

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

STATE COMMITTEE MINUTES
December 16, 2008
Delaware County Soil & Water Conservation District
44 West Street
Walton, NY

Present: D. Hill, B. Aman, D. Stein, G. Proios, Voting Members; M. Latham, Director; J. TenEyck, G. Albrecht, N. Lawler, L. Travis, B. Steinmuller, R. Lewis, C. Frasier, L. Prezorski, SWCC Staff; D. Pettit, L. Brooks, NRCS; D. Grantham, Cornell; F. Zagorski, A. Fuchs, DEC; E. Thomas, DOS; P. Kaczmarczyk, DOH; J. Carmichael, NYSCDEA; T. DeRue, Training Consultant; P. Giltner, J. Rusnica, Ag & Markets; J. Tausel, NYFB; P. Black, SUNYESF; C. McElwee, Broome County SWCD

Call to Order:

D. Hill called the meeting to order at 10:05 a.m.

Introductions made.

Review and Approval of Minutes

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

M. Latham announced the Committee received an Environmental Excellence Award on December 3, 2008 at the NYS Department of Environmental Conservation offices in Albany. The Committee was recognized for its Agricultural Environmental Management (AEM) – Farming New York Cleaner and Greener Program. J. Ten Eyck, J. Carmichael, D. Stein and M. Latham accepted the award. Along with the award, DEC will allow the Committee to display AEM materials in their Department vestibule for one year. The Chemung County SWCD, along with the Southern Tier Central Regional Planning Development Board, also received an Environmental Excellence Award. Together they worked to develop an innovative guide, “Stream Processes: A Guide to Living in Harmony with Streams”. Forty-two applications were submitted for consideration. The aforementioned were two out of six recipients recognized for their environmental achievements. D. Hill thanked D. Stein for attending the awards presentation on behalf of the Committee.

Correspondence

Letters & Memos

Memo dated October 7, 2008 from Ron Alvarado, NRCS, regarding support for AEM County Strategic Plans

Letter dated October 23, 2008 to Dennis Hill from Stephen Brownell, Wayne SWCD District Chairman, regarding the need for engineering and technical training assistance for the State's Conservation Districts

Letter dated October 31, 2008 from Mike Thralls, Executive Director of the Oklahoma Conservation Commission, regarding Oklahoma's Carbon Sequestration Verification Program

M. Latham mentioned highlights from the above three letters.

Memo Dated October 24, 2008 to NYSDAM Commissioner Patrick Hooker from Richard Weidenbach, Executive Director of the Delaware County SWCD, regarding Ag NPS Grants Request to Amend the Procurement Guidelines (Discussed under Ag NPS).

Reports & Newsletters

Bay Journal – October and November 2008 issues

The Upper Delaware quarterly newsletter for Fall 2008

The Resource – from NACD – Fall 2008

Columbia County SWCD's The District Digest – Fall 2008

Lake Ontario Lakewide Management Plan Update 2008

Cornell Cooperative Extension's 2007-2008 NYS Integrated Pest Management Program

Taking Root – newsletter for the NYS Urban & Community Forestry Council for Fall 2008

Tompkins County SWCD's Soil and Water Conservation News – October 2008

Rural Futures – November/December 2008

Legislative Commission on Water – Resource Needs of NYS and Long Island – Fall/Winter 2008

Genesee County SWCD's Soil and Water Update – October/November 2008

Essex County SWCD's newsletter – November 2008

USDA's Integrating Invasive Species Prevention and Control Policies – Economic Brief Number 11 – September 2008

CFA News – Summer/Fall 2008

Skaneateles Lake Watershed Agricultural Program's Watershed Journal – Fall 2008

Canandaigua Lake Watershed Alliance's The Lake Reporter – October 2008

Public Works – October and November 2008

Coastlines – Fall 2008 (publication of New York Sea Grant)

