

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

STATE COMMITTEE MINUTES-REVISED – 9-16-08

July 15, 2008

Hotel Utica, 102 Lafayette Street, Utica, NY

Present: D. Hill, B. Aman, D. Stein, G. Proios, J. Dickinson, Voting Members; M. Latham, Assistant Director; J. TenEyck, N. Lawler, B. Silvestri, L. Travis, L. Prezorski, G. Albrecht, B. Brower, B. Steinmuller, R. Lewis, SWCC Staff; D. DeWeese, NRCS; L. Telega, Cornell; P. Black, SUNYESF; J. Tauzel, NYFB; L. King, A. Eaton, DEC; P. Kaczmarczyk, DOH; E. Thomas, M. Streb, DOS; J. Rusnica, P. Giltner, Ag & Markets; B. Rogers, NYACD; J. Carmichael, S. Lorraine, NYSCDEA; R. Robinson, Webcasting.com

Call to Order:

D. Hill called the meeting to order at 10:16 a.m.

Introductions made.

M. Latham distributed a revised agenda for the meeting which included a discussion by Dennis DeWeese on the Farm Bill.

Review and Approval of Minutes

M. Latham read a few minor corrections to the June minutes. D. Stein moved to approve the June minutes; seconded by G. Proios. Motion passed; carried.

Correspondence

Reports & Newsletters

Letters & Memos

Letter dated June 19, 2008 to NYS Ag. & Mkts. Commissioner Patrick Hooker from Marinus Rovers, Clinton County SWCD Chairman regarding the "Working With the Media" training sessions.

Message (with attachments) dated June 30, 2008 to Ron Kaplewicz from Bill Ketzner regarding Legislative Proposals

Message (with attachments) dated July 3, 2008 to Ron Kaplewicz from Lucy Roberson, Fiscal Management, regarding Spending Plan 2008 – 2009

M. Latham read, in part, the letter to Commissioner Hooker from Marinus Rovers from Clinton County expressing thanks and gratitude for the "Working with the Media" training sessions and the AEM Program.

D. Hill read a letter addressed to him from Ron Kaplewicz announcing his retirement as Executive Director of the State Soil and Water Conservation Committee and Director of the Division of Soil & Water.

Reports & Newsletters

Public Works - June 2008

Bay Journal – June 2008

Jefferson County SWCD Newsletter – June 2008

Erosion Control – July/August 2008 issue

Lake Champlain AEM Coordination final report for FFY 2004 – FFY 2005

"The District Digest", Columbia County SWCD's newsletter – Summer 2008

Wayne County SWCD Summer 2008 Newsletter

"Niagara Nature News", Niagara County SWCD publication – Summer 2008
CDEA News, July 2008
NYSERDA – RFP 1249 (Develop a renewable fuels roadmap and sustainable biomass feedstock study for New York)
Cortland County SWCD's newsletter – Summer 2008
Wyoming County SWCD's newsletter – June 2008
"Watershed Journal" – Skaneateles Lake Watershed Ag Program Publication – Spring 2008
Tug Hill Commission's five year "White Paper" report to the Governor and State Legislature.

Conferences & Seminars

OSHA Compliance 2008 – One-Day Comprehensive Update; August 2008.
"Meet Me in Montana!" – NASCA 2008 Annual Meeting – September 7 – 10, 2008 Whitefish, MT
"National Association of Conservation Districts" 2008 Northeast Region Meeting, August 3 – 5, 2008, Portsmouth, New Hampshire

Comprehensive Nutrient Management

B. Brower updated CAFO status. There are less than 600 CAFOs in the State. Approximately 597 have permits. Twelve CNMPs are overdue; all medium CAFOs. DEC CAFO permit renewal coming in 2009. The CAFO working group will review permit at August 13, 2008 meeting. It will then be published in the Environmental News Bulletin on December 10, 2008. There will be a 30-day public comment period providing an opportunity for people, agencies and organizations to make constructive comments on the permit.

