

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

STATE COMMITTEE MINUTES

May 15, 2007

Farm Credit Office, Federal Drive, Batavia, NY

Present: G. Proios, D. Hill, D. Stein, B. Aman, Voting Members; R. Kaplewicz, Director; M. Latham, Assistant Director; J. Moody-Czub, J. Rusnica, Ag. and Markets; B. Steinmuller, B. Silvestri, (Schenectady SWCD), N. Lawler, C. Frasier, R. Lewis, T. Brace, J. Schumacher, J. Ten Eyck, B. Brower, SWCC Staff; R. Alvarado, P. Wright, D. DeWeese, R. Young, NRCS; Kevin Roberts, DEC; P. Kaczmaczyk, L. Wilson, DOH; J Green, DOS; B. Rogers, NYACD; P. Black, SUNYESF; K. Czymmek, CCE; L. Telega, Cornell; J. Tauzel, NYFB; R. Lunser, Agri Business Brokerage Corp; Elaine Enfonde, Nixon Peabody; N. Rudgers, Former Commissioner Ag. and Markets; C. Yunker, Former Voting Member; Hans Boxler Jr., WNY Dairy Farmer; Dave DeGoyer, WNY Crop Management; J. Carmichael, NYSCDEA; G. Squires, Genesee SWCD; J. Kingston, Orleans SWCD; S. Mahoney, Clinton SWCD

Call to Order:

D. Hill called the meeting to order at 10:03 a.m. D. Stein welcomed everyone to Western New York. D. Hill thanked Dale for the hospitality and tour on Monday.

Introductions made.

Review and Approval of Minutes

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

Correspondence

Letters & Memos

R. Kaplewicz circulated copies of Robin Lee Warrender's obituary. Robin was a former member of the Committee.

R. Kaplewicz read a letter from Helene Dillard dated April 30, 2007 appointing Deborah Grantham as her representative to the State Committee. She will replace Larry Chase.

R. Kaplewicz read a letter from Susan Henry dated April 26, 2007 appointing Lee Telega as her representative to the State Committee. Lee will replace Karl Czymmek. R. Kaplewicz acknowledged and thanked K. Czymmek for all his work, help, and friendship to the Committee and welcomed Lee Telega as his replacement.

R. Kaplewicz read a letter from Troy Bishopp from Madison County dated April 24, 2007 praising and endorsing the media training workshops and in particular the fine job Barb Silvestri, Bill Cooke, Beth Meyer, Keith Kobland and John Sheehan have done as instructors in this area. R. Kaplewicz echoed his thoughts and commended Barb with her work and efforts in the AEM Program

R. Kaplewicz mentioned the four memos/letters listed below.

March 29, 2007 Memo from Olin Sims, President of NACD regarding 2007 Resolutions

March 28, 2007 Memo from Ron Kaplewicz to County S&W Districts regarding AEM Base Program for Year 3

May 2, 2007 Letter from Brian Wohnsiedler, Director, Jefferson County SWCD to Ag. & Mkts. Commissioner Patrick Hooker regarding the Soil and Water Conservation Committee's development of the Statewide AEM Media Training Program

May 2007 Letter from USDA NASS regarding the discontinuance of mailing press releases and their Weekly Weather and Crop reports. Information will be available at the website: www.nass.usda.gov/ny - "Subscribe to NYS Reports"

R. Kaplewicz mentioned a letter received from Marilyn C. Stephenson, FRPP Program Manager, dated March 15, 2007 announcing the 2007 Farm and Ranch Lands Protection Program funding.

Reports & Newsletters

NASS – Agricultural News: Saratoga Number One County For Equine; NY Egg Production Up 11% in February; February Milk Production Down; NY Vegetable Intentions in 2007; March Milk Prices Increased From February; Record Soybean Plantings Expected in NY; March Milk Production Down; NY Egg Production Up 10% in March; USDA To Survey Farmer's Planted Crop Acreage; April Milk Prices Increased From March; 2006 NY Milk Production; 2006 Poultry Value Decreases; 2006 Meat Animal Marketings and Gross Income; Bay Journal – March 2007 and April 2007.

Announcement of Program Funding for the Farm and Ranch Lands Protection Program from NRCS for Fiscal Year 2007.

