

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

**STATE COMMITTEE MINUTES**  
**September 16, 2008**  
**Hilton Garden Inn, 25 Westage Road, Fishkill, NY**

Present: D. Hill, B. Aman, D. Stein, J. Dickinson, G. Proios, Voting Members; M. Latham, Director; J. TenEyck, G. Albrecht, N. Lawler, B. Steinmuller, R. Lewis, L. Prezorski, SWCC Staff; J. Heller, D. DeWeese, NRCS; L. Telega, Cornell; F. Zagorski, DEC; M. Streb, E. Thomas, DOS; J. Tauzel, NYSFB; C. Nellis, Montgomery SWCD; J. Moody-Czub, J. Rusnica, Ag & Markets; J. Carmichael, NYSCDEA.

**Call to Order:**

D. Hill called the meeting to order at 8:38 a.m.

Introductions made.

D. Hill thanked the Soil and Water Districts and all involved for arranging the tour on Monday.

**Review and Approval of Minutes**

**M. Latham read changes to minutes from July meeting. D. Stein moved to approve the July minutes as amended; seconded by J. Dickinson. Motion passed; carried.**

**Correspondence**

**Letters & Memos**

Letter dated July 22, 2008 to Ron Kaplewicz from NYSDAM Commissioner Patrick Hooker regarding Agricultural Producers Security Law, Press Release and Program Brochure

Letter dated August 13, 2008 to Robert Brower from Paul Webb, State Resource Conservationist regarding the success of the July Farmstead Training.

Letter dated August 13, 2008 to Robert Brower from Dennis DeWeese, Acting State Conservationist regarding the Farmstead Training sessions in Montgomery and Wyoming Counties.

Letter dated August 8, 2008 to NYSDAM Commissioner Patrick Hooker from Daniel Briggs, CCA, Certified Planner from Dairy Nutrition, Inc., regarding the CNMP training program in Montgomery County on July 22, 2008.

Letter dated August 1, 2008 to Mike Latham from Pegi Ficken, Groton, NY regarding the completion of Ag NPS projects on her farm.

M. Latham read the letter from Pegi Ficken. He mentioned that he received several letters of praise for Bob Brower's involvement in the training session co-sponsored with USDA.

**Reports & Newsletters**

Herkimer County SWCD Summer 2008 "Conservation News"  
NACD News & Views, July/August 2008 issue  
Inside Agroforestry, Vol. 17, Issue Two  
Oklahoma Conservation Conversation, June 2008

Public Works magazine, July 2008  
ERS Report Summary, June 2008 and July 2008  
Poughkeepsie-Dutchess County Transportation Council Update: April-June 2008  
The Market Newsletter – from The Capital District Farmers Market, July 2008  
Rural Futures – July/August 2008  
State of The Lake and Ecosystem Indicators Report-2008 from the Lake Champlain Basin Program  
Genesee County SWCD Soil and Water Update newsletter – June-July 2008  
Essex County SWCD newsletter – July 2008  
Saratoga County SWCD Conservation Connection newsletter – Summer News 2008  
Erie County SWCD newsletter – Summer 2008  
Bay Journal – July/August 2008  
Cayuga County SWCD 2007 Annual Report  
The Lake Reporter, July 2008  
Seneca County SWCD newsletter, Summer 2008  
Tompkins County SWCD newsletter, July 2008  
Estuary News – Summer 2008  
USDA Economic Research Report, July 2008: Profile of Hired Farmworkers, A 2008 Update  
The Volunteer Monitor, Summer 2008  
Otsego County SWCD Summer Newsletter  
Lake Champlain Basin Program – local grant opportunities  
Blue Mountain Environmental Consulting, LLC information sheet  
Cayuga County SWCD Conservation Highlights, Fall 2008  
Onondaga County SWCD Conservation Quarterly, Spring/Summer 2008  
Lewis County SWCD Conservation News, Summer/Fall 2008  
USDA/NASS reports: 2007 Cash Receipts Increase; Cash Receipts and Farm Income  
NYACD Newsletter FYI – July 2008  
Legislative Report from the NYS Assembly Committee on Environmental Conservation – September 2008  
2008 Update from the NYS Assembly Rural Resources Commission

### **Conferences & Seminars**

NYS Floodplain and Stormwater Managers Association 2008 Annual Conference: September 22-23, 2008, Holiday Inn, Middletown, NY

Partners in Community Forestry National Conference, November 18 – 20, 2008 at the Sheraton Atlanta Hotel, Atlanta, Georgia

The Albany Management Conference, Best Western Airport Inn; October 29, 2008

### **Agricultural NPS Abatement & Control Grant Program**

#### **STATUS OF ROUNDS 1-14**

Of 508 contracts, 149 are active, 29 are pending and 315 are complete 15 contracts have been cancelled during the life of the program.

