

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

STATE COMMITTEE MINUTES

June 19, 2007

**NYS Dept. of Agriculture & Markets, PONY Room
Albany, NY**

Present: D. Hill, D. Stein, J. Dickinson, Voting Members; R. Kaplewicz, Director; M. Latham, Assistant Director; J. Moody-Czub, J. Rusnica, Ag. and Markets; B. Steinmuller, R. Rausch, B. Silvestri, (Schenectady SWCD), N. Lawler, C. Mosher, C. Frasier, R. Lewis, J. Schumacher, SWCC Staff; D. DeWeese, R. Young, NRCS; Kevin Roberts, DEC; P. Kaczmaczyk, DOH; P. Manning, DOS; B. Rogers, G. Bell, NYACD; P. Black, SUNYESF; L. Telega, Cornell; J. Tauzel, NYFB; J. Carmichael, NYSCDEA; W. Walsh, Tioga Co. SWCD

Call to Order:

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

Introductions made. R. Kaplewicz welcomed Cortney Mosher as our summer intern.

Review and Approval of Minutes

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

**Correspondence
Letters & Memos**

R. Kaplewicz read a note from Seth Dennis to Brian Steinmuller thanking Brian for all his help with the New York State Envirothon. B. Steinmuller stated Tioga County ranked first. He stated the Envirothon was a great success with 53 counties participating and perfect weather.

R. Kaplewicz read part of a letter from Quirine Ketterings, Cornell University regarding information on Cornell's Nutrient Management Spear Program (NMSP) research, extension and teaching activities.

R. Kaplewicz read a letter from Jim Bittner, NY Horticultural Society President, to Dennis Hill regarding the May 14, 2007 orchard operation visit to Orleans County SWCD. The letter spoke about orchard sprayers. The letter stated an overwhelming majority of orchard growers in New York State are using sprayers with 1950's technology. Orchard farmers have not converted over to the new sprayers due to the limited exposure, high costs associated with the technology and the fact that sprayers last for many years and are not replaced very often. The New York State Horticultural Society believes the AEM Program and the Ag Non Point Grant Program is a great tool to improve water quality, productivity and profitability of New York State family farms. The Society also feels conservation-type equipment should be eligible for funding under the Ag Non Point Grant Program. Discussion ensued concerning purchase of equipment through Ag Non Point Grant Program.

D. Stein made a motion to have TAC research the use of power sprayers on a case-by-case basis and see if it is worthwhile changing policy to support the purchase of this type of equipment. J. Dickinson seconded; motion passed carried.

Memo dated 5/8/2007 from Paul O. Swartz, Executive Director of the Susquehanna River Basin Commission regarding the 2007 Annual Water Resources Program.

Letter dated 6/5/2007 from Dennis J. Lucia, NYS DEC regarding the application deadline extension for the Environmental Excellence Award (EEA). New date is July 11, 2007.
Letter dated 5/21/2007 from Sandra Allen, Director, Division of Water, NYSDEC regarding the Water Week series. This year the focus is on water supply infrastructure.

Reports & Newsletters

Glynwood Center "The Year in Review 2006" report.

Glynwood Center Harvest Award nomination form.

NYSDEC – New York State Environmental Excellence Awards 2007 Application Brochure.

"BioCycle" Magazine – April 2007 regarding article featuring Cayuga County SWCD's Regional Methane Digester Project.

Nuggets & Nibbles, Volume XXVI, Number 2, Spring 2007.

"Save the Bay" – Spring 2007 magazine of the Chesapeake Bay Foundation.

"The Lake Reporter" – May 2007 publication of the Canandaigua Lake Watershed Alliance.

USDA CSREES Regional Water Coordination Program for New York, New Jersey, Puerto Rico and the Virgin Islands article from Rutgers Cooperative Extension.

NYACD Newsletter – May 2007.