NYACD Newsletter – March 2007; NACD News & Views March/April 2007.

ERS Report Summary – Markets and Trade – February 2007.

Westchester County SWCD publication "A Guide To Aquatic Buffers".

Saratoga County SWCD – "Conservation Connection" – Winter News 2007.

Utah Watershed Review – March 2007.

LEAD New York – Winter 2007.

Catskill Center News (A publication of the Catskill Center for Conservation and Development, Inc.) – Volume 36, Number 1.

NYS Environmental Excellence Awards – 2007 Application Brochure – NYSDEC

Notice of Availability of State and Federal Funds; AEM Base Funding Program.

CDEA News – April 2007; May 2007.

Tompkins County SWCD Annual Report 2006.

Warren County SWCD 2006 Annual Report.

NYS CDEA January 2007 Executive Board Meeting minutes.

"For Land's Sake" – Madison County SWCD's publication for Spring 2007.

Cortland County SWCD Spring 2007 Newsletter.

"Waterworks" – NYS Federation of Lake Associations, Inc.; April 2007.

Small Farm Quarterly – Spring 2007.

"Innovations In Sustainable Agriculture" – the northeast region sustainable agriculture research and education program – Spring 2007.

Wyoming County SWCD 2006 Annual Report.

"The Upper Delaware" newsletter. Spring 2007.

Member Recusals on the Grants Program

B. Steinmuller discussed the issue of voting members applying for grant money in a particular round. Counsel's office stated this would be a matter for the Comptroller's office to decide. In the past two years, voting members would recuse themselves from any discussion and voting on the RFP. Brian Steinmuller participated in a teleconference with Diana Smith, contract attorney for the Department, and the comptroller's office and they discussed the RFP and recusal process. The Comptroller's office was adamant, and it did not take a lot of discussion on their part, that the most appropriate course was for farmers who may be participating and are voting members recuse themselves from the process. This would also include any district employees who may be present at a meeting at the time of voting. The exception would be the employee's association president or designee, usually the president or vice president who is generally present at the TAC advisory committee meetings. They are the voice of the district and bring matters of concern from the districts to the TAC meeting.

Agricultural Nonpoint Source Abatement and Control Program – B. Steinmuller

STATUS OF ROUNDS I-XII

Of 407 projects, 142 are active, 1 is pending and 263 are complete (5 Final Reports approved since the last meeting).

Round XIII

34 plans of work have been forwarded to Counsel's office for contract development. The remaining 09 plans of work have not yet been received.

Round 14 RFP Review and Approval

Please see the attached TAC notes, Draft RFP and Proposal Rating Sheet. The TAC notes will provide detail on the recommended changes to the Proposal Rating Sheet and the Critical Flaw policies. The Draft RFP and the Proposal Rating Sheet are strikethrough documents that highlight the recommended language changes.

Amendments for State Committee Consideration

1. Schoharie SWCD – Schoharie County CAFO Farm Implementation – Round 9 – C700725
Request: change of BMPs from a silage leachate management to an access road
Reason: the farm has changed management from silage to wrapped round bales and no longer needs a silage leachate control system. An access road is proposed to improve a heavy traffic area that currently tracks mud and potentially pathogens from the calf

feeding area. The proposed change will also help complete the CAFO plan.

Previous Amendment: 1 change of scope

This amendment falls outside of the staff's approval authority because the new BMP does not address the same pollutant as the original project. C. Frasier, Region 5 AEA, recommends approval.

D. Stein moved to approve the change in BMP's; seconded by B. Aman; motion passed carried.

2. Tompkins SWCD – Owasco Lake Watershed Protection Implementation Project – Round 9 – C700730

Request 1: change of landowners

Reason 1: the original farm has gone out of business; the new farm has been identified as a priority because of proximity to a creek.

Request 2: change of BMPs from a Milkhouse Waste Collection to a Fuel Spill Storage Containment

Reason 2: the new farm will be implementing the Barnyard Runoff Management System but does not need a Milkhouse Waste Collection. A Fuel Spill Storage Containment is a high priority on the farm.

