

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

STATE COMMITTEE MINUTES
February 17, 2009
Utica State Office Building
207 Genesee Street, Utica, New York

Present: B. Aman, D. Stein, D. Hill, J. Dickinson, Voting Members; M. Latham, Director; J. TenEyck, N. Lawler, L. Travis, B. Steinmuller, R. Lewis, L. Prezorski, B. Brower, SWCC Staff; D. DeWeese, NRCS; D. Grantham, Cornell; F. Zagorski, DEC; K. Smith, DOS; P. Kaczmarczyk, DOH; J. Rusnica, J. Moody-Czub, Ag & Markets; J. Tauzel, NYFB; P. Black, SUNYESF; J. Littrell, B. Rogers, NYACD; C. Nellis, Montgomery Co. SWCD

Call to Order:

D. Hill called the meeting to order at 10:20 a.m.

Introductions made.

D. Hill mentioned an article about Peter Black featured in the SUNY ESF Alumni Newsletter in which he states he has been an advisory member of the SWCC since 1985 and commends the Committee for the work they do in protecting the environment.

Review and Approval of Minutes

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

Correspondence

Letters & Memos

Letter dated January 12, 2009 to Michael Latham from OpenNY.org, New Yorkers for Transparency in Government, regarding the web casts of the monthly State Committee Meetings.

Letter dated January 8, 2009 to Dennis Hill from Bob Banta, Board Chairman, Otsego County SWCD regarding the state funding for the AEM 5 year strategy.

Letter dated January 21, 2009 to Governor David Paterson from George Priois and Paul TeNyenhuis regarding MOU between NYSDEC, NYSDAM and the NYS Soil & Water Conservation Committee for the six Water Quality Specialist positions that has not been renewed.

M. Latham circulated the letter from OpenNY.org regarding the monthly web casts of the SWCC meetings. The letter states the SWCC is in compliance with all aspects pursuant to State Executive Order #3. Due to the high costs associated with this web casting and limited interest the State Committee is seeking an exemption waiver from Executive Order #3.

M. Latham mentioned the letter to Dennis Hill from Otsego County regarding their strong support of the AEM base program.

M. Latham mentioned the letter to Governor Paterson from Suffolk County that articulated support to continue Lauren Prezorski's services with the Committee. The letter expressed their frustration regarding the loss of 319. At this time, a six-month extension on the personal

service agreement with Dutchess County is in progress with EBM as the funding source. Lauren will not be covering Region 6. In the interim period, Rich Lewis will be covering Region 6.

Reports & Newsletters

Soil & Water Conservation News – Tompkins County SWCD's winter newsletter
Conservation Today-Fall/Winter 2009 Issue from Cattaraugus County SWCD
Niagara Nature News – Winter 2009 – Niagara County SWCD
Conservation Update – Winter 2009 – Broome County SWCD
Conservation Quarterly – Fall 2008 – Onondaga County SWCD
Bay Journal – January 2009
Hamilton County SWCD – Spring 2009
Graziers' Gazette – Madison County SWCD – December 2008
Poughkeepsie-Dutchess County Transportation Council Update: Oct.-Dec. 2008
Ontario County SWCD 2009 Annual Tree and Shrub Sale
Soil and Water Advocate – Winter 2008-2009 – Delaware County SWCD
Cortland County SWCD Newsletter – Winter 2009
The District Digest – Winter 2009 – Columbia County SWCD
Conservation News – Winter 2008-2009 – Lewis County SWCD
Public Works – January 2009
Conservation News – January 2009 – Schoharie County SWCD
Conservation Connection – Winter 2009 – Erie County SWCD
CDEA News – February 2009
Wyoming County SWCD 2008 Annual Report

Conferences & Seminars

National River Rally 2009 – May 29 – June 1 – Hyatt Regency Baltimore, 300 Light Street, Baltimore, MD 21202; 410-528-1234; www.rivernet.org/rally

NYS Budget and SC Staff Update

M. Latham distributed a handout of the 2008-09 Environmental Protection Fund section of the deficiency budget passed by the legislature for mid-fiscal year adjustments to the State budget. He noted the aid to districts funding remained the same. The non-point source funding for agriculture was reduced from 13 million to 9.5 million.

B. Silvestri and L. Prezorski's contracts are in the process of being amended to be extended for an additional six months as an interim solution. After the budget is adopted, we are hopeful there will be additional discussion on long-term needs for these positions.

M. Latham stated interviews were held for the Western New York AEA position. We are awaiting waiver approval from Department of Budget (DOB). We are hopeful the waiver will be approved before the end of March.

Open interviews will be held within the next few weeks for the Assistant Director position. We are awaiting DOB waiver approval for this position also. After a waiver is applied for, there is generally a period of time that the waiver is considered active.

In the next few months, regions will be adjusted to accommodate staff changes and a potential AEA retirement. M. Latham stated we are waiting to develop an official regional plan pending details on next year's budget.