CDEA News – June

D. Hill asked D. Stein for an update on the Boxler situation which was presented at the May meeting. DEC is in contact with the Boxler's. DEC has issued a Notice of Violation. B. Steinmuller explained that the Boxler portion of the Round XIII NPS Grant is on hold until a resolution and/or settlement is made. R. Kaplewicz thanked Dale for his involvement and assistance with regard to this incident.

R. Kaplewicz, J. Moody-Czub and staff has met with DOH regarding well contamination issues as well as agency partnerships. Through the AEM sub-committee there will be a document developed for producers use in New York State. Recommendations with regard to storage, pumps, and winter spreading will be addressed. D. Stein mentioned another incident in Genesee County involving a homeowner experiencing water problems, possibly dairy whey waste. DEC Region 8 solid waste division is investigating.

B. Silvestri discussed the two upcoming Working with the Media workshops to be held in Batavia, New York... Wednesday, June 27 for farmers, and Thursday, June 28 for planners. She stated there have been numerous inquiries and a lot of interest regarding this training. AEM Statewide Award deadline is Friday, June 29. We have received five nominations from around the state. Districts are starting to think about the AEM Sign awards program. American Agriculturalist Cover Story will be coming out in July and Barb will have a copy for next meeting. B. Silvestri attended a tour/meeting in Madison County of two farms with the Nonpoint Source Coordinating Committee. She found the tour most informative giving people who have never been on a farm some basic knowledge on several conservation practices.

**Agricultural NPS Abatement & Control Grant Program
June 19, 2007 State Committee Meeting**

STATUS OF ROUNDS I-XIII

Of 446 projects, 149 are active, 34 are pending and 263 are complete.

Staff Approved Amendments

1. Columbia County SWCD – Tier 3B CNMP, 2 farms – Round 11 – C700775
Request 1: time extension from 5/31/07 to 5/31/09
Reason 1: additional time will be needed due to farm substitution
Request 2: change of landowner
Reason 2: original farm voluntarily withdrew because low milk prices prohibits him from meeting match requirements
Approved by L. Prezorski/B. Steinmuller 5/17/07

2. Delaware County SWCD – The Upper Susquehanna Watershed Tier III Planning – Round 10 – C700750
Request: change of landowners
Reason: original landowners sold their farms, new landowners identified as a priority through the AEM process
Approved by J. Schumacher 6/12/07

3. Onondaga County SWCD – Onondaga Lake Watershed AEM Implementation Project – Round 11 – C700788
Request: change of BMPs from manure storage to a silage leachate collection system
Reason: due to expansion the recommended size of the storage increased and the grant does not have enough financial support to proceed, therefore, the landowner would like to address other high priority concerns
Approved by L. Travis 6/1/07

4. Yates County SWCD – Central Lowlands Till Plain CNMP Grant – Round 10 – C700771
Request: time extension from 4/30/07 to 4/30/08
Reason: additional time needed to complete CNMPs
Approved by T. Brace/B. Steinmuller 5/23/07

5. Tompkins County SWCD – Taughannock Creek and Willow Creek Watershed Protection Project Phase II – Round 11 – C700800
Request: time extension from 12/31/07 to 10/31/08
Reason: additional time needed to complete deliverables due to delays in technical assistance
Approved by J. Schumacher 6/4/07

6. Broome County SWCD – Upper Susquehanna River Basin Management Intensive Grazing – Round 12 – C700830
Request: change of landowners
Reason: original landowners voluntarily withdrew and new landowners identified as a priority through AEM planning process
Approved by J. Schumacher 5/7/07

7. Wyoming County SWCD – East Koy – Wiscoy Creeks Ag BMP Implementation Project – Round 12 – C700833

Request: change of BMPs from a manure storage to a silage leachate collection system

Reason: the silage leachate control system as become a greater water quality issue due to significant surface and groundwater concerns