Wayne County SWCD Fall 2008 Newsletter

Wyoming County SWCD Newsletter – December 2008

Maryland Conservation – "Partnership Press" – Fall 2008

Conferences & Seminars

2009 National Biodiesel Conference & Expo – February 1-4, 2009; San Francisco, CA

Training Initiative Report Wrap-up

T. DeRue provided a report to the Committee regarding the research he has conducted on training/engineering needs for Districts. He found many Districts to be healthy, strong and energetic. Some are struggling due to various reasons; staffing, decline in NRCS presence. All would benefit from training and engineering programs to help provide sound technical skills to District employees. Three members of the training subcommittee visited Ohio. The State of Ohio has instituted a Technical Development Program and has had much success with this program. Their plan is transferable to New York State and is predicated on the funding needed to implement proper staffing and training structure, and to provide the engineering resources to meet the needs of agricultural, stormwater, streambank and other programs. M. Latham stated the Commissioner is supportive of the program. D. Stein stated Farm Bureau is also supportive. J. Carmichael thanked T. DeRue for all his efforts researching training/engineering needs. He stated the NYS CDEA is very supportive of the Ohio program being adopted in New York State.

D. Stein motioned the State Committee support and move forward with the training proposal and look at options for funding and development of the program; seconded by B. Aman. D. Hill and D. Stein further agreed the State Committee will take the lead on this program and in determining options on being able to finance the program. Motion passed; carried.

T. DeRue thanked the Committee for the opportunity to work on this project and with Districts.

D. Hill thanked T. DeRue in return for his thorough and extensive research.

Comprehensive Nutrient Management

F. Zagorski and G. Albrecht reported on the draft CAFO renewal permits. F. Zagorski gave a PowerPoint presentation outlining the two draft CAFO permits and the coverage of each. Presently, there is a public comment period and DEC is holding public information meetings on January 7, 8, 12 and 15, 2009 in various locations throughout the State. These meetings are to provide information and answer questions, but no record will be made of comments. Any comments to be considered must be made in writing and submitted to the Department of Environmental Conservation (DEC) no later than January 26, 2009. F. Zagorski stated that comments coupled with practical suggestions and alternatives would be welcomed.

NRCS Update

D. Pettit announced the appointment of the new State Conservationist, Astor Boozer. He begins this position effective January 18, 2009. D. Pettit said he will try and get his background bio and make it available to the Committee. He also stated NRCS is in the midst of a heavy workload and an audit of the agency by KPMG. He hopes the audit is finalized by the end of the year. Federal Farm Bill segments are at various stages of review. Agricultural Management Assistance is out in Federal Register for review. EQIP should be published in Federal Register for review shortly. Arlen Lancaster, Chief of the National NRCS, visited New York State. He visited a WRP site in Madison County. Nationally, WRP reached two million acres enrolled in the program and in New York State reached 50,000 acres. Harry Slaughter is Acting Regional Chief. It may be June or July before a new Chief is named.

CREP 2008 Annual Report Highlights

R. Lewis gave a report on the status of the CREP program. He provided a handout which provided 2008 Annual Report Highlights of the program. He stated the CREP Agreement with USDA was amended in March and is extended for another five years to 2013. There has been a decline in number of farms enrolling in CREP over the last few years. There was no CREP training in 2008. A strong element of the CREP program is the installation of buffers from a pasture management standpoint with a shift to more livestock exclusion from streams and riparian areas by fencing. The NYS Ocean and Great Lakes Ecosystem Conservation Council has provided \$250,000 to fund a second stream buffer Ecosystem Based Management (EBM) on 20 farms in conjunction with CREP in the Upper Susquehanna Basin. This is a follow up to the Sandy Creek Buffer demonstration in 2007 in Jefferson County where three of five farms installed buffers matching state funding with USDA funding. G. Proios requested R. Lewis supply a few sentences in writing, perhaps with John's assistance, outlining what changes would have to be made to the federal rule to allow for the harvesting of grasses for commercial use.

