO and new practices are called for in CNMP

Approved by L. Travis 8/7/06

5. Chenango SWCD – Otselic River Corridor CNMP Planning Grant – Round IX – C700705

Request: change of landowners

Reason: original landowner sold the farm, new landowners identified as a priority due to proximity to watercourses

Approved by J. Schumacher 9/15/06

6. Delaware SWCD – Riparian Forest Buffers for Controlled Limited Livestock Access in the Susquehanna Basin – Round XII – 12-1 (plan of work)

Request 1: change of landowner

Reason 1: original landowner no longer wants to enter into a CREP contract at this time, new landowner is a top priority

Approved by J. Schumacher 6/23/06

7. Orange SWCD – Nutrient and Ag Waste Management in the Moodna Creek Watershed – Round IX – C700792

Request: change of budget from personal and engineering services to BMP implementation line

Reason: the cost of construction has increased since the proposal was submitted

Approved by L. Prezorski/B. Steinmuller 8/22/06

8. Ontario SWCD – Central Lowlands Till Plain Ag Program – III – Round X – C700760

Request: change of landowners

Reason: original landowner is selling the farm; new landowner is identified as a priority

Approved by T. Brace/ B. Steinmuller 8/4/06

NRCS Engineering Workload – R. Young

R. Young explained his process for determining the workload and his report. R. Kaplewicz explained that R. Young's proposal was using NRCS personnel only and did not include S&W District Personnel. If this group was included it would make the situation much less of a critical issue. B. Aman asked if District personnel can design projects. R. Kaplewicz gave a quick explanation of job approval authority and that certain district personnel can design certain projects. There was much discussion as to how to reduce the backlog and that if Districts technical expertise were included it will improve the situation.

R. Young said that his data on the Ag Non point program needed more work and that he would get more info within the next few weeks and will break it down similar to the way he did with the federal data. He went on to describe the working group sessions with the Districts and SWCC staff and the short and long term plans that have been developed. R. Young stated that at this point we are not keeping up on the engineering that is required; there are just not enough people. R. Kaplewicz expressed support for the plans that has been developed and the need to begin implementing those plans. G. Chartier questioned what will happen when Round 12 & 13 projects are ready for implementation what will that do to the situation? R. Young stated it would depend on the capabilities of the Districts involved. R. Kaplewicz stated that more districts have put private engineering into the cost of the projects but that NRCS has stated that they will honor all commitments that they have made. A. Barber asked if NRCS will be doing the engineering on the Round 13 projects. D. DeWeese responded that Ron Alvarado wants to get the federal work completed so that they can assist the Districts with their work. A. Barber said that we have to mobilize the Districts to make that happen and that we need more people in the field to get these projects finished. Small farms need a lot of help with the contracting and the District ends up shouldering the work. B. Hopkins added that it is being seen as an engineering workload problem but in fact it's the administrative process and change orders for projects that are really slowing the process down. We are being asked to redesign projects and rewrite contracts and that really eats up time that we can be using for productive implementation.

A. Barber stated that the Districts are being asked to pay rent and share expenses with NRCS and thought that the engineering help from the districts could be used as a cost offset but understands that NRCS may not see it that way. She went on to say that we have to stop thinking of on-farm implementation as a "yours and ours" workload but everyone's workload. J. Dickinson stated that it looks like we may have either a statewide critical issue which we need to get our arms around or an occasional county by county management crisis that we just need to address on a case by case basis. R. Kaplewicz stated that it isn't a critical crisis at this point but we are looking ahead to ensure that it doesn't become one. D. Stein added that he believes that it isn't the engineering that is holding up projects as much as it may be the farmer's financial situation at this point. R. Young added that it isn't a crisis yet but we need to get a handle on it so that we can be timely with our projects and not have to wait 2 to 3 years to get things implemented on the farm.

Round XIII

The Technical Advisory Committee met on September 13th to discuss a recommendation for funding for year 3 of the AEM Base Program and Round XIII of the competitive Ag NPS Program. The TAC recommends that the State Committee approve the following resolutions.

Resolution 06-2

Subject to the availability of funds, the New York State Soil and Water Conservation Committee resolves to fund the Agricultural Nonpoint Source Abatement and Control Program Round XIII ranked list through project number 43 from the SFY 2006-2007 budgeted Environmental Protection Funds (EPF).