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

##### **1. Montgomery SWCD – South Chuctanunda – Round 11 – C700784**

Request: change BMPs from a strip cropping system on one farm to a manure transfer (irrigation) system on the same farm

Reason: the rental agreement for the land that the strip cropping was to be installed on

was not renewed and the new farmer controlling the land was not interested in implementing the strip cropping system. The District finished the plan for the installation of a manure irrigation system which calls for the installation of 4,350 additional feet than what was originally assessed. The District requests to utilize the funds for the strip cropping system to cover the additional costs for the expansion of the manure irrigation system.

*Previous Amendments: 1 time extension  
C. Frasier, Region 5 AEA, recommends approval of this request.*

**B. Aman moved to approve the change in BMPs; seconded by J. Dickinson; motion passed; carried.**

2. Chautauqua SWCD – Conewango Creek Bunk Silo Runoff Control Project – Round 10 – C700745  
Request: time extension from 12/31/08 to 12/31/09  
Reason: additional time needed to complete project due to farm ownership change, design challenges and constrictions, and construction delays

*Previous Amendments: 1 time extension, 3 changes to scope, 2 changes to budget  
J. Ten Eyck, Acting Region 1 AEA, recommends approval of this request.*

Discussion regarding time extensions from Round 10 forward ensued. This is the only extension to be received on this grant and the letter of approval to the district will state same.

**J. Dickinson moved to approve this one time only time extension; seconded by D. Stein; motion passed; carried.**

#### **Staff Approved Amendments**

1. Jefferson SWCD – Sandy Creek/Stony Creek Tier 3B Planning Grant – Round 12 – C700813  
Request: time extension from 8/31/08 to 8/31/09  
Reason: additional time needed to complete project deliverables  
Approved by L. Travis 8/12/08
2. Wyoming SWCD – Tonawanda Creek Ag BMP Implementation – Round 13 – C700875  
Request: change of BMPs to a silage leachate control system to a barnyard runoff control  
Reason: with the completion of a new bunker the need for a silage leachate system is currently a lower priority and discharge potential than that of the barnyard  
Approved by T. Brace/B. Steinmuller 8/1/08
3. Broome SWCD – Chesapeake Bay Watershed CNMP Project – Round 13 – C700836  
Request: change of landowners  
Reason: original landowner's CNMP is being funded through another source. New LO identified as a priority through the AEM strategic plan  
Approved by J. Schumacher 8/16/08
4. Broome SWCD – Dudley Creek and Eastern Broome Agricultural Implementation Project – Round 10 – C700743  
Request: change of landowners  
Reason: original LO voluntarily withdrew; new LO prioritized through the AEM process

Approved by J. Schumacher 8/4/08

5. Rensselaer SWCD – Partner 5 – Round 10 – C700764  
Request 1: change of BMPs from an anaerobic digester (AD) to livestock exclusion, pathogen management, heavy use area protection, and fencing  
Reason 1: the cost of the AD increased from \$750,000 to \$3.5 million making it financially infeasible. The new practices are a high priority and will provide more water quality benefit for the funds available  
Request 2: change of budget  
Reason 2: \$30,000 will be transferred from BMP implementation to engineering expenses to cover the increased engineering expenses  
Approved by C. Frasier 8/6/08
6. Erie SWCD – Eighteenmile Creek Watershed Ag Implementation Project – Round 11 – C700843  
Request: change of BMPs from a barnyard runoff management system to a waste storage system  
Reason: barnyard is no longer needed because the age-group has changed to young stock and will be fully housed in the barn. Waste storage system is needed to manage the waste from the animals in the facility  
Approved by T. Brace/B. Steinmuller 7/22/08
7. Tompkins SWCD – Cayuga and Owasco Lake Watershed – Round 11 – C700799  
Request: change of landowners  
Reason: original LO voluntarily withdrew, new LO identified as a priority through the AEM process  
Approved by J. Schumacher 8/4/08
8. Schoharie SWCD – Planning in the Canajoharie Creek Watershed – Round 11 – C700796  
Request: time extension from 7/31/08 to 7/31/09  
Reason: additional time needed to complete deliverables  
Approved by C. Frasier 7/14/08
9. Ontario SWCD – Central Lowlands Till Plain Phase 3A – Round 11 – C700790  
Request 1: change of landowners  
Reason 1: original LO lacks the funds to implement, new LO identified and prioritized through the AEM Process  
Request 2: change of BMPs to address the new farms concerns  
Reason 2: the new farms CAFO plan calls for the installation of different priority projects  
Approved by T. Brace/B. Steinmuller 7/11/08
10. Ontario SWCD – Central Lowlands Phase IIIA Implementation Grant – Round 11 – C700790  
Request 1: change of landowners  
Reason 1: original landowner no longer has long-term agreement with rented facility, therefore,  
The farm has decided not to pursue implementation. New LO identified as a priority through AEM process  
Request 2: change of BMP  
Reason 2: new farm needs to implement different components of a barnyard runoff management system  
Approved by J. Ten Eyck 9/11/08