NYS Budget and Personnel Adjustments

M. Latham stated EPF funding for State Aid to Conservation Districts stayed at level funding at \$3 million for 2009-2010, no rescission in 2008-2009. EPF for Ag Nonpoint Source decrease of \$5 million to \$8 million for 2009-2010. Employee layoffs of 3,000 statewide are to be accomplished by reducing staff through attrition, consolidation of Departments and not backfilling. He further stated the Division was able to create two positions, Western New York AEA and Franklin County AEA/CNMP Specialist. These positions are awaiting waivers. A third position has been established through the administration class at the Department. We are working on continuing L. Prezorski's contract with various sources of funds. The 319 program will be concluded March 2009. M. Latham is optimistic about the possibility of generating new partnerships with the loss of 319 funding.

**Agricultural NPS Abatement & Control Grant Program
December 16, 2008 State Committee Meeting**

STATUS OF ROUNDS 1-14

Of 508 contracts, 172 are active, 3 are pending and 318 are complete, 15 contracts have been cancelled during the life of the program.

Round 14

Funds have become available due to balances returned on uncompleted projects and we are asking the Committee to consider the following resolution to use the balance to fund projects number 50 through 55 on the Round 14 ranked list. B. Steinmuller asked those voting members and District employees who had applied for Round 14 Ag Nonpoint Source grants to recuse themselves.

Resolution 08-5

That subject to the availability of funds, the Committee shall award funding for **projects 50 (Delaware 12-2) through 55 (Steuben SWCD 47-2)** in the amounts recommended by the advisory members of the Committee, consistent with the Soil and Water Conservation Districts Law, the RFP, and any other law applicable to funding of such projects. Consistent with the RFP, the Committee authorizes the Department of Agriculture and Markets to negotiate the terms of the contract with the project sponsors and to make minor adjustments to the project description and budget as necessary to achieve project goals, conform to applicable laws and regulations, and to serve the best interests of the State.

The proposed resolution was amended to exclude Delaware and Suffolk County proposals as a quorum is needed to vote on those two projects. These two projects shall be reintroduced as amendments to Resolution 08-5 at the next SWCC meeting when a quorum is present.

G. Proios moved to approve Resolution 08-5 as presented with amendment; seconded by B. Aman. Motion passed; carried.

Technical Advisory Committee

The TAC met on November 19th. Please see the attached TAC notes for details.

Round 15

The Round 15 RFP is currently posted. Proposals are due on January 5, 2009. Please see the attached list of Questions and Answers for review.

Amendments for State Committee Consideration

1. Orange SWCD – Ag Waste and Nutrient Management in Wallkill – Round 10 – C700762
Request 1: time extension from 12/31/08 to 12/31/09
Reason 1: additional time needed to complete project deliverables (please see the District cover letter for details, the renewed landowner commitment letter will be available at the meeting)
Request 2: change of landowners (resulting in a loss of one)
Reason 2: original landowner withdrew from contract; BMPs will be installed on a farm already in the grant

*Note: Lauren Prezorski, Region 6 WQS, supports the proposed changes.
Previous amendments: 3 time extensions, 4 changes to scope.*

D. Stein moved to approve the time extension as a final one additional year only; seconded by G. Proios; motion passed carried.

2. Orange SWCD – Nutrient and Agricultural Waste Management in the Wallkill River Watershed – Round 11 – C700791

Request: change of landowners (resulting in a loss of one)

Reason: two original landowners voluntarily withdrew from the contract; BMPs from one of the farms will be installed on a farm already in the grant, another farm has been selected to install the erosion control practices of the other withdrawing farm.

Note: Lauren Prezorski, Region 6 WQS, has approved the time extension request and supports the landowner change.

Previous amendments: 1 change of scope, 1 time extension.

D. Stein moved to approve the change in landowners; seconded by G. Proios; motion passed, carried.

3. Suffolk SWCD – F. Fletchman Roof Runoff Management – Round 9 – C700065

Request 1: time extension from 12/15/08 to 12/15/09

Reason 1: the original landowner failed to complete project, new landowner is identified to replace, additional time is needed for new landowner to complete project

Request 2: change of landowners

Reason 2: the original landowner failed to complete project; new landowner identified as a priority through AEM process, PWL, and farm's CNMP

Note: Lauren Prezorski, Region 6 WQS, recommends approval of both requests.