Approved by T. Brace/B. Steinmuller 6/19/07

8. Oneida County SWCD – Oneida Lake Watershed BMP – Round 10 – C700757

Request; time extension from 3/25/07 to 3/25/08

Reason; additional time needed to complete projects due to financial constraints

Approved by L. Travis/B. Steinmuller 6/8/07

9. Oneida County SWCD – Oneida Lake Watershed Farm Planning Project – Round 11 – C700785

Request; time extension from 4/30/07 to 4/30/08

Reason; additional time needed due to high work volume and loss of District personnel

Approved by L. Travis/B. Steinmuller 6/8/07

B. Steinmuller discussed the Round VII Bond Act project on Spruce Haven Farm. B. Steinmuller read an update he received from Cayuga County via e-mail regarding this project. Planning is underway and ongoing. L. Travis responded to the e-mail stating the component practices which were decided are eligible and should make it easier to get a Plan of Work through. Are the Bond Act funds still available? We did not receive final determination, but to our knowledge, this money has been earmarked, but final decision would come from Comptroller's office. We need to communicate with the district that we need a Plan of Work submitted for this project D. Stein is going to talk to Doug Young and let him know we need a Plan of Work submitted immediately.

B. Steinmuller read a letter to Dennis Hill from Craig Schutt, District Manager Tompkins County SWCD, withdrawing their Round 13 application for Project #43, "CAFO Compliance Project in the Headwaters of the Susquehanna Watershed". J. Schumacher stated they couldn't find a replacement farm. Financial status for Round 13 will be discussed at the next meeting.

Round 14 Draft RFP

B. Steinmuller received notes back from the draft RFP submitted to Counsel's office. The notes did not indicate anything of a policy nature, and we are moving forward with the Round 14 RFP.

R. Kaplewicz stated we are working to resolve issues related to the EFARM program and the use of Bond Act dollars for payment of CNMP's and Annual Updates. A determination by Division of Budget requires the need to offset certain funds from Bond Act. This project involves the identification of financial opportunities for swapping of EPF and Bond Act funds.

R. Kaplewicz introduced and welcomed Peter Manning as the newest advisory member of the Committee. Peter is from the Department of State.

Upper Susquehanna Coalition MOU

D. Hill announced a change in the agenda. He introduced Wendy Walsh from Tioga County SWCD. R. Kaplewicz discussed the MOU and how it formally sets and establishes the relationship between 15 counties in New York State and 3 in the State of Pennsylvania as the Upper Susquehanna Coalition. The MOU will be on the next agenda for a formal vote by the State Committee. J. Curatolo is the Coordinator and W. Walsh is the Chair of the USC. A handout of the background of The Upper Susquehanna Coalition and a draft of the MOU were distributed.

She discussed projects they have worked on in the past and the background of developing a formal standing for the coalition through cooperative agreement. Tioga County SWCD will act as the administrative branch of the coalition. They are in the process of coordinating all information from the counties in New York and forming bylaws. Pennsylvania is also in the process of seeking approval of this agreement. J. Rusnica stated he is working on the background of the Upper Susquehanna Coalition and MOU, and will need a signed copy before the Committee can take any action.

CREP Update and Amendment

R. Lewis distributed the status report on CREP as of June 1, 2007. The CREP agreement expires December 31, 2007 and Farm Bill expires September 30, 2007. Will CREP be extended for another ten years? R. Lewis distributed the Environmental Benefits Report which is to be completed following the installation and certification of CREP practices and complementary practices. He explained two major practices installed under CREP; filter strips and Riparian Forest Buffers and the requirements and standards within three zone types. R. Lewis distributed a handout listing ten necessary changes to the CREP program. CREP varies from county to county. FSA, NRCS and the District need to meet with farmers and work as a partnership. R. Lewis reported that Ginny Green will be giving the quarterly reports on CREP from this point forward. R. Lewis distributed copies of the Willow Biomass Addendum Proposal. This proposal will be submitted to Washington. If Washington believes the addendum is viable, then an environmental assessment fact sheet will document changing the program. R. Lewis stated the proposal contains enough detail concerning the environmental impact, and therefore, an environmental fact sheet may not be necessary.