The allocation will provide \$10,204,370 toward the competitive Round XIII list and \$2,120,000 will be allocated to the AEM Base Funding program year 3 through the remaining 2006-2007 EPF and available returned EPF funds in order to maintain the previous level of financial commitment for the base program at \$40,000 per District.

Round XIII Project Approval

M. Latham handed out the Round 13 ranked list and the recommendation of the TAC to go to Project 43. J. Tauzel asked how much of the EPF we are using. M. Latham responded that when we made the recommendation to the TAC we were looking at a combined pool of money. The Finance Division suggested that the State Committee use the old money for AEM Base and new money for implementation projects. G. Proios stated that he believes that we have more money than we can spend through AEM Base. M. Latham said that the issue is to decide on spending through project 43 and funding AEM Base Year 3 at \$40,000 per District. G. Proios stated that he believes that we should use the entire EPF on implementation. A. Barber said that we need AEM Base to be a long term commitment so that we don't fall behind. We need better planning. We can use AEM Base funding for implementation and engineering assistance in year 2 of the program as a way to get projects on the ground. L. Prezorski added that with AEM Base we get the top priority projects. M. Latham stated that we have \$225,000 in unspent money from Year 1 Base funding but it is encumbered for year 2, we also have \$1.7million contracted for year 2 Base at \$40,000 per district. G. Proios stated that we seem to be carrying money over to cover for a lack of earmark for year 4. D. Stein said that we should keep some funds in reserve to keep AEM Base going. R. Kaplewicz added that we need to look at AEM Base as a long term commitment. If we cut funding to the Districts we undermine the strategic

planning that is a critical part of the AEM program. R. Christensen said that AEM is a program that we have to keep going, the funding isn't institutionalized but AEM is. We must keep going.

Motion by D. Stein seconded by J. Dickinson to approve resolution 06-2 with one abstention by G. Proios due to the fact that he believes that AEM Base should be funded at a lower level and more spent on implementation. Motion passed; carried.

AEM Committee Reports: J. Ten Eyck

J. Ten Eyck handed out the AEM Base Year 1 Program Results and Completion Summary and reported that all year 1 work has been closed out. He spoke on the benefits of the base funding program including Tier V as an important component which allows us to go back and evaluate farms.

He then reviewed the handout information: 75% of the work was complete, 18 of the 53 counties used all of the \$20,000 and 12 SWCDs exceeded their goals. He went on to explain that Districts were encouraged to budget realistic figures for year 2 and that the full federal earmark for year 1 has been spent. D. Stein asked if SWCDs are being encouraged to pool resources. J. Ten Eyck responded that this was encouraged and that more discussion will continue on this front. J. Ten Eyck then handed out Year 2 Base (Planned Summary) with 53 Districts in the program, Westchester has declined to participate in year 2 and Greene County has joined the program. He then explained that Tier 4 has been added to help promote CREP and Farm Bill implementation. In year 3 funding levels will remain at \$40,000 per SWCD and at the next AEM Steering Committee meeting we will be discussing AEM Partnerships encouraging SWCDs to work with CCE and planners.

J. Ten Eyck went on to say that there are incentives for partnerships in outreach, data management and some conservation practices such as no-till and cover cropping. He went to say that there is consideration being given for reallocating funds not fully used by SWCDs and giving additional funding to priority areas for pilot programs.

J. Ten Eyck then handed out The Guide to Conservation Funding and explained that it corresponds to AEM worksheets and briefly explained the 19 funding programs. B. Aman asked what SWCDs will do with the Guide. J. Ten Eyck stated that he would like it in all SWCD, CCE, NRCS FSA and Farm Bureau offices.

Certification Sub Committee Report – J. Ten Eyck said that they have started the Planner Quality Assurance Program. There are 41 planners and Bob and Greg are working with 20 this year. One planner has been re-certified and 9 others are being worked with. Three of this year's 20 are inactive – they have not signed any Appendix Bs and are not planning. There are 6 new planners currently in the process; 2 are approved; 3 are working on certification; 1 has quit. New this year will be the requirement that 1 of the 3 plans will include an on farm field plan review. J. Ten Eyck went on to say that DEC will be having Inspector Training in October and that ECOs have been invited to attend as well as 5 new CAFO Inspectors. A. Barber asked if inspectors will be in all regions. J. Tauzel said 2 will be in Albany and 3 will be in regions. There was much discussion on Conservation Officer involvement in CAFO inspections and that the SWCC would like to have at least one CO in a region trained in inspections. G. Chartier suggested inviting Jackie Lendrum and/or Angus Eaton to a meeting to discuss this. R. Kaplewicz said that he will invite Angus Eaton to attend the December SWCC meeting to discuss

CAFO Compliance, CO training and cross agency cooperation and compliance strategies. J. Ten Eyck stated that the Certification Committee will be doing 2 CAFO road shows this winter. He went on to say that there were two sessions recently held on undesigned manure storages and we discussed what is required to certify a storage.

