

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

**STATE COMMITTEE MINUTES – REVISED 2/13/07**  
**January 16, 2007**  
**Hotel Utica, Seneca Room, 102 Lafayette Street, Utica, NY**

**Present:** G. Proios, D. Hill, J. Dickinson, D. Stein, Voting Members; R. Kaplewicz, Director; M. Latham, Assistant Director; C. Durand, J. Rusnica, Ag. and Markets; B. Steinmuller, R. Lewis, R. Rausch, N. Lawler, L. Travis, C. Frasier, J. Ten Eyck, B. Silvestri (Schenectady SWCD), L. Prezorski (Dutchess SWCD), SWCC Staff; D. DeWeese, R. Young, R. Alvarado, NRCS; A. Barber, NYSCDEA; G. Chartier, R. Davies, B. Williamson, DEC; J. Tauzel, NYFB; V. Green, FSA; K. Czymmek, CCE; P. Black, T. Volk, SUNYESF; B. Brower, G. Albrecht, NYSSWCC (CNMP); D. Conable, NYFVI; J. Carmichael, NYSCDEA

**Call to Order:**

D. Hill called the meeting to order at 10:15 a.m.

Introductions made.

**Review and Approval of Minutes**

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

**Correspondence**

**Letters & Memos**

December 20, 2006 letter from Robert Andrews, St. Lawrence Co. SWCD; to Ron Alvarado, SC, USDA NRCS; to express concern about new NYS EQIP eligibility requirements.

December 29, 2006 letter from Jessica Chittenden, PIO, Ag & Mkts.; to Ken Hashimoto, Arnold & Porter LLP; reply to a FOIL request RE: Ag NPS Grant Program Info.

January 10, 2007 letter to Brian Steinmuller, SWCC, from Amanda Barber, NYS CDEA Inc., President, thanking Brian for his involvement with the NYS Envirothon Committee 2006/2007.

Notice from NYS DEC RE: Proposed Rule Making & Public Hearing and Public Information Meeting to Amend Water Quality Regulations (Rec'd. 12/22/06)

**Reports & Newsletters**

National Agricultural Statistics Service (NASS) Agricultural News: November, December 2006

December 2006 NYACD News

January 2007 CDEA News

NYS Sea Grant News (fall issue)

December 2006 Save the Bay/Chesapeake Bay Foundation

December 2006 & January 2007 Bay Journal

2005 Annual Reports for NYS Department of Agriculture & Markets

November/December Issue of NACD News & Views

R. Kaplewicz read the letter from Jessica Chittenden, PIO, Ag & Mkts.; to Ken Hashimoto, Arnold & Porter LLP; reply to a FOIL request RE: Ag NPS Grant Program Information. B. Steinmuller stated that the Round 13 proposal included information originating from the AEM program, which is confidential by law. As a result, AEM information was redacted. The law firm has 30 days to appeal the Department's decision.

R. Kaplewicz read the letter from Robert Andrews, St. Lawrence Co, SWCD to Ron Alvarado, SC, USDA NRCS; to express concern about new NYS EQIP eligibility requirements. R. Alvarado stated there is a need for good planning up front. R. Alvarado stated 30 people have signed up for CNMP's for this year. This number could be higher. Producers are getting paid for the plans. R. Kaplewicz stated there are inconsistencies between the Federal and State programs. A. Barber said most BMPs can be installed without completing a CNMP. She supports the State position requiring a Tier 3A Screening for an Ag Waste Storage project in order to obtain better planning and design knowledge prior to submitting a proposal. R. Alvarado said there is a need for consistency between the State and Federal program. Alvarado stated that the 1996 Farm Bill left money on the table and contracts were cancelled because the proper level of planning was not achieved. There is a need to work one on one with landowner on long-term goals. R. Kaplewicz suggested continuing the discussion during the NRCS presentation later on the agenda.

R. Kaplewicz read letter to Brian Steinmuller, SWCC, from Amanda Barber, NYS CDEA Inc., President, thanking Brian for this involvement with the NYS Envirothon Committee.