SWCC Strategic Plan

Rich Lewis distributed a packet of information which summarized the January SWCC meeting Strategic Plan discussion. The packet included the Mission Statement, SWOT analysis and critical issues. Les Travis reviewed this information, highlighting those core values that make the SWCC unique and valuable for delivering programming and providing leadership in New York State. R. Lewis gave a Power Point presentation regarding strategic questions to critical issues regarding Agricultural Conservation, Comprehensive Natural Resources Management, Assistance to Districts and Cooperative Conservation were discussed. R. Lewis discussed the goals and the next steps in developing the Strategic Plan. He asked for recommendations on what the goals and desired results of the SWCC are and specific strategies to obtain these desired results. Where do we want to be in five years? What will be the process for periodic evaluation?

M. Latham stated the need for a comprehensive plan for the future of agriculture in New York State and the role of the SWCC. P. Black suggested the impact of climate change should be a component considered in the future of the Strategic Plan. D. Stein stated the development of the Strategy is an on-going process and suggested a sub-committee be established. M. Latham stated the Strategic Plan should be condensed, not elaborate and be reflective of realistic, core issues and attainable goals.

R. Lewis asked the members to review the packet and make comments and/or suggestions for discussion at the sub-committee meeting. He explained the Plan is in draft form and possibly a final Strategic Plan could be presented to the committee at the April SWCC meeting.

Agricultural NPS Abatement & Control Grant Program February 17, 2009 State Committee Meeting

STATUS OF ROUNDS 1-14

Of 515 contracts, 171 are active, 7 are pending and 322 are complete. 15 contracts have been cancelled during the life of the program.

Round 15

Pursuant to the Round 15 RFP, 87 proposals were submitted requesting a total of \$24,709,306. The proposals were ranked by the TAC proposal review committee. The committee met to discuss the proposals and scores. The Round 15 ranked list is complete and will be available for SWCC adoption in March. As a part of the post-review process the TAC discussed potential changes for the next round of funding. These concepts will be explored more fully in the coming months. As changes may need full SWCC adoption, the TAC recommendations will be brought to the SWCC for consideration at the first opportunity.

Amendments for State Committee Approval

1. Delaware SWCD – The Upper Susquehanna Watershed Tier III Planning Project – Round 10 – C700750

Request: time extension from
12/31/08 to 3/22/10

Reason: additional time needed to complete plans due to staff turnover, flooding, and increased requirements on CNMP planning

Note: the District asked for an extension through September 2011. Current SWCC policy

allows a maximum contract term of 6 years with SWCC approval, which would terminate the contract at 3/22/10

John Schumacher, Region 2 AEA, recommends approval.

D. Stein moved to approve the time extension to 3/22/10, the maximum term; seconded by J. Dickinson; one abstention (D. Hill); motion passed carried.

Staff Approved Amendments

1. Washington SWCD – Lake Champlain Halfway Creek Ag Waste Management – Round 10 – C700770

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

Reason: additional time needed to complete project deliverables

Approved by S. Lanthier 2/2/09

2. Madison SWCD – Upper Chenango River Ag NPS Reduction Project – Round 13 – C700846

Request: change of landowners

Reason: original landowners sold cows, new landowners identified as a priority through

AEM

Approved by L. Travis 1/29/09

3. Oneida SWCD – Oneida Lake Watershed BMP – Round 10 – C700757

Request: time extension from 3/25/08 to 3/25/09

Reason: additional time was needed to complete project deliverables

Approved by L. Travis 11/13/08

4. Ontario SWCD – Central Lowlands Till Plain Phase IIIA Implementation Grant – Round 11 – C700790

Request: change of landowners

Reason: original landowner voluntarily withdrew, new landowner identified as a priority through

the AEM process

Approved by J. Ten Eyck 2/6/09

5. Orleans SWCD – Sandy Creek Watershed BMP Implementation – Round 13 – C700863

Request: change of landowners, BMPs, and budget

Reason: original landowners withdrew, new landowners and practices identified as a priority through the AEM process

Approved by J. Ten Eyck 2/4/09

6. Madison SWCD – Oneida Lake Watershed AEM Implementation – Round 12 – C700815

Request: change of landowners and BMPs

Reason: original landowner withdrew due to financial concerns, new farmers and BMPs identified as a priority through the AEM process

Approved by L. Travis 1/28/09

7. Delaware SWCD – Shelton Estate Stream Stabilization to Facilitate CREP – Round 14 – C700899

Request: change of landowners

Reason: original landowner sold farm, new farm identified as a priority through Delaware County SWCD Stream Restoration Prioritization Protocol

Approved by J. Schumacher 1/13/09

8. Chenango SWCD – Three River Corridor Reach #1 Implementation Project – Round 13 – C700806

Request: change of landowner

Reason: original landowner selling cows, new landowner identified as a priority through

AEM

Process

Approved by J. Schumacher 2/9/09

CAFO Update

B. Brower announced there are currently 42 certified planners in the State. Nine Districts have certified planners on staff. He stated the CNMP 4-day class being held at the Water Quality Symposium has 20-30 attendees scheduled. He stated the public comment period for the new CAFO permit ended January 26, 2009. Approximately 250 people attended the 4 informational sessions held throughