

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

**STATE COMMITTEE MEETING**  
**February 20, 2007**  
**NYS Dept. of Agriculture & Markets, PONY Room**  
**Albany, NY**

Present: D. Hill, B. Aman, D. Stein, J. Dickinson, G. Proios, Voting Members; R. Kaplewicz, Director; M. Latham, Assistant Director; P. Hooker, C. Durand, J. Rusnica, Ag. and Markets; B. Steinmuller, N. Lawler, R. Lewis, R. Rausch, C. Frasier, J. Ten Eyck, L. Prezorski (Dutchess SWCD), SWCC Staff; J. Carmichael, (Onondaga SWCD), D. Petit, NRCS; G. Bell, NYACD; K. Roberts, DEC; P. Kaczmarczyk, NYSDOH.

**Call to Order:**

D. Hill called the meeting to order at 10:12 a.m.

Introductions made.

D. Hill announced that Patrick Hooker, the appointed Commissioner, would be joining us shortly.

R. Kaplewicz announced revised agenda items and a change to the draft minutes. R. Lewis will distribute the CREP Annual Report. The CREP presentation, however, will be replaced by NRCS/USDA powerpoint presentation update on Farm Bill. One change was made to the January minutes; a revised copy of the minutes was distributed.

**Review and Approval of Minutes**

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

**Correspondence**

**Letters & Memos**

Memo dated January 2007: To Soil and Water Conservation Districts from Mark Twentymen IAO, State of New York, Executive Dept., Office of Real Property Services, regarding the 2007 Agricultural Assessment Values Per Acre.

R. Kaplewicz read the letter from Mark Twentymen relative to 2007 Agricultural Assessment Values per Acre. This is available electronically on the Department's website.

R. Kaplewicz briefed the group on the memo he sent out on Friday dealing with an update on Rules and Regulations Reimbursement/State Aid. Everyone should have received a copy electronically. A hard copy has been mailed to all Chairs of Soil & Water Conservation Districts. There will be more discussion on this matter later this meeting.

**Reports & Newsletters**

USDA, NASS Agricultural News Releases: December Milk Production Down; 2006 New York Field Crop Summary; NY Egg Production Down 1% in December; USDA Survey To Measure 2007 Crop Acreages; NY Farm Numbers Decrease; NY Sheep Inventory Increases; Goat Inventory Decreases; NY Cattle Inventory Increases; Value of All NY Vegetables Ranks Fifth in Nation; Value of NY Equine Tops 1.83 Billion Dollars; January Milk Prices Increases From December; Value of NY Fruit Production Increases; NY Livestock Operations Drop; NY Strawberry Production Decreases, Blueberry Production Increases; Equine Survey Report; Survey of Wineries and Grape Processing Plants in New York.

SUNY College of Environmental Science and Forestry, Syracuse, NY Stormwater Management Program, Fall 2006/Spring 2007 courses.

Cornell Local Roads Program – 2007 Program Services Guide

NACD News & Views – January/February 2007

News Article: “2006 Agriculture in the News” Awards Presented to Three Soil and Water Conservation Districts

ERS Report Summary – US Dept. of Agriculture, December 2006

2007 CAPS Outreach Calendar (NYS Dept. of Agriculture & Markets, Division of Plant Industry)

The Nor’Easter, December 2006

The Upper Delaware – quarterly newsletter of the Upper Delaware River – Winter 2006-2007

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

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

Of 408 projects, 142 are active, 10 are pending and 256 are complete. The ten pending are well into the contract system and are Round XII Plans of Work.

B. Steinmuller spoke on a longstanding pending Round VII Plan of Work. The project is Cayuga County SWCD Spruce Haven digester project which the committee is familiar with and has made many policy rulings and clarifications on in the past. They have not been able to finalize their plan of work to date. On January 17, 2007 L. Travis and B. Steinmuller met with Doug Young of Spruce Haven Farm and Kelly O’Hara of O’Hara Farm along with Sandy Huey of Cayuga County SWCD. The centralized digester model is no longer a reality. They are now planning a single farm digester project; one for each farm. The plan is to have many single farm digesters on many of the large dairy farms in Cayuga County and a pipeline to move the biogas. The multiple farm digesters biogas would pipe to a power plant in the northern part of county. The project on Spruce Haven Farm has gone full circle from when proposal was first issued. Scope of digester itself meets original intent of the project. The outcome of the District meeting was to have a Plan of Work in place by the time of this State Committee Meeting. This requested Plan of Work included commitment letters from the farmer and company to be identified as supplying the landowner’s match. This same company would be reaping the benefit of gas collection and energy production. Over the course of last week, the district was aware something needed be presented to the committee. An e-mail was received from Mr. Young regarding the latest status. B. Steinmuller read the e-mail. The first digester might possibly be built in 2007, but most construction would begin in 2008. The e-mail stated a complete plan would be written up by June 1, 2007 once decisions have been made. B. Steinmuller stated, in reality, it appears we are several months out from receiving a Plan of Work.

Much discussion ensued including; whether the State Comptroller’s office would accept a Round VII project, Global Common’s involvement, and Spruce Haven Farm was last evaluated by the Bond Act office in 2001. Over \$300,000 in state money has been committed to this project. B. Aman asked how much of a challenge it is for other farms to resubmit and update into a new Round. Is the project as viable today as back then? M. Latham stated now would be the preferred time to notify the District giving them ample time to prepare for the next Round of funding. M. Latham stated that an important factor here, is that the District has been provided with several deadlines and has to date not provided any details. R. Kaplewicz stated if the project involved EPF funds, he would have suggested to committee to finalize a decision. However, these are Bond Act funds and once we give up the \$300,000 it may be lost for any future agricultural benefit. Conversely, unused EPF funds roll back into the AGNPS fund.

R. Kaplewicz stated they have met with DEC on the need for environmental permits. D. Stein recommends going forward in order to utilize Bond Act money. J. Dickinson is confident D. Young can put this deal together. M. Latham recommended a June 1 deadline for the District to have a Plan of Work completed or apply for Round 14. It seems that little effort has been made to develop any formal components of the Plan of Work to the state. D. Stein asked if we set a deadline for Plan of Work will it be met. B. Steinmuller stated that following the meeting he and L. Travis attended they were confident they would be getting Plan of Work soon.

D. Hill suggested we should notify Cayuga County SWCD and tell them this project was again discussed at the State Committee Meeting. There is concern about maintaining and securing the dollars for project. They need to provide a Plan of Work as soon as possible as it is an essential component. The Committee asked that we check with the Comptroller's Office to ascertain clearly whether Round VII funds are available and under what conditions can this funding be secure.

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

#### **1. Montgomery SWCD – Canajoharie Creek – Round 8 – C700683**

*Request:* time extension from 12/31/06 to 12/31/07

*Reason:* two landowners have not completed practices on account of low milk prices prohibiting them from making their required match. In addition the extreme wet conditions compounded the need for an extension.

*Previous Amendments:* 2 time extensions, 1 change of scope

*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.

C. Frasier reported he talked to Corey and Corey thinks he can get most work done within the year. Work was delayed due to flooding. Anything they do not complete within the year, they would most likely be willing to return.

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

#### **2. Orange SWCD – Ag Waste and Nutrient Management in the Walkkill River Watershed – Round 9 – C700718**

*Request 1:* change landowners resulting in the addition of 3 landowners

*Reason 1:* funds remain and new landowners identified as a high priority

*Request 2:* change of BMPs

*Reason 2:* new landowners need to implement different BMPs, however the new BMPs still meet the original intent of the project

*Request 3:* change of budget

*Reason 3:* the remaining funds are assigned to engineering services and will be moved to BMPs in order to complete additional high priority deliverables

*Previous Amendments:* 2 time extensions, 4 changes of scope

*Note:* L. Prezorski, Region 6 Water Quality Specialist recommends approval stating that District will be enhancing the water quality benefit to the project and will not need a time extension to complete the additional projects.