R. Kaplewicz read Notice from NYS DEC RE: Proposed Rule Making & Public Hearing and Public Information Meeting to Amend Water Quality Regulations (Rec'd. 12/22/06). G. Chartier explained that there will be a series of five informational meetings, and one public hearing on February 5, 2007, regarding DEC's water quality standards, standard-setting procedures, and related regulations. Standards that are subject to the rule include: ammonia (marine waters), dissolved oxygen (marine waters), flow, turbidity, metolachlor, formaldehyde, acetaldehyde, carbon disulfide and iron.

**Agricultural Nonpoint Source Abatement and Control Program** – B. Steinmuller

#### **STATUS OF ROUNDS I-XII**

Of 408 projects, 138 are active, 17 are pending and 253 are complete.

#### **Amendments for State Committee Consideration**

1. Madison SWCD – Oneida Lake Watershed AG NPS Reduction Project – Round 9 – C700712  
Request: time extension from 12/31/06 to 10/24/07  
Reason: additional time needed to complete project deliverables on account of poor weather conditions. Designs are complete and construction will start as soon as weather permits in the spring.

*Previous Amendments: 2 time extensions, 3 changes of scope*

*Les Travis, Region 3 AEA recommends approval through 10/24/07. This will take the extend the contract to the 5 year mark.*

**D. Stein moved to approved the time extension; seconded by D. Hill; motion passed carried.**

## Staff Approved Amendments

1. Madison SWCD – Oneida Lake Watershed Grazing Initiative – Round 9 – C700713  
*Request 1:* time extension from 12/31/06 to 10/24/07  
*Reason 1:* additional time needed to complete project deliverables because one landowner withdrew from the grant and the replacement farm will not be completed until the spring  
*Request 2:* change of landowners  
*Reason 2:* original landowner is uncooperative and unresponsive and the Board chose to  
*Approved by L. Travis 1/3/07*
2. Madison SWCD – Susquehanna Headwaters Planning and Prioritization Grant – Round 10 – C700756  
*Request:* time extension from 12/31/06 to 12/31/07  
*Reason:* additional time needed to complete the project due to changes in management  
In Otsego County not yet completing their deliverables in this project  
*Approved by L. Travis 1/3/07*
3. Yates SWCD – Finger Lakes AEM Phase II Planning Grant – Round 9 – C700734  
*Request:* time extension from 12/31/06 to 12/31/07  
*Reason:* additional time needed to complete the project  
*Approved by T. Brace/B. Steinmuller 1/12/07*
4. Yates SWCD – Keuka Lake Watershed AEM Phase II Implementation Grant – C700735  
*Request:* change of BMP (addition of a BMP)  
*Reason:* funds remain and the additional BMP will enhance the water quality benefit of the project  
*Approved by T. Brace/B. Steinmuller 1/12/07*
5. Schuyler SWCD – Seneca Lake: Pollution Abatement in 6 Sub-watersheds, Stage II – Round IX-C700727  
*Request 1:* time extension from 12/31/06 to 12/31/07  
*Reason 1:* several landowners have withdrawn and new landowners have been identified as replacements  
*Request 2:* change of landowners  
*Reason 2:* farms withdrew for various reasons  
*Request 3:* change of BMPs  
*Reason 3:* different BMPs needed on farms to address the water quality goals identified  
In the project application  
*Request 4:* change of budget  
*Reason 4:* after the changes to the farms and BMPs the state cost-share amount significantly decreases  
*Approved by T. Brace/B. Steinmuller 1/12/07*
6. Orleans SWCD – Oak Orchard Watershed Phase IV: Small Dairies – Round XII – C700823  
*Request 1:* Change of BMPs  
*Reason 1:* the operation changed in scope resulting in a need for an agrichemical mixing Facility  
*Request 2:* the new practice will cost less resulting in a needed change to the project budget  
*Approved by T. Brace/B. Steinmuller 1/12/07*
7. Sullivan SWCD – Callicoon Creek Watershed Ag. Improvement Program – Round 10 – C700767  
*Request:* time extension from 12/31/06 to 12/31/08

*Reason:* three 100 year floods in consecutive years has put the District's workload for agricultural projects behind.

*Approved by J. Schumacher 12/20/06*

G. Proios discussed the time extension policy voted on and approved at the December meeting. He is concerned that all issues may not have been addressed concerning time extensions and feels a case-by-case basis may have been better. Discussion continued and members agreed that all issues were discussed at length at the December meeting. D. Hill stated that the district and landowner would both be better off with the new time extension policy due to inflation issues.