Water Quality Symposium – we will have a track for private engineers as it relates to Ag issues.

Petroleum Bulk Storage – This is continuing to move forward and we have received comments from DEC which need to be incorporated. The SWCC will need to approve the new standard 9 at some point. This is the old NRCS standard.

AEM Training – November 14th and 15th

The training will again be held in Waterloo and SWCDs will be required to attend in order to be eligible for AEM Base program dollars. There will be no cost to participants and NRCS and CCE will be invited. Up to four people per District can attend.

J. Dickinson asked if the re-certification for planners could be extended to a longer renewal if they have a good track record. J. Ten Eyck said that it may be possible. It's still a new procedure and we will have to develop a track record for planners. We are still finding areas in need of improvement and it may take a while to establish appropriate re-certification renewal timeframes.

Update on Walton Flood Damage – D. Hill

D. Hill gave a brief update on the flood damage and said that Delaware County SWCD put up \$40,000 and the county matched it so that equipment to fix the problem areas could be rented.

B. Hopkins stated that NRCS doubled the amount of payments this year for EQIP, WHIP, AMA. There was no federal appropriation bill for this year and he doesn't know how long it will be without a budget. Arland Lancaster is the new Chief for NRCS. There have been many NRCS retirements and the agency will have a program to bring that experience back to the work place. Dennis DeWeese is the new the new Assistant State Conservationist. There will be a meeting the 3rd week in October discussing Activity Based Costing (NRCS Workload Analysis).

A. Barber stated that the CDEA & NYACD is working on a Stormwater Funding Strategy. She also discussed the status of NRCS Background Security Checks – there are Districts that still don't know about this. The rent issue is still a confusing issue as well. Over the next 3 years the districts will need to gradually start paying for their own rent and services. It hasn't been finalized yet but SWCDs need to be aware so that they will be able to negotiate rents at the local level.

R. Kaplewicz handed out the "County Appropriation & Reimbursement Tables" for 05/06. He stated that he submitted the SWCC budget to Ag & Markets and that it includes money to move contract people to state positions. He also said that he has started discussions on the MOU with DEC/Lois New. Dr. Dan Decker has invited him to talk about partnership opportunities.

Meeting Adjourned at 5 P.M.

STATE COMMITTEE MEETING

September 19, 2006

Hotel Utica, Utica, New York

Present: G. Proios, D. Hill, D. Stein, B. Aman, Voting Members; R. Kaplewicz, Director; L. Travis, SWCC staff; A. Barber, CDEA; G. Chartier, DEC; B. Hopkins, D. DeWeese, R. Young, NRCS; L. Coffin, G. Bell, NYACD; P. Black, ESF; J. Curatolo, USC; J. Rusnica, D. Cordier, NYSDAM Counsel's Office, J. Tauzel, NY Farm Bureau.

Call to Order

D. Hill called the meeting to order at 8:40 am. Introductions were made.

Disaster Preparedness Task Force was discussed. This is an action item follow up from the August meeting. Amanda Barber was asked to chair the Task Force. It was suggested that an overall vision be developed. The Committee is looking to institutionalize and formalize the role of Districts and the State Committee. The following discussion items were identified for the Task Force to address:

- What is the district role in disaster response/assistance?
- Establish the purpose and strategy to implement.
- District Emergency Action Plan – preparedness, response, recovery.
- Mechanisms for Districts to be engaged.

The following names and/or agencies were identified as potential members of the Task Force: John Schumacher, SWCC (to provide primary staff support), Jeff Parker, Steuben SWCD; Jim Curatolo, USC; Rick Weidenbach, Delaware SWCD; Mark Burger, Skaneateles; NYACD Director and to be named District Director, NRCS (Peter Wright); and FSA. The timeline for a draft report back to the Committee is March/April 2007. D. Hill stated that he would like to be involved as well.