**G. Proios moved to approve the amendment requests; seconded by B. Aman. Motion passed carried.**

## Staff Approved Amendments

1. Orange SWCD – Wallkill River Watershed Farm Runoff – Round 13 – Plan of Work  
*Request:* change of landowner  
*Reason:* original landowner is uncertain if he will continue farming; new landowners Identified as a priority because they are the same farm types in the same watershed  
*Approved by L. Prezorski/B. Steinmuller 2/6/07*
2. Broome SWCD – Short Duration Grazing Implementation – Round 10 – C700742  
*Request:* change of landowner  
*Reason:* original landowner is unable to fulfill commitment, new landowner identified as a high priority  
*Approved by J. Schumacher 1/29/07*
3. Livingston SWCD – Conesus Lake Watershed Tier 3 Planning Project – Round 10 – C700755  
*Request:* change of budget  
*Reason:* CCE decided not to provide the contractual services originally identified on Budget, the money will be moved to personal services because the plans were completed By District staff  
*Approved by T. Brace/B. Steinmuller 1/30/07*
4. Seneca SWCD – Finger Lakes Prescribed Grazing – Round 12 – C700825  
*Request:* change of landowners  
*Reason:* original landowner sold the farm, new landowner was identified as a high priority through the AEM process  
*Approved by T. Brace/B. Steinmuller 1/29/07*
5. Columbia SWCD – Barnyard Runoff Management Systems, 3 Farms – Round 11 – C700774  
*Request:* change of landowners  
*Reason:* original farm is for sale and farmer does wish to invest in the project, new new farmer has been identified as a high priority through the AEM process  
*Approved by L. Prezorski/B. Steinmuller 1/17/07*
6. Tompkins SWCD – Taughannock Creek and Willow Creek Watershed Protection Project Phase II – C700800  
*Request:* change of landowner  
*Reason:* original landowner has sold the farm; new farm has been identified as a priority through the AEM process.  
*Approved by J. Schumacher 2/9/07*
7. Allegany SWCD – Rush Creek CAFOs – Round 10 – C700741  
*Request:* time extension from 12/31/06 to 12/31/08  
*Reason:* additional time needed to complete project deliverables  
*Approved by T. Brace/B. Steinmuller 1/13/07*

B. Steinmuller gave a brief report on Round 14 RFP as follows:

### **Round 14 RFP**

The Technical Advisory Committee (TAC) met in November 06 and February 07 to begin discussing the Round 14 Request for Proposals (RFP). The TAC agrees that the Proposal Rating Sheet should be the focus of Round 14 RFP development. A draft rating sheet was distributed and discussed. The TAC has reached consensus on changing the point structures to provide a higher percentage to the Identified

Need/Opportunity and the Scope of Work and Time Frame. This decreases the emphasis on cost effectiveness and local support. In addition to the point structure, the TAC has also discussed and agreed on recommending changes to the bonus points and some of the bullets under each criterion. At the April meeting, a complete draft Rating Sheet and RFP should be available for approval. Please see the attached TAC notes from the February meeting for more detail.

### **AEM Tier 3 Requirement**

Currently, participating farms are not required to have completed a Tier 3 plan for Tier 4 implementation through the Ag NPS Grant Program. Farms need only be identified and assessed through the AEM Tier 1 and 2 processes. The TAC noted that at least a Tier 3A conservation plan that addresses the resource concern(s) proposed for implementation be completed prior to proposal submission for all participating farms. Tier 3A plans are an eligible deliverable through the AEM Base Program. By requiring that a Tier 3 plan be complete the competitive Ag NPS Grant Program assures that the AEM Tiered process is being followed. The TAC also noted that proper planning should decrease the need for contract amendments down the road. It was stated that completing a Tier 3 plan before Tier 4 implementation ensures that the best management systems are properly planned and the landowner has a better understanding of what is involved.

Consensus was reached to recommend that a Tier 3 Plan, which could include a Tier 3A for the resource concern identified for proposed implementation, Tier 3B CNMP, or a Tier 3C Whole Farm Plan must be completed prior to proposal submission for all participating farms.

**D. Stein moved to approve this recommendation; seconded by G. Proios; motion passed carried.**

A draft of the Round 14 RFP will be available at the April State Committee Meeting.

G. Proios asked if the underground storage tank issue has been addressed at TAC. B. Steinmuller stated the underground storage tank issue will be addressed along with critical flaws and other issues that were not discussed at the last meeting. The next TAC meeting is scheduled for April 12, 2007.