Previous amendments: 2 time extensions

B. Aman moved to approve the time extension as a final one additional year only; seconded by D. Stein; one abstention (G. Proios); motion passed, carried.

4. Broome SWCD – Dudley Creek and Eastern Broome Agricultural Implementation Project – Round 10 – C700743

Request: time extension from 12/31/08 to 12/31/09

Reason: additional time needed to complete project deliverables due to delays in EQIP contracting (please see the cover letter for additional details, the renewed landowner commitment letters will be available at the meeting)

Note: John Schumacher, Region 2 AEA, recommends approval of this time extension request.

Previous Amendments: 1 time extension, 3 changes of scope

G. Proios moved to approve the one year time extension; seconded by B. Aman; motion passed, carried.

5. Herkimer SWCD – Steele Creek Implementation Project – Round 10 – C700753

Request: time extension from 12/31/08 to 12/31/09

Reason: additional time needed to complete projects due to winter weather. Project implementation will continue during the spring and summer Of 2009 if extension granted

Note: Les Travis, Region 3 AEA, recommends approval of this time extension request.

Previous Amendments: 1 time extension, 1 change of scope

D. Stein moved to approve the time extension as a final one additional year only; seconded by B. Aman; motion passed, carried.

G. Proios stated the Districts should be more thorough and provide more detail explaining reasons for amendments. B. Steinmuller stated we may require updated Interim Reports be submitted with any amendment requests.

Staff Approved Amendments

1. Cortland SWCD – Tioughnioga Implementation – Round 12 – C700808

Request 1: time extension from 12/31/08 to 12/31/10

Reason 1: additional time is needed to complete project deliverables due to change in farm ownership and changes in NRCS practice standards.

Request 2: change in landowners

Reason 2: original farm sold, new farm identified as a priority through AEM process

Approved by J. Schumacher 11/11/08

2. Tompkins SWCD – Rotational Grazing Implementation in the Upper Susquehanna River Basin – Round 12 – C700830

Request: time extension from 12/31/08 to 6/30/09

Reason: additional time is needed to complete project deliverables

Approved by J. Schumacher 11/18/08

3. Jefferson SWCD – Implementation of Ag NPS Pollution Control Grant – Round 12 – C700812

Request: time extension from 12/31/08 to 12/31/10

Reason: additional time needed to complete project deliverables

Approved by L. Travis 11/20/08

4. Jefferson SWCD – Implementation of an Ag NPS Pollution Control Grant – Round 11 – C700781

Request: time extension from 12/31/08 to 12/31/09

Reason: additional time needed to complete project deliverables

Approved by L. Travis 11/20/08

5. Cayuga SWCD – Satellite Waste Storage – Round 12 – C700804

Request: change of BMP/Budget

Reason: manure irrigation system is no longer needed and the funds are being proposed to cover the overruns on the satellite waste storage