NYSDEC Farm Bill – Forestry Principles document

It was suggested that other insect pests and species of concern be added: gypsy moth caterpillar, forest tent caterpillar and Eastern tent caterpillar.

B. Aman moved to endorse the DEC Farm Bill Forestry Principles document with comments added. D. Stein seconded the motion. Motion carried.

Promulgation of Rules and Regulations related to SWCD Reimbursement

R. Kaplewicz discussed the enacted law the need to develop rules and regulations related to reimbursement to SWCDs. The 2006 enactment created new categories for reimbursement:

- a. Maintain \$30,000 per district for reimbursable items. \$1.86M
- b. Added \$6000 per district. This is a flat rate at a total cost of \$372,000
- c. Approximately \$800,000 distributed based on performance standards.

D. Cordier from Counsel's Office reviewed the law as it pertains to (c) above. Performance standards are based on the following:

- a. Board activity
- b. District reporting and outreach activities
- c. Delivery of state natural resources conservation programs
- d. District ability to use funding to leverage additional funds from local, state, and private.

D. Cordier also provided a suggested timeline that might be followed to prepare the necessary documentation for submittal and approval to the Governor's Office of Regulatory Reform (GORR). L. Coffin suggested that broad and general criteria be used in the regulations and that changes be made on a year to year basis. J. Tauzel reminded the group that there should be accountability for the funds that will be allocated to districts. The following individuals and/or agencies will serve on the Performance Standards Committee: D. Cordier, Counsel's Office; D. Stein, G. Proios, SWCC members; R. Kaplewicz and SWCC field staff; T. DeRue, SWCD; SWCD Director; L. Coffin, NYACD; A. Barber, J. Carmichael, CDEA; G. Chartier, DEC; R. Young, NRCS; J. Tauzel, NY Farm Bureau. R. Kaplewicz, M. Latham, J. Rusnica, and D. Cordier will develop a template for discussion before the committee meets and distribute prior to the meeting. The Performance Standards committee will meet on Thursday, October 5, 2006 at the Onondaga SWCD.

Upper Susquehanna Coalition – Jim Curatolo

J. Curatolo gave an update on the Chesapeake Bay NYS Tributary Strategy which is focusing on NPS and agriculture as two primary sources of nutrients. We are required to develop a strategy to manage nutrients from agriculture following model predictions. Jim stated there are three assumptions to accomplish the strategy – enough money, enough time and enough staff. There is a potential for atmospheric deposition to account for 60% of the nitrogen deposition. Forests may be the largest contributor of nutrients. All targets for nutrient reduction are being driven by a TMDL. A new model for projecting pollution potential could effect reallocation of funding and determine the new pollution potential. Chesapeake Bay Manure Strategy has been signed by all states. Precision feeding, reducing nutrients and uses of manure are all a part of the strategy.

Other Reports

Calendar – send dates to Claire Johnson.

Next Meeting – At NYACD Annual Meeting, October 31, 2006 at Otesaga, Cooperstown, NY. L. Coffin invited the group to the NYACD meeting to be held at the Otesaga in Cooperstown, NY.

J. Curatolo - Coalition of Soil and Water Conservation Districts for USC has been formed.

NY Farm Bureau – J. Tauzel reported that county farm bureaus will be having policy discussions at their upcoming annual meetings.

D. DeWeese, NRCS Asst. State Conservationist stated that NRCS will be working on activities based funding and developing benchmark data.

NY Ocean and Great Lakes Ecosystem Conservation Council - L. Travis reported on the public forum held October 18 in Syracuse. There are four more public forums scheduled around the state. R. Kaplewicz added that staff will be attending each of the sessions.

NY Agriculture Land Trust - A. Barber reported the NY Ag Land Trust has been formed. The official recognition and kickoff will be October 19, 2006 at the The Lodge, Skaneateles, NY.

Cortland SWCD - A. Barber announced that the district is celebrating its 60th Anniversary. They will host a tour on October the 4th. All are welcome to attend.

D. Hill acknowledged that the 2006 NYS Agricultural Environmental Management Farm of the Year honoree was Kathy Arnold, Twin Oaks Dairy in Cortland County. They, along with the Cortland SWCD were honored at the recent Empire Farm Days.

Meeting adjourned at 11:20 am.