11. Steuben SWCD – Chemung River Basin Prescribed Grazing – Round 11 – C700797  
Request: change of landowners  
Reason: original landowner not able to meet his financial cost-share, new LO identified as a priority through AEM process  
Approved by J. Ten Eyck 9/10/08
12. Ulster SWCD – Whole Farm Plan Imp-Greenwyck Farm – Round 10 – C700769  
Request: change of BMPs  
Reason: will facilitate the establishment of rotational grazing paddocks in a confined area farther away from Rondout Creek  
Approved by L. Prezorski/B. Steinmuller 9/16/08

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

At the last meeting, a motion was moved and passed to approve the Round 15 RFP pending additional information from the Department.

Prior to Round 15 RFP discussion, there was a five minute recess to contact Department Counsel.

D. Hill called the meeting back to order.

J. Rusnica stated an informal opinion was obtained from the Commission on Public Integrity regarding possible conflict issues in maintaining a quorum of voting members of the Committee due to recusals relative to family members' involvement in applying for grants. B. Aman asked for further clarification on the extent of kinship that would be relevant. J. Rusnica will follow up with the Commission on Public Integrity.

**J. Dickinson moved to rescind the motion passed at the July 2008 Meeting regarding the approval of Round 15 RFP; seconded by D. Stein. Motion passed; carried.**

B. Steinmuller asked for any voting members or District personnel to recuse themselves from the Round 15 RFP discussion. B. Aman, J. Dickinson and C. Nellis did so.

Much discussion took place regarding eligibility and applicability of various types of equipment as it relates to conservation. Questions on when the RFP for Round 15 would be released were addressed.

**D. Stein moved to re-approve the Round 15 RFP; seconded by G. Proios. Motion passed; carried.**

### **Concentrated Animal Feeding Operations (CAFO)**

F. Zagorski from DEC updated the Committee on the CAFO permit being developed. The permits have been shared with the CAFO workgroup. The DEC is proposing two permits; one for large CAFOs and one for medium CAFOs. Because the permits are in draft form and confidential, details are not allowed to be shared with the public. DEC is also expecting to potentially have new rules from EPA that could have influence on the Draft Permit before the conclusion of the permit development process. Regional water engineers are going to comment on the drafts at the mid-October meeting. There will be three public meetings/information sessions regarding the draft permits; one in December and two in January. They will be held in Albany, Rochester, and Syracuse.

Discussion ensued about the limited number of CAFOs presently involved in the NPS program, and that the Committee has only speculative information about the permits to react to at this point.

D. Stein expressed concern regarding the financial and environmental impacts to farms. F. Zagorski indicated that DEC is also concerned about impacts to medium CAFOs and encouraged feedback from the Committee during the public comment period.

B. Aman commented on farming under natural conditions and the realities of farming in today's environment.

J. Dickinson discussed comments provided by Farm Bureau to DEC and asked for clarification from John Tausel. John provided details on Farm Bureau's efforts to date.

M. Latham asked if more information could be mentioned about the major changes for the large CAFO permit. F. Zagorski repeated that the drafts were confidential. There was a reluctance to share any details. The Committee elected to continue the discussion absent a physical permit.

**D. Stein moved to generate an official position on the draft CAFO permit; seconded by J. Dickinson.**

**Dale motioned for three major points be addressed 1) structural compliance with deadlines, 2) open ended DEC review period and 3) update of practices to NRCS Standards that are not causing an environmental concern.**

**Discussion ensued on the motion.**

**D. Stein moved to retract the original motion, seconded by J. Dickinson and approved.**

**D. Stein motioned to change the official position to a Resolution for the voting members of NYS Soil and Water Conservation Committee to be involved in the review process and to establish an official position during formulation of the CAFO permit. The Resolution under Chairman Hill's signature will be sent to the Governor's office and Commissioner Grannis at the NYS Department of Environmental Conservation. Some points of concern to be included are structural compliance for medium CAFOs, vital farm changes without deadlines, BMP practices to remain in place without adjustment unless there is evidence of failure. Most importantly, the SWCC members stressed their chief concern being the survivability of the family farms which is key to the health of the environment.**

**The motion was seconded by J. Dickinson and carried to draft a resolution.**

**D. Stein wanted to thank DEC for attending and agreeing to discuss the permit.**

### **Disaster Preparedness Task Force**

M. Latham reported the final task force report is ready for approval. G. Proios suggested the State Committee Directory back page should include key critical phone numbers; FEMA, SEMO, State Police.