### **CREP Update**

R. Lewis discussed the CREP Annual Report. He stated CREP is entering the 4<sup>th</sup> year of the program. Fourteen percent of the 40,000 acre buffer goal achieved. With regard to buffer practices, cropland is struggling yet pastureland is successful. K. Czymmek spoke about cropland rental payments and how enhanced buffer practice payments and enhanced cropland rental payments would require a change in legislation. Thirty eight of the fifty two eligible counties are participating. When speaking of program objectives, water quality is primary goal. The current agreement expires December 31, 2007. CREP is dependent on the success of AEM.

Dr. T. Volk gave a presentation on Growing Willow Biomass on CREP Acreage. He discussed willow production and harvesting to achieve economic and environmental benefits.

G. Green gave a presentation on Willow Biomass production on CREP and its proposed CREP Agreement Addendum. The presentation will be given next to the State Technical Committee in February. Following that, a presentation of the Addendum will be given to the CREP Steering Committee. They are planning for a presentation of the Addendum to the State Soil and Water Committee at the February 20, 2007 meeting.

**D. Stein moved to approve to move forward on current CREP Program initiatives; seconded by J. Dickinson; motion passed and carried.**

### **NRCS Strategic Vision**

R. Alvarado gave a presentation on the NRCS Strategic Plan for 2005 – 2010. He discussed that NRCS provides a service to community in partnership with conservation districts. R. Kaplewicz asked how the technical assistance dollars will be allocated. NRCS will be receiving these dollars on performance-based budgeting. Discussion ensued on how to engage Washington so that New York's message and accomplishments can be effectively communicated. J. Tauzel stated NRCS should be aware of local level partnerships and assistance in implementing farm bill activities. R. Alvarado distributed a Report, "FY2007 Performance Measures – Preliminary National Targets" handout. He referred to the number of CNMP's written and CNMP's applied and what we can accomplish locally. Many large CAFOs are part of the Private Planner Certification Program. G. Chartier stated NRCS needs to be aware of concerns regarding EQIP eligibility, practices, acres, and conservation tillage. R. Alvarado stated that NRCS and USDA have developed the Conservation Effects Assessment Project (CEAP). R. Alvarado stated NRCS has the flexibility to work with New York and with Emergency Watershed Protection money. P. Black discussed the need to improve the environmental impact of farms in NY and to increase farm productivity. He feels there are various levels of planning a farm needs in order to accomplish those objectives and there is considerable overlap of local, state and federal planning. There needs to be better interfacing with Federal/NRCS and State efforts. A. Barber suggested better database interface as well. R. Kaplewicz stated that we need to improve our intra and inter agency communication. Two vehicles for improving this are the TAC Committee and the AEM Steering Committee structure. R. Kaplewicz encouraged NRCS to actively participate on the TAC and AEM Steering. D. DeWeese supported

the need to work cooperatively as funding for NRCS is activity-based. R. Kaplewicz stated the need to work collaboratively and with respect to each other's missions and strategic vision. R. Lewis suggested an MOU with NRCS regarding AEM. D. Stein suggested NRCS in Washington meet with NYS to see firsthand the benefits of AEM. M. Latham asked if performance based funding would be across-the-board, or on a program-by-program basis as CTA is the biggest program in New York State. R. Kaplewicz stated the need for an accurate picture of the cost of doing conservation business in NY. He stated that engineering continues to be our greatest challenge and that we need to effectively determine solutions. We could, for example, explore the possibility of providing resources to NRCS for engineering support for our Ag NPS program through the EPF. R. Alvarado stated that 15-20% of NRCS staffing plan is devoted to engineering and that they are overcommitted in engineering. R. Kaplewicz suggested that the AEM Steering Committee could set the agenda on how to accomplish overall goals with NRCS and the TAC could work with specific program elements.

### **CNMP Quality Assurance Update**

G. Albrecht and R. Brower gave a presentation on the quality assurance program associated with the CNMP Planner Certification Program. The AEM Certification subcommittee oversees the training of planners. They explained that the Certified Planner Program began in 1999. They discussed the training involved and where the program is today. One goal is to provide uniform statewide training enabling everyone to operate on a level playing field. They indicated a weakness in the program to be the annual update required for CAFO's. This is due to farms with less than adequate documentation on what has been completed and the need for better recordkeeping on the farms. The annual updates are valuable in establishing farmer/planner relationships and assuring compliance for CAFO.