### **CREP Agreement Addendum**

R. Lewis stated that he is still working on components for the CREP draft proposal. When the addendum is agreed to by members of the CREP Steering Committee it will be brought to the State Committee for approval. L. Prezorski asked if the draft proposal allowed for switch grass and others options or if it spoke specifically to willow. R. Lewis stated that switch grass was not indicated in this Farm Bill but can be in a future Farm Bill. R. Lewis distributed the CREP Annual Report. He also distributed a draft for discussion on why "NYS CREP is Struggling". He would like to discuss this draft at a future State Committee Meeting. R. Lewis thanked L. Prezorski for her assistance in preparing the CREP Survey distributed to districts. R. Lewis believes 20% of districts are involved in CREP. He is hoping for feedback from districts on what additional incentives and educational needs might increase participation in CREP. It was agreed that Question 11 on the survey will be changed to indicate "most current PWL" rather than "2000 PWL".

**D. Hill introduced Appointed Commissioner Patrick Hooker.** P. Hooker introduced himself and gave some background. He has worked with the State Assembly, State Senate and most recently the New York State Farm Bureau for the last 17 years. His whole life has been devoted to agriculture and Ag Policy issues. He is waiting to be confirmed and is in the process of hiring executive staff. He indicated Jackie Moody-Czub will be the Deputy Commissioner assigned to work with the Soil & Water Division. He is looking forward to working as a liaison between Governor Spitzer and the Department.

D. Hill thanked Acting Commissioner Hooker for coming and invited him to attend any or all meetings.

### **NRCS-USDA'S 2007 Farm Bill Proposals**

D. Petit from USDA/NRCS gave a presentation on the USDA's 2007 Farm Bill Proposals. The Farm Bill proposals continue the commitment of USDA/NRCS to increase conservation programs by protecting our natural resources and increasing support for renewable energy initiatives. The Administration's proposals include an additional \$7.8 billion to protect our natural resources through changes in various conservation programs. The 2007 Farm Bill proposals spend approximately \$10 billion less than the cost of the 2002 Farm Bill over the past five years and uphold the President's plan to eliminate the deficit in five years. These proposals authorize approximately \$5 billion more than the projected spending if the 2002 Farm Bill were extended.

### **AEM Year 3 Base Program Proposal**

J. Ten Eyck presented the signage that B. Silvestri has been working on with J. Rusnica. Discussion on how many signs per district, purchasing of additional signs, criteria to be eligible to be awarded signage, who the signs belong to, were all outlined in the AEM Signage Recognition Program handout. K. Roberts said State and County DOT may have specific guidelines to be followed on placement of signage on property.

**D. Stein moved to approve going forward with AEM signage; seconded by J. Dickinson; motion passed carried.**

J. Ten Eyck discussed proposals for consideration for Year 3 of the AEM Base Program (2007-2008). Emphasis was placed on quality, not quantity of those participating. Year 3 would involve the same amount of funding and the same amount of districts as Year 2. A proposal to develop competitive criteria to pilot local programs with three and five districts is being included in the recommendations. Careful consideration will need to be given to which districts pilot this activity. A statute change may be required to allow funds from the EPF to be used for competitive planning in districts. J. Ten Eyck stated that a final version of the Year 3 AEM Base Program will be available for approval at the March 20, 2007 meeting of the State Committee.

**D. Stein moved to approve going forward with AEM Proposals for Year 3 and for more information on earmark funds for discussion at March State Committee Meeting; seconded by G. Proios; motion passed carried.**

R. Kaplewicz stated he would be briefing the new Deputy Commissioner tomorrow on where we are with the AEM Base as well as other programs.

There was a discussion on the time being spent on monitoring the AEM program in each region. R. Kaplewicz stated at the upcoming staff meeting (Monday, February 26, 2007) he will ask each SWCC program and regional staff member to identify individual priorities and we will be looking at how we can accomplish Committee goals with existing resources.

### **Draft Rule on the Development of Rules and Regulations related to the Development of Performance Standards for Reimbursement to Districts**

J. Rusnica reported there has been no change to this Draft from 30 days ago. R. Kaplewicz stated he would present this Draft to Deputy Commissioner J. Moody-Czub tomorrow. J. Rusnica stated once the Commissioner signs off on the Draft, then the Regulatory Impact Statement, which is currently being prepared, can be sent to GORR. Eventually, there will be a 45-day comment period.