**G. Proios moved to approve the Disaster Preparedness Task Force Report with the emergency phone numbers listed and to circulate to all proper agencies; seconded by J. Dickinson. Motion passed; carried.**

M. Latham stated the Department has a fulltime Emergency Services Representative, Kelly Nilsson, and he will see if she is available to speak to the Committee at the November meeting.

### **NYS Budget and Personnel Adjustments**

M. Latham welcomed Greg Albrecht aboard to his State position. Two new positions, Grade 23s, are being established. One position will be for Western New York and the other for an additional CNMP Specialist. Possible turnover in personnel may warrant further changes down the road. Meeting soon to talk about Assistant Director position.

Budget issues require reducing purchase of supplies, reducing travel, out-of-State travel, delaying backfills, program efficiencies. The EPF funding stays intact. Legislative cuts to aids and localities have occurred.

### **Other Reports – All**

NACD Northeast Meeting – M. Latham and G. Proios reported there were 12 representatives from New York. They learned New York State is one of the best states in terms of financial position. There was a lot of discussion on Farm Bill programs.

NACD is asking for support to help refurbish their main headquarters in Washington. New York State pledged \$5,800 - \$100 for each of New York State's 58 districts to help <http://nacdnet.org/events/509campaign/>.

NYACD Annual Meeting – This meeting will take place in Geneva, New York, October 19-21, 2008. The October meeting of the NYSSWCC will be held on Tuesday, October 21, 2008 in Geneva. M. Latham reported he has received approval to send two voting members and four staff to attend that full meeting. Bob Aman will attend.

State Committee Strategic Plan – M. Latham has asked Rich Lewis to Chair this group. Dale Stein and George Proios will serve on the committee as well. The deadline to have a Strategic Plan in place is April 1, 2009.

State Committee Legislative Process – M. Latham stated that the Committee has expressed concern in the past to be more involved in the Department's legislative process. One concept would be to form a futures sub-committee which will establish legislative ideas, general concepts and policies in draft form for Committee approval. Hopefully this will create a more effective line of communication between the Committee.

J. Moody-Czub stated the Office of the State Comptroller is auditing the EPF fund and the Madison County Soil and Water Conservation District is also being audited.

G. Proios stated Long Island received one million dollars for deer fencing.

D. DeWeese thanked the Districts for the tour on Monday. NRCS is closing up their fiscal year. Farm Bill interim rules are being published in the Federal Register. There is a link on the NRCS website that provides an opportunity to comment.

B. Steinmuller reminded the Committee the next TAC meeting is September 23, 2008.

J. Carmichael stated Tom DeRue, Les Travis and Steve Lorraine traveled to Ohio to evaluate the training program Ohio is using for their Soil and Water Districts. They were very impressed. Tom DeRue is going to present information they learned to us at the October SWCC meeting, and the sub-committee is meeting on September 25 to discuss how New York State can develop training such as Ohio's. Ohio is willing to send an engineer to the Committee to give a presentation on their training program.

The Conservation Skills Workshop is scheduled for October 6-10, 2008. The Water Quality Symposium is scheduled for March 10-13, 2009 at the Auburn Holiday Inn.

L. Telega stated the Dean and College Leadership Team have stated there is a decrease in State funding. CALS gets about 20% of its budget from SUNY funds. They are looking at about a 10% reduction in those funds.

J. Tauzel stated the Farm Bureau is currently involved in their policy development phase. Dates, times and schedules are on their website if Districts would like to attend.

L. Prezorski thanked everyone for traveling to the meeting and taking the tour on Monday to see some highlights of agriculture in the Hudson Valley.

E. Thomas stated she enjoyed the tour on Monday and that she took several photos. If anyone is interested, they can send her an email.

J. TenEyck stated county level strategic plans are being developed that would be watershed-based. These plans will determine what the priorities are in the county or watershed and come up with goals and objectives to achieve what is needed to address those priorities.

M. Latham stated a CAFO feedback meeting for medium facilities will be held in Cayuga County on September 18.

M. Latham stated a group consisting of staff from Farm Bureau, SWCC, Department of Agriculture and Markets would meet with the Department of Education over engineering versus conservation practices. He recommended Jeff Ten Eyck, Peter Wright, Bob Brower and Mike Latham service on that committee sub-committee.

M. Latham announced that State Committee reappointments are on the table for NYACD, the Grange and Farm Bureau.

M. Latham stated we are in the process of working with the State Comptroller to reissue the reporting and accounting manual for Conservations Districts. Districts will receive this information as soon as the comptroller completes the manual.

**Next Meeting** – Tuesday October 21, 2008, Geneva, New York

Meeting adjourned at 12:10 p.m.

This web cast and PowerPoint presentations may be viewed in their entirety at:

<http://www.webcasting.com/soil-water/09.16.2008soil.html>