J. Moody-Czub spoke about the State appropriating resources through the EPF for work on a Great Lakes ecosystem based management program. Nine state agencies have come together with the product being a report to the Governor and legislature in the fall of 2008. The product would be a recommendation to the legislature and governor on how to implement ecosystem based management here in New York. Agencies are working together to pull that report together and in addition they have some funding available for projects within the basin for ecosystem management. The Department has successfully secured \$250,000 for a buffer project in the Sandy Creek Watershed. C. Frasier added this project will work through the Jefferson County SWCD. The project will demonstrate how buffers can benefit the watershed.

R. Lewis reviewed a proposal presented to EPA to support EBM. EPA would provide a \$55,000 grant to be used for this program over a period of two years. The NYSSWCC would serve as the technical oversight committee for this grant. A fact sheet concerning the Community Conservation Assistance (CCA) grant was distributed. This project would address community conservation assistance and provide tools and resources to enhance local districts capacity for EBM type activities. Some components would be to develop annual watershed report cards that will provide indicators of overall watershed health and trends and checklists for citizens to evaluate community's effectiveness in addressing NPS pollution control and prevention. R. Kaplewicz stated we are being encouraged by EPA to take advantage of these dollars and to implement this initiative. The Committee was in full agreement with this opportunity.

Presentation on Draft Regulation for State Aid and Draft Performance Standards

M. Latham and R. Kaplewicz gave a power point demonstration which they have delivered four times over the last several weeks dealing with the Draft rule and the draft performance guidance that the working group has assembled up to this point. R. Kaplewicz explained this Draft was submitted to GORR a couple of months ago. It was our understanding the rule was going to be fast tracked. Once we have approval from GORR, it will be approximately two weeks before we

can publish the rulemaking, and then there will be a 45-day comment period. Next, we will need to respond to any comments submitted during the comment period. Realistically, we are minimally two months out before we have a formal rule. Once we have the formal rule, the State Committee will still need to approve the performance standards and allocate the resources from the 06-07 budget year and the 07-08 budget year. M. Latham explained part a of section 11-a allocates up to \$30,000 per district in any fiscal year. Changes to part a include change in address, addition of NYC clause, lengthening of submittal deadline to February 15 and rewording of titles and other minor clarifications. Part b provides financial assistance to districts up to six thousand dollars for the purpose of carrying out projects. This funding would be provided in advance of project (December) and the project would be completed during the following calendar year (January-December) with the completion documented in the Annual Report (February). Efforts are being made to pay part b (up to \$6,000) to districts for 2006-2007 prior to November 1, 2007. Part c provides that districts shall be eligible annually on a competitive basis, within available funding, for financial assistance for the purposes of carrying out projects and activities based on performance. Part c cannot be implemented until the rule is adopted. For part c eligibility, qualifying performances are identified in the Annual Report (February), performance based financial assistance is awarded in March/April. The project and/or activity will need to be completed during the remaining calendar year (April – December). Completion will be documented in the Annual Report (February). M. Latham discussed distribution and examples on how part c monies would be allocated. Districts compete amongst themselves to improve their own performance. Over time, the State Committee may gradually increase expectations of performance. Overall eligibility is contingent upon districts operating in accordance with State Committee policy. Monies available for part c reimbursement will vary depending on what is remaining from part a and b. Districts should develop lists of activities and/or projects that are eligible and it appears that there is a great deal of flexibility in this area. M. Latham stated that all things being equal, districts should see on an annual basis about \$19,241 additional on top of the \$30,000 State reimbursement. They received positive feedback from the informational outreach meetings.

R. Kaplewicz discussed the performance measures/standards and recommendations for allocating monies for years 06-07 and 07-08. The working group recommends money be allocated to Performance Measures 3 and 4 and none to 1 and 2 for the first two budget years.