Approved by L. Travis 11/18/08

6. Sullivan SWCD – Callicoon Creek Watershed Comprehensive Program – Round 12 – C700827

Request: time extension from 12/31/08 to 12/31/10

Reason: additional time needed to complete project deliverables

Approved by J. Schumacher 11/10/08

7. Chenango SWCD – Susquehanna River Basin Management Intensive Grazing Project – Round 12 – C700806

Request: time extension from 12/31/08 to 12/31/09

Reason: additional time needed to complete project deliverables

Approved by J. Schumacher 11/25/08

8. Erie SWCD – Cattaraugus Creek Watershed Ag Implementation Project – Round 12 – C700811
Request: time extension from 12/31/08 to 3/29/11
Reason: additional time needed to complete project deliverables
Approved by J. Ten Eyck 11/13/08
9. Broome SWCD – Short Duration Grazing Implementation the Eastern Susquehanna River Basin in Broome, Tioga, and Chenango Counties - Round 10 – C700742
Request: change of landowners and change of BMPs
Reason: original landowner withdrew for financial reasons, new farmer identified as a priority through AEM program. New landowner will be implementing a laneway in addition to other Pasture Management projects
Approved by J. Schumacher
10. Orange SWCD – Ag Waste and Nutrient Management – Round 12 – C700822
Request: time extension from 12/31/08 to 12/31/10
Reason: additional time needed to complete project deliverables
Approved by L. Prezorski 11/05/08
11. Orange SWCD – Nutrient and Ag Waste Management in the Moodna Creek Watershed – Round 11 – C700792
Request: time extension from 12/31/08 to 3/7/10
Reason: additional time needed to complete project deliverables
Approved by L. Prezorski 11/05/08
12. Monroe SWCD – Genesee River Basin CNMP Implementation Grant – Round 11 – C700782
Request: time extension from 12/31/08 to 12/31/09
Reason: additional time needed to complete project deliverables
Approved by L. Travis 10/25/08
13. Wyoming SWCD – Letchworth State Park Public Water Supply Protection Area – Round 11 – C700802
Request: time extension from 12/31/08 to 12/31/09
Reason: additional time needed to complete project deliverables
Approved by J. Ten Eyck 11/03/08
14. Wyoming SWCD – East Koy / Wiscoy Creek Ag BMP Implementation Project – Round 12 – C700833
Request: time extension from 12/31/08 to 12/31/09
Reason: additional time needed to complete project deliverables
Approved by J. Ten Eyck 11/03/08
15. Cortland SWCD – Otselic Implementation – Round 12 – C700807
Request: time extension from 12/31/08 to 12/31/10
Reason: additional time needed to complete project deliverables
Approved by J. Schumacher 11/22/08
16. Onondaga SWCD – Onondaga/Otisco Lake Watershed AEM Implementation Project – Round 12 – C700819
Request: time extension from 12/31/08 to 12/31/10
Reason: additional time needed to complete project deliverables due to landowner withdrawal
Approved by L. Travis 11/19/08

17. Columbia SWCD – BMP Implementation on Wil-Roc Farm – Round 6 – C700048
Request: assignment of unused funds after completion of all deliverables
Reason: all BMPs are completed and additional funds remain to complete another needed BMP
Approved by L. Prezorski 12/4/08
18. Madison SWCD – Upper Chenango River Ag NPS Reduction Project – Round 12 – C700814
Request: time extension from 12/31/08 to 12/31/10
Reason: additional time needed to complete project deliverables
Approved by L. Travis 12/5/08
19. Orleans SWCD – Oak Orchard Watershed Phase IV Small Dairies – Round 12 – C700823
Request: time extension from 12/31/08 to 12/31/09
Reason: additional time needed to complete project deliverables
Approved by J. Ten Eyck 12/4/08
20. Orleans SWCD – Oak Orchard Watershed: Phase IV – Round 11 – C700793
Request: time extension from 12/31/08 to 12/31/09
Reason: additional time needed to complete project deliverables
Approved by J. Ten Eyck 12/4/08
21. Rensselaer SWCD – Partner V – Round 10 – C700764
Request: time extension from 12/31/08 to 9/30/09
Reason: additional time needed to complete project deliverables
Approved by C. Frasier 12/5/08
22. Ontario SWCD – Northern Watersheds Phase IIIA – Round 11 – C700789
Request: change of landowners and change of BMPs
Reason: original landowner withdrew due to financial constraints; new landowner identified as a priority through AEM process, and will be installing different BMPs to achieve greater water quality benefits
Approved by J. Ten Eyck 12/5/08
23. Schuyler SWCD – Oswego Seneca Oneida River Basin Pasture Management – Round 14 – C700885
Request: change of landowners
Reason: original landowner finished project through EQIP; new landowner was identified as a priority through the AEM process
Approved by J. Ten Eyck 12/5/08
24. Columbia SWCD – Barnyard Runoff Management Systems, 3 Farms – Round 11 – C700774
Request 1: time extension from 12/31/08 to 12/31/09
Reason 1: additional time needed to complete project deliverables
Request 2: change of landowners
Reason 2: original landowner cannot meet financial obligation, new LO identified as a priority through AEM process
Request 3: change of BMP
Reason 3: different BMPs are needed to address high priority concerns on new farm
Approved by L. Prezorski 12/4/08