Previous Amendment: 2 time extensions, 4 changes of scope

This amendment falls outside of the staff's approval authority because the new BMP does not address the same pollutant as the original project. J. Schumacher, Region 2 AEA, recommends approval.

G. Proios moved to approve the change in landowners and BMP's; seconded by B. Aman; motion passed carried.

3. Orleans SWCD – Oak Orchard Watershed Phase IV: Small Dairies – Round 12 – C700823

Request 1: change of landowners

Reason 1: original landowner sold their cows, new farm is an orchard facility identified as a priority through the District's AEM Program.

Request 2: change of BMPs from a Milkhouse Waste Collection to an Agrichemical Mixing Facility

Reason 2: the District currently has grants with a majority of dairy farms in the Oak Orchard Creek Watershed. Agrichemical mixing facilities on orchard operations have been identified as a high priority in Oak Orchard.

Previous Amendments: change of scope, change of BMP

This amendment falls outside of the staff's approval authority because the new BMP does not address the same pollutant as the original project. T. Brace, Region 1 WQS, recommends approval.

B. Aman moved to approve the change in landowners and BMP's; seconded by G. Proios; motion passed carried.

G. Proios asked about NRCS standards regarding covered or uncovered chemical mixing centers.

P. Wright stated it is not required to have covered chemical mixing centers. It was agreed the option on covering or not should be discussed during the planning/design stages.

Staff Approved Amendments

1. Ontario SWCD – Finger Lakes Watersheds AEM Phase III Implementation – Round 12 – C700821

Request: change of landowner

Reason: original farmer voluntarily withdrew, new farmer identified as a priority through the AEM Program.

Approved by T. Brace/B. Steinmuller 5/2/07

2. Schoharie SWCD – AEM Tier III Planning in Schoharie County – Round 11 – C700795

Request: time extension from 7/31/07 to 7/31/08

Reason: additional time needed to complete planning activities

Approved by C. Frasier 4/12/07

3. Schoharie SWCD – Planning in the Canajoharie Creek Watershed of Schoharie County – Round 11 – C700796

Request: time extension from 7/31/07 to 7/31/08

Reason: additional time needed to complete planning activities

Approved by C. Frasier 4/12/07

4. Chenango SWCD – Otselic River Corridor Reach No. 1 Implementation Project – Round 10 – C700746

Request: change of landowner

Reason: farmer voluntarily withdrew, new farmer identified as a priority because of AEM Program

Approved by J. Schumacher 3/28/07

5. Schuyler SWCD – Seneca Lake: Pollution Abatement in 6 Subwatersheds, Stage II – Round 9 – C700727

Request: change of landowner

Reason: original landowner no longer needs both BMPs, new landowner identified as a Priority replacement

Approved by T. Brace/B. Steinmuller 5/2/07

Round 14 Draft RFP Approval

B. Steinmuller distributed the TAC meeting minutes from April 12, 2007 along with the Round 14 RFP draft. One policy change is the requirement that at least a Tier 3a be completed before a farm will be accepted for an implementation proposal. Proposal Rating Sheet in the past may have weighed the cost effectiveness too heavily. After discussion with the Comptroller's office, the scoring scheme was adjusted to reflect 80% weight be given to the technical merit and 20% given to cost effectiveness.

L. Wilson questioned the bonus points associated with TMDL and public drinking water concerns on the proposal rating sheet. Much discussion ensued. L. Wilson was concerned with the TMDL bonus insinuating TMDL's are more important than drinking water. B. Steinmuller stated in the last round, the only meaningful points were buffers. They were the only thing that elevated proposals through bonus points. B. Steinmuller stated the source water assessment program is referenced in the RFP with contact information for both P. Kaczmarczyk and L. Wilson.

B. Aman made a motion to include Source Water Assessment Program (SWAP) in bonus language. G. Proios seconded; motion passed carried.

B. Steinmuller reviewed the proposal rating sheet and discussed critical flaws. After discussion with the Counsel's office and Comptroller's office, TAC recommends the SWCC staff could notify the applicant of any missing information. If the missing information was provided within a designated deadline, the proposal will still receive a point reduction penalty. A five point reduction was recommended. If the missing information is not received by the designated deadline, the proposal will be deemed incomplete and not eligible for funding.