### **Rules and Regulations**

R. Kaplewicz asked that the Committee delay the Approval of the Draft Rule regarding the changes to Section 363.1 – 363.12 for a future meeting. J. Rusnica informed the committee that there is little change to what was discussed previously. He stated J. Kehoe has approved the Draft. R. Kaplewicz is waiting until the new administration is in place and briefed on the Draft before having the State Committee approve the draft at a future meeting. J. Rusnica stated that the Attorney General and State Comptroller opinions as well as State Committee policies will be distributed to all districts and staff after we have completed a thorough internal review. He also reminded districts to engage their county attorney in any legal discussions that involve interpretations of policy and formal state opinions.

### **Disaster Subcommittee Report**

J. Schumacher stated that the next meeting of this committee will be Friday, January 19, 2007. The committee has had three meetings since late fall. DEC will be at the fourth meeting on Friday. They are working on guidance that addresses flooding and ice storms; specifically, how farmers can best respond to issues such as manure spills and arranging pick up points for milk pick-up. Other needs identified by the Committee include inventories on machinery that is readily available and evaluating procedures for emergencies. E. Biel was the Department of Agriculture and Markets SEMO representative and he is no longer with the Department. A. Barber stated that work continues on this committee and a report will be available soon.

### **Other Reports – All**

- ◆ D. Hill stated that Patrick Hooker was announced as the Governor's choice for Commissioner of the Department of Agriculture and Markets.
- ◆ M. Latham announced two additional work plans for 2006; one for Columbia County and Genesee County.

**J. Dickinson moved to approve the work plans; seconded by G. Proios; motion passed and carried.**

- ◆ M. Latham announced work plans for 2007 for Fulton, Niagara and Cattaraugus Counties.

**D. Stein moved to approve the work plans; seconded by G. Proios, motion passed and carried.**

- ◆ P. Black informed the committee that the New York State chapter of the American Water Resources Association (AWRA) has disbanded. P. Black served on this committee. National headquarters are located in Virginia. A letter from the NY Chapter to Ken Reed, Executive V.P. of AWRA commended the New York State Soil and Water Conservation Committee on their job in watershed management.
- ◆ G. Chartier reported that the next Nonpoint Source Coordinating Committee meeting will be Friday, February 9, 2007 in Saratoga Springs. It will be held at the Saratoga Springs Water Quality offices.
- ◆ G. Proios reported on four upcoming meetings; (1) Lower Hudson/Long Island RC &D Innovative Pellitizer projects – mixes switch grass with waxed cardboard from grocery stores; (2) Lower Hudson/Long Island RC &D Hudson Valley Ag Partnership “Innovations in Agriculture” - March 16, 2007; (3) NY Federation of RC & D’s Annual Meeting – March 21, 2007 White Eagle, Madison County and (4) NYACD – Lobby Days – February 12 and 13, 2007.
- ◆ J. Ten Eyck announced three upcoming AEM meetings, AEM Steering Committee Meeting January 23rd; AEM Program Evaluation Sub-committee Meeting January 24<sup>th</sup> and AEM Technical Committee Meeting January 25<sup>th</sup>.
- ◆ NYSCDEA Executive Board meeting will be held 1/31-2/1 in Auburn, NY.
- ◆ J. Tauzel announced Farm Bureau reception at Capitol on February 5, 2007.
- ◆ R. Kaplewicz stated the Water Quality Symposium will be held in Auburn, New York on March 13-16<sup>th</sup>.
- ◆ R. Kaplewicz distributed an Executive Order from Governor Spitzer’s office requiring every agency to identify strategies/plans to broadcast their public meetings on the web. This needs to be communicated by March 1, 2007. J. Rusnica indicated that State Committee Meetings would be identified as a public meeting and subject to the “Open Meetings” definition which must comply with the Executive Order.

Next Meeting – Tuesday, February 20, 2007 Pride of NY Room, Department of Agriculture and Markets, Albany, New York

Meeting Adjourned at 3:55.

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Dennis Hill, Chair

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Ronald T. Kaplewicz, Executive Director