M. Latham and B. Steinmuller discussed Attachments A and B which must accompany any payment requests over \$500 per directive from the Department of Budget. Each Department's

Commissioner must determine which programs are deemed dealing with health and safety issues, and therefore, are exempt from extensive Department of Budget review. The Ag Nonpoint Source Program is considered a program addressing health and safety issues. These payments will still encounter delays through review processes from the State Comptroller and Department of Budget offices.

B. Steinmuller read a letter from Delaware County SWCD to Commissioner Hooker and Dennis Hill regarding amending procurement procedures for the Ag Nonpoint Source Grant Program. FSA/CREP uses an average cost table with a rolling average versus receiving quotes through the Ag Nonpoint Source Program. The Commissioner responded to the letter. B. Steinmuller explained Counsel's office has determined the current procurement procedures would be in effect for existing contracts. After much discussion, it was decided until we have the findings from the ongoing EPF audit, we would not make any recommendations on cost procedures.

Through the ongoing EPF audit process, B. Steinmuller announced that an additional project would be funded under Round 14. This project was awarded to Chenango County SWCD.

B. Steinmuller reviewed the Round 15 RFP Questions and Answers received.

G. Proios moved to approve the answers provided to questions on Round 15 RFP for posting on website; seconded by D. Stein; motion passed, carried.

AEM Program Update

J. TenEyck reported on the AEM Base Program. He discussed the program's progress from 2005 – 2008. He distributed a report outlining Year 3 deliverables completed by the 51 Districts who participated. Implementation numbers are going up. He also summarized the information received by 44 Districts reporting on the Year 4 Interim Report. Forty-eight Districts submitted a Strategic Plan by the December 1, 2008 deadline. Ten Districts did not submit a Strategic Plan. Four are expected to submit plans so they can participate in the Base Program. Six will probably not participate in AEM. J. TenEyck suggested that going forward with AEM Year 5, more money may be given to those Districts who can earn it. There will be a funding discussion for AEM Year 5 in January 2009.

Other Reports

L. Travis suggested he and Rich Lewis postpone their SWCC Strategic Plan presentation until the January meeting and that they would be first on the agenda.

D. Hill announced he attended an AEM Media Training in Walton presented by Barb Silvestri. He commended her on a job well done.

M. Latham announced the NACD Meeting will be held in February 2009 in New Orleans, LA. The voting members chose to save state resources and will forgo making any recommendation on attendance.

The following is the schedule for the NYSSWCC meetings for the first quarter of 2009:

January 13, 2009	Albany, NY
February 17, 2009	Utica, NY
March 24, 2009	Albany, NY
April 21, 2009	Auburn, NY

G. Albrecht reported on the Groundwater Risk Assessment Pilot Program. Phase I is wrapping up. This phase consisted of assembling available GIS layers, and analyzing the integrated layers for areas of overlapping features. Next the program will develop a risk assessment map and data set concentrating on Genesee, Livingston and Monroe Counties and groundwater concerns due to areas of shallow soils over limestone bedrock.

M. Latham announced B. Silvestri and G. Albrecht both received awards from the Soil & Water Conservation Society, Empire Chapter.

D. Hill expressed thanks on behalf of the Committee to the staff for receiving the Environmental Excellence Award and recognition from the Department of Environmental Conservation.

J. Tauzel announced the new Farm Bureau President is Dean Norton who is from Batavia. Eric Ooms, who is from Kinderhook, was elected vice president.

Next Meeting – Tuesday, January 13, 2009, Albany, New York

Meeting adjourned at 3:25 p.m.

This web cast may be viewed in its entirety at:

<http://www.webcasting.com/soil-water/12.16.2008soil.htm>