B. Aman made a motion to accept the change to critical flaws. G. Proios seconded; motion passed carried.

B. Steinmuller discussed R. Young's presentation at the TAC meeting on the BMP Cost Estimator Tool. It was decided that this tool would not be required under Round 14, but its use encouraged. The Proposal Rating Sheet does refer to the cost estimator tool under cost effectiveness. R. Young has started conducting training sessions with some district managers on the use of the BMP Cost Estimator Tool and it is being well received.

B. Steinmuller discussed the Draft Language for Screening. Acceptable modes of delivery would include e-mail and fax. Discussion on whether five or ten days for deadline would be appropriate.

B. Steinmuller discussed Reporting Requirements. It was decided to decrease the interim reporting to twice per year. Reports will be required June 1 and December 1. It was discussed that closer attention should be given to projects and more communication between field staff, districts and Albany office.

B. Aman made a motion to adopt the new policy requiring interim reports twice per year. G. Proios seconded; motion passed carried.

Much discussion on Reporting Requirements and the need for final reports to include photographs of the work site before and after construction. T. Brace and J. Schumacher expressed concern in finding time to do all reporting, site visits and photographing in addition to all other work. R. Kaplewicz stated we need to look at more efficiencies within our system and this will be looked at among other things. B. Steinmuller spoke on the need for streamlining the reporting process and how the GRTS system for EPA grants reporting and tracking will be requiring a pollution load reduction estimate associated with each practice.

P. Wright mentioned the cost effectiveness of engineering technical support is often not there as much as they would like it to be. He is hopeful people submitting the projects would be told to include engineering costs and they wouldn't be penalized for doing so.

B. Steinmuller reviewed the Round 14 Ag NPS Grant hourly rate recommendations. Narratives may be three pages or less.

G. Proios made a motion to approve the Round 14 Proposal Rating Sheet with the three additional votes taken at the meeting. B. Aman seconded; motion passed carried.

R. Kaplewicz gave B. Steinmuller credit on getting this task accomplished and thanked him for his dedication and attention to detail in advancing this program every year without a great deal of

change. Round 14 will have close to 13 million dollars in the Ag NonPoint Grants Program. R. Kaplewicz stated the committee, over the next few meetings, must decide on the allocation for competitive and non-competitive funds. Talks with NRCS state EQIP may go to flat rate for BMP's. R. Kaplewicz stated we need to look carefully on streamlining workloads, efficiencies and easing the burden of more responsibility on staff.

D. Hill announced the State Committee Principal's Meeting topic would be postponed until the next meeting.

J. Schumacher reported the next meeting of the Disaster Committee would be Monday, May 21, 2007. He will have a report at an upcoming State Committee meeting.

D. Hill announced an addition to the agenda immediately following lunch. H. Boxler Jr. and D. DeGoyer would be reporting on the Wyoming County incident.

D. Hill introduced guest, Nathan Rudgers, former Commissioner of the NYS Department of Agriculture and Markets. N. Rudgers welcomed everyone to Western New York and talked about his new career with Farm Credit and his continued dedication to the agricultural community. He spoke of his concerns with land use issues.

D. Hill introduced guest, Craig Yunker, a former voting member of the committee from Western New York. He thanked everyone for the opportunity to serve on the committee, and he is available to help in any way.

D. Stein introduced Hans Boxler, Jr. and Dave DeGoyer and asked them to talk about the manure spreading incident, contamination of wells, and to find out how we can help.

H. Boxler gave his background as a 3rd generation farmer. He explained the allegations against him regarding a manure spreading incident in which well water was contaminated and found to contain coliform and E. coli.

D. DeGoyer stated he is a planner with the Western New York Crop Management Association. He stated while nothing has been proven as far as responsibility for this incident, a letter from DEC was sent to Hans Boxler, Jr. threatening penalty action.

Much discussion ensued regarding DNA testing, land use, monitoring, farmers' economics situations, etc. R. Kaplewicz discussed the need to understand all of the facts so that better information can be provided to planners and farmers.