Performance Measure 1 deals with the different District Board Activities. This includes the number of District board meetings held annually, training of board members and employees; there are seven different components under consideration for Performance Measure 1. This performance measure would be graded on a pass/fail rating.

Performance Measure 2 pertains to District Reporting and Outreach. This includes, annual work plans, annual reports, assisting at functions such as Empire Farm Days, etc. In 2006, three or more activities would be required, in 2007 four or more and in 2008 at least five or more activities. This performance measure would be graded on a pass/fail rating.

R. Kaplewicz stated it would be recommended by the working group to the State Committee that half of the money be allocated for Performance Measure 3, and the other half available would be allocated on Performance Measure 4. Every district should be able to meet Performance Measure 3, Leveraging Additional Funds and Fostering Partnerships. M. Latham stated most of the information for Performance Measure 3 has already been submitted in the District's 2006 Annual Report. R. Kaplewicz stated we are not looking for more paperwork to be compiled by districts and do not have the ability, people-wise, to spend time reviewing lengthy reports submitted by the Districts to earn these additional monies. If we had software available for every District so this information could be entered at the local level and then submitted electronically, it would be much easier to manage. However, at this time the resources are not available, but may be

something we can look at and plan for the future.

Performance Measure 4 deals with State Natural Resource Programs including AEM, CREP, CAFO, Ag Nonpoint Source, Farmland Protection, etc. In 2006, at least 1-3 performance measure must be met; 3-5 in 2007 and in 2008 at least 5 measures must be met to qualify.

Once the rule is in place, recommendations from the working group will be submitted to the Committee for action.

Every year the Committee will need to discuss the resources to be allocated and any changes to the Performance Measures. B. Rogers suggested keeping this working group intact.

R. Kaplewicz stated part b (\$6,000 allocation) for years 2006 and 2007 could be paid soon. R. Kaplewicz requested the Committee's approval and recommendation to get this money to the Districts as soon as possible.

D. Stein made a motion to move to get part b money finalized and distributed as soon as possible. J. Dickinson seconded; motion passed carried.

Other Reports – All

- R. Kaplewicz announced the following Districts annual plans of work need to be approved:

Chautauqua

Lewis

Saratoga

Tompkins

Yates

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

- K. Roberts announced the Great Lakes Commission, soil erosion and sediment control program suffered a serious setback with the cancellation of funding from the federal government.
- J. Carmichael reminded everyone of the Employees Association golf tournament to be held July 26 in Onondaga County. The National Canon Envirothon will be held July 29 – August 4, 2007 at Hobart & William Smith Colleges, Geneva, New York. If anyone is interested in volunteering or helping out in any way they may contact Blanche Hurlbutt at Otsego County SWCD or Sandy Huey at Cayuga County SWCD. The second engineering workload meeting was held earlier in June. The meeting focused on engineering, design and implementation of projects. Two subcommittees were formed; one will look at developing and formalizing a training program to be used state wide along with a possible certification for employees. Two formal training sessions serve as a primary point of delivery for training; one in the fall and the Water Quality Symposium. The other committee is looking at how we get projects approved systematically by engineers. The State Committee may be able to adopt an approval authority program similar to what NRCS has developed. The next meeting of this group will be held either July 11 or July 19, 2007.
- G. Bell stated NACD would be hosting the hospitality suite for the judges and adults

whose kids are participating in competition at the Envirothon and they are looking for volunteers. NYACD is part of the National Association of Conservation Districts. Within the National Association, the annual conference of Executive Directors has met for approximately the last seven years, with that meeting traditionally being held in the western part of the country. This year the conference will be hosted by New York State and will be held August 2-4 in Ithaca, NY. They are expecting about 22 executive directors from around the country. One element the planning committee has on the agenda is the marketing of the State Associations. B. Silvestri will be a presenter on this topic at the meeting.