He stated that he has been working in conjunction with NRCS with Technical Service Providers (TSP) who are mostly Certified Planners. They have two barnyard walks scheduled for July 21 and 22 in Montgomery and Wyoming Counties. There are 45 Certified Planners at the present time. Many different training sessions are being planned and a Conservation Skills Workshop will be coming up the week of October 6, 2008. District employees organize this workshop. G. Albrecht, Bob and J. Ten Eyck will be presenting a Tier 3/3A training. B. Brower gave a brief update on the E-Farm program.

L. Telega asked whether an Air Quality Practices Manual for Agriculture could be developed as they have in California. M. Latham indicated that the groundwork is under way for the development of such a manual in distant future.

Agricultural NPS Abatement & Control Grant Program July 15, 2008 State Committee Meeting

STATUS OF ROUNDS 1-14

Of 508 contracts, 142 are active, 47 are pending and 304 are complete 15 contracts have been cancelled during the life of the program.

Amendments for State Committee Consideration

1. Columbia SWCD – BMP Implementation of Certified CAFO Plans – Round 9 – C700708
Request: time extension from 12/31/07 to 12/31/08
Reason: additional time needed to complete manure storage improvements or closure to two previously PE evaluated manure storage systems

Previous Amendments: 2 changes of landowners, 2 changes of BMPs, 1 time extension
Rich Lewis, Acting Region 6 AEA, recommends approval of the time extension in order to provide cost-share assistance to the remaining farm project.

D. Stein moved to approve the time extension; seconded by G. Proios; motion passed carried.

2. Jefferson SWCD – Jefferson County Lake Ontario Tributaries BMP Implementation Grant – Round 11 – C700781

Request: change of BMPs resulting in the removal of various buffer practices and the utilization of the funds for the silage leachate system listed on the grant

Reason: the buffer practices are now unnecessary because the animals no longer have access to the stream. The funds for the buffers are needed to aid in the implementation of the silage leachate system to cover a substantial increase in costs

Previous Amendments: 1 time extension

Les Travis, Region 3 AEA, recommends approval to move funds from the buffer practices that are no longer needed to a high priority practice that has experienced an increase in cost.

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

Staff Approved Amendments

1. Seneca SWCD – Finger Lakes Prescribed Grazing Project – Round 12 – C700825

Request: change of landowners

Reason: original landowners voluntarily withdrew; new landowners identified as a priority through the AEM program

Approved by L. Travis/B. Steinmuller 7/1/08

2. Erie County SWCD – Tonawanda Creek Watershed Ag Implementation Project – Round 13 – C700843

Request: change of BMPs

Reason: after further planning the milking center waste water was identified as a greater need over silage leachate

Approved by T. Brace/ B. Steinmuller 7/11/08

3. Ontario County SWCD – Central Lowlands Till Plain Phase IIIA – Round 11 – C700790

Request 1: change of landowners

Reason 1: original landowner voluntarily withdrew, new landowner identified as a high priority through the AEM process

Request 2: change of BMPs

Reason 2: the milkhouse waste system is no longer needed and the cattle exclusion practices are needed to address priority pollutants and assist with CAFO compliance

Approved by T. Brace/ B. Steinmuller 7/11/08

J. Dickinson presented a letter from Washington County regarding a Round 13 contract regarding remediation and/or closing manure storages. B. Steinmuller clarified the payment procedures regarding this type of project as stated in the Guidance Manual. Much discussion ensued.

Round 15 Request for Proposals (RFP) and Proposal Rating Sheet Approval

B. Steinmuller requested that individuals that will be applying for the grant program leave the room. D. Stein and J. Dickinson and Conservation District Staff left the room. B. Steinmuller discussed changes in RFP; support for eligibility of conservation equipment, prevention and remediation projects. A change in RFP will require any missing information not received with application will need to be provided to the Department in five business days, rather than ten. 5-point reduction penalty would still be in effect. On the application, the applicant will need to demonstrate how the project addresses objective outlined in the AEM County Strategy for the

watershed(s). On the Rating Sheet, bonus points stayed regarding waterbodies with an active TMDL, but applicants must provide waterbody summary sheet. Drinking water bonus points, SWAP maps need to be included. Bonus points will not be applied if the TMDL segment report or SWAP map are not attached.

Much discussion regarding Round 15 RFP and Rating Sheet ensued.

B. Aman moved to approve the Round 15 RFP and Rating Sheet; seconded by G. Proios; motion passed carried.

B. Steinmuller announced the next TAC meeting will be held September 23, 2008. He will be sending agendas soon.

Recused members and guest were welcomed back to the meeting.

D. Hill read a letter from Commissioner Patrick Hooker recommending Mike Latham be appointed Executive Director of the State Soil and Water Conservation Committee and Director of the Division of Soil and Water.

G. Proios moved to request voting members and Committee attorney enter Executive Session to discuss Commissioner Hooker's letter; seconded by B. Aman; motion passed carried.

Prior to entering Executive Session, G. Proios made it clear that he was not happy with the way the Department handled the request to appoint M. Latham as Executive Director of the State Soil and Water Conservation Committee. He felt the voting members of the Committee should have had advance notice and involvement in the process. He felt the voting members should have had more time to discuss all options and was concerned they were not consulted.

B. Aman moved to exit Executive Session; seconded by D. Stein; motion passed carried.

D. Hill requested a motion be made to act on Commissioner Hooker's request.

D. Stein moved to support Commissioner Hooker's recommendation to appoint Mike Latham Executive Director of the State Soil and Water Conservation Committee and Director of the Division of Soil and Water; seconded by J. Dickinson; motion passed carried.

G. Proios voted in support of the motion, but opposed the manner in which the Committee was informed of the retirement of R. Kaplewicz and the request to appoint M. Latham. He feels the Committee should have had advance notice giving time to discuss the matter earlier rather than breaking into Executive Session during the Committee monthly meeting. D. Stein agreed and added he felt the process went very fast and no one had a chance to weigh in with any discussion.

J. Rusnica stated a letter from the Committee should be sent to Commissioner Hooker indicating the Committee concurs with the recommendation of M. Latham for appointment as Executive Director of the State Soil and Water Conservation Committee and Director of the Division of Soil and Water.

J. Dickinson moved such letter be sent; seconded by D. Stein; motion passed carried.

J. Rusnica will prepare letter for Chairman Hill's signature.

Jefferson County EBM Project

L. Travis provided an EBM update on the Sandy Creek Pilot Project in Jefferson County. He provided handouts detailing work which has been completed on five farms.

AEM Program Update

J. TenEyck provided an update on the AEM Base Program through the first three years. He indicated the Year 3 closeouts were being processed. He handed out the Year 4 AEM Based Funding Strategies. In Year 4, five Districts will be participating in a pilot Enhanced AEM Base Program where they will be eligible to earn up to \$75,000. Year 4 is an hourly payment to the District for time spent on AEM deliverables rather than set payment as in Years 1-3.

Revised Stormwater General Permit

A. Eaton provided an update on permit renewal changes and opportunities for conservation districts.

Farm Bill Discussion

D. DeWeese reported on the Farm Bill and gave a PowerPoint presentation on highlights and key points.

Other Reports – All

The Northeast Regional meeting of the NACD will be held in Portsmouth, New Hampshire August 3-5, 2008.

D. Stein moved to approve travel request for meeting; seconded by J. Dickinson; motion passed carried.

The Final Report of the Disaster Preparedness Task Force was distributed. An Emergency Management Coordinator will be appointed.

Annual Plans of Work

Plans of work were submitted for Essex, Hamilton, Jefferson, Lewis and Livingston Counties

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

Next Meeting – Monday & Tuesday, September 15 and 16, 2008, Fishkill, NY

Meeting adjourned at 3:50 p.m.

This web cast may be viewed in its entirety at:

<http://www.webcasting.com/soil-water/07.15.2008soil.html>