State Education Department Determination on Conservation Practices and Engineering Practices

P. Wright distributed a handout of practices that the Natural Resources Conservation Services (NRCS) provides technical and financial assistance to landowners to help them protect the soil, water, air, plants and animals on their property and to enhance human activities. State Board of Engineers and Land Surveyors advises the New York State Board of Education and then it is determined which are conservation and which are engineering practices. He discussed a system within NRCS known as Job Approval Authority, where they delegate, through their professional engineering license, so their employees can provide engineering services to the public with regard to planning and construction. NRCS cannot delegate to Districts under Job Approval Authority.

S. Mahoney brought attention to the Subsurface Drainage Standard (FT) (NY606), which is a standard change, and what would be involved if a total system fell outside the new guidelines with regard to approval. How long would the waiting period be for a project to be inspected and approved. He is concerned many projects will be held up waiting for approvals.

R. Kaplewicz expressed the need to see where District employees are with regard to Job Approval Authority. A major concern is the impact and cost on the program when practices move from conservation practices to engineering practices. There is a need to discuss roles, responsibilities, objectives of the program, what are our collective goals in keeping, maintaining and training qualified employees, and working cooperatively toward a coordinated approach which meets the objectives of the program and the producers.

J. Carmichael as President of NYSCDEA stated a meeting will be held June 5, 2007 and a topic on the agenda is whether or not NYSCDEA should establish their own job approval authority through the State Committee, the Department or other alternatives.

Engineering Training Outlines and Update – B. Brower

B. Brower spoke on P.E. training. A new committee has been formed to develop a 2-year training program. B. Brower will be the facilitator of the committee. The committee is looking to develop topics, research presenters, and offer continuing education credits. For continuing education we may use the system in use now through Cornell, or possibly DEC or Agriculture and Markets. Facilitating training will require that we use some entity to take in funds as the State Committee cannot do so. Another meeting is scheduled for early June, 2007. J. Carmichael suggested having a district employee who does technical work on the committee.

Update on Draft Rules and Regulations – J. Rusnica

J. Rusnica stated the Draft Rule is presently in GORR (Governor's Office of Regulatory Reform). The GORR Counsel's office will decide whether the Draft Rule will need to be sent to Governor's office for review. If not, they can publish in the State Register soon. Rules and Regulations Committee has developed a matrix dealing with requirements for Development of Performance Standards. Recommendations from the Committee regarding performance amounts for 2006, 2007 and performance goals for 2008 will be discussed. There are four informational meetings scheduled for across the state to review the draft rule and the matrix. They are as follows:

May 30 in Batavia 6-8 pm, May 31 in Auburn 1-3 pm, June 6 in Pomona 1-3 pm and June 7 in Warrensburg 6-8 pm

AEM Policy Regarding Committee Structure and the Collection of Coordinates – J. Ten Eyck

J. Ten Eyck postponed his report until the next meeting.

Other Reports – All

- M. Latham announced the following Districts annual plans of work need to be approved:

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| <i>Chautauqua</i> | <i>Herkimer</i> | <i>Tioga</i> |
| <i>Cortland</i> | <i>Jefferson</i> | <i>Washington</i> |
| <i>Delaware</i> | <i>Monroe</i> | <i>Nassau</i> |
| <i>Dutchess</i> | <i>Orange</i> | |

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

R. Kaplewicz welcomes all ideas for the Principal's Meeting agenda. They can be sent to him by mail or e-mail for discussion at next month's meeting.

- B. Silvestri announced AEM signs were distributed to District managers at the Manager's meeting in April. Nichelle Billhardt, District Manager in Lewis County has two newspaper articles, which Barb circulated, regarding the new sign and AEM.
- Commissioner encouraged Districts to nominate farmers who could be eligible for AEM signage, reinforcing the AEM program in particular. We are looking for exemplary farmers who set example for other farms on what is being done.
- Last week in June, two media training sessions will be conducted in cooperation with NYS Farm Bureau - one for farmers, one for planners on media training.
- C. Frasier distributed a handout Stormwater Reimbursement Program 3 year Report. Over \$166,000 dollars was spent 2004-2006. The report is broken down by DEC Regions, Referrals per Region and Actions/Site Visits per Region.

Next Meeting – Tuesday, June 19, 2007 at 10:00 am at the NYS Department of Agriculture and Markets, Pride of New York Conference room.

Meeting Adjourned at 3:15 p.m.