- D. DeWeese thanked the Committee and Dale Stein for hosting the May meeting/tour. He offered a Business model progress report. A meeting is scheduled for Thursday with partners to discuss meeting in Washington and the Farm Bill. D. DeWeese will be working on how NRCS allocates resources. Presently, it is based on workload and NRCS would like to progress to more of a team structure based on watersheds. He reported on Conservation Innovation Grants – for funding for equipment such as sprayers for orchards; they received 21 proposals for these types of projects. There is a strategic plan being developed by the 4-way partnership to improve efficiency.
- R. Rausch wrote and submitted a CIG-NY grant (Conservation Innovation Grant) on behalf of the Department on development of agriculturally derived carbon offset standards that could be adopted by the Regional Greenhouse Gas Initiative (RGGI) as eligible offset categories. Carbon credits derived from the destruction of methane via anaerobic digestion is already an eligible offset category under the RGGI Model Rule. Through the grant, we hope to expand the eligible offset categories to possibly include conservation tillage, reduced till, no till, etc. This would amount to reviewing and comparing the many different existing voluntary standards, voluntary national standards, other state and regional mandatory standards and the International Panel on Climate Change (IPCC) standards. R. Rausch is confident we can come up with something acceptable and adoptable by RGGI. This would enable all NYS farmers as well as, all farmers in the 10-state RGGI region to participate in carbon trading beyond anaerobic digestion. R. Rausch is working with Karl Czymmek and Jenny Wightman. NYSERDA has expressed interested in the potential project. It was also suggested that the State Committee look into drafting a policy concerning carbon credit ownership issues on cost-shared projects sometime in the near future.
- EPA contacted R. Rausch requesting he give a presentation on Regional Greenhouse Gas Initiative and carbon credits at the National Conference in Sacramento, California in November. EPA would like to compare programs on how different regions in the nation calculate carbon credits and how RGGI differs from other regional mandatory programs.
- Through the AEM Evaluation sub-committee R. Rausch is working with Rich Lewis, Jeff TenEyck and Jeff Myers (DEC) on a demonstration evaluation pilot project. It is hoped that we can kick off this project this summer and we are looking at three different counties to evaluate years 1 and 2 of the base program, strategies, and deliverables, as well as improvements we can make at the state level regarding program administration and delivery. The AEM Evaluation Subcommittee should have a report this fall summarizing the evaluation demonstration project for the AEM Steering Committee.
- L. Telega reported that Keith Porter was retiring this fall. As a result, he stated the future of the Water Research Institute is being discussed. He also announced a

meeting to be held June 24-26, 2007 of the New York State Renewable Energy Summit in Ithaca, New York.

- J. Tauzel reported the legislative session ending Thursday. Probably no passage of a bottle bill. Farm Bureau submitted comments concerning CAFO extension and the proposal by EPA to move the deadline of February 27, 2009. Farm Bureau is advocating for full extension.
- B. Rogers reported he would be in attendance at this and future meetings for Linda Coffin due to personal demands on Linda. The Annual Meeting of NYACD will be in Owego, New York on October 28-30, 2007. The NYACD Summer Legislative Meeting will be held July 21-24, 2007. Discussion on the Farm Bill will take place.
- The Northeast Meeting will be held in Mystic, Connecticut this summer. M. Latham will be attending. Any Committee members with an interest in attending should contact our office so that we can prepare a travel request. The Department has hired an intern to work with the Division, Counsel and the Commissioner's office on how EBM can be implemented within the Department, the Committee and by Districts. The State budget process for 2008-2009 has begun. R. Kaplewicz recommended a meeting in later July since there is traditionally no meeting in August. Consistent with Governor Spitzer's Executive Order 3, effective July 1, 2007, we will be required to web cast all future meetings. R. Kaplewicz made mention that both Soil & Water Conservation golf teams (open and competitive) were victorious (first place winners) in the Commissioner's Cup golf outing.

Next Meeting – Tuesday, July 31, 2007 at 10:00 am at Hotel Utica, 102 Lafayette Street, Utica, NY

Meeting Adjourned at 3:20 p.m.