**D. Stein moved to approve the Draft and provide it to the Commissioner for his review and signoff; seconded by J. Dickinson; motion passed and carried.**

## **Other Reports** – All

- ◆ M. Latham announced the we now have 18 annual plans of work for 2007 and the following Districts plans need to be approved:

<i>Albany</i>	<i>Orleans</i>
<i>Cattaraugus</i>	<i>Oswego</i>
<i>Chenango</i>	<i>Otsego</i>
<i>Madison</i>	<i>Rockland</i>
<i>Montgomery</i>	<i>Seneca</i>
<i>New York City</i>	<i>St. Lawrence</i>
<i>Ontario</i>	<i>Steuben</i>
<i>Sullivan</i>	<i>Warren</i>
<i>Wyoming</i>	<i>Westchester</i>

## **B. Aman moved to approve the work plans; seconded by G. Proios, motion passed and carried.**

- ◆ R. Kaplewicz recommended setting dates for 2007 State Committee Meetings. It was agreed by the Committee that they will be held on the third Tuesday of the month, with the exception of the month of August.
- ◆ G. Proios suggested the need to plan for a Principal's Meeting. There was discussion on whether this would be combined with a congressional/legislative tour with NYACD. M. Latham suggested the meeting could be modeled along the lines of the 2006 EPA tour. The month of September is a consideration for the meeting.
- ◆ G. Proios reminded the Committee on the meeting scheduled for March 16, 2007; Lower Hudson/Long Island RC & D Hudson Valley Ag Partnership "Innovations in Agriculture".
- ◆ J. Dickinson reported that at a recent CAFO Roadshow meeting there was discussion concerning the 10,000 gallon limit on ag waste storages and the inspections that are underway. J. Dickinson stated it is impossible to have all of the storages in New York inspected and engineered by the October 2007 deadline.
- ◆ G. Bell attended the NYACD Lobby Days at the Capitol held February 12 and 13, 2007. Fifty representatives from Soil and Water districts participated in 61 appointments with legislators or staff. Stormwater survey results were discussed.
- ◆ L. Prezorski mentioned that the Stormwater survey is done. Fifty-six districts responded. R. Kaplewicz asked L. Prezorski to provide a presentation on survey results at March State Committee Meeting.
- ◆ R. Rausch co-chaired and attended the first AEM Evaluation Sub-Committee meeting in Utica. As part of the county-AEM strategy, a survey will be sent to districts. The survey will ask for the five best elements of the AEM program and the five worst.
- ◆ M. Latham reported the State of Vermont is putting considerable effort into providing nutrient management plans on all farms. The CAFO Program is not regulated by their "DEC". This program is conducted through the Vermont Department of Agriculture. We will be watching this program unfold closely.

- ◆ B. Aman is Chairman of a committee exploring carbon credits/ renewable energy, and is going forward with educational programs. There is a meeting this Thursday at the Holiday Inn in Cortland. R. Rausch and B. Aman will be working together on the carbon credits and alternative renewable energy sources. B. Aman is also involved in the development of a mobile grass pelleter.
- ◆ R. Kaplewicz reported the Governor's budget recommends that reimbursement for Soil and Water in the EPF is at the same level as last year. Approximately \$1.6 million more in the EPF for the Agricultural Nonpoint source grant program. He understands that there are 109 new positions at DEC several Divisions including water and air quality programs. He will meeting with J. Moody-Czub to begin briefing her on the accomplishments and needs for our Soil and Water program. The Lake Champlain Water Quality Specialist position is still vacant but we will be attempting to fill this position again. We are in the process of reconciling all past MOU's with DEC. This is a necessary step in preparation for a new MOU with DEC. DEC has suggested that there are some resources for this year's MOU. R. Kaplewicz talked about meeting with the NRCS leadership team as a follow-up to some of the discussions that we have had at State Committee meeting.
- ◆ J. Carmichael reminded the Committee that the Water Quality Symposium is being held March 13-16, 2007. Last year there were 250-300 participants.

Next Meeting – Tuesday, March 20, 2007. In Utica at a location TBD.

Meeting Adjourned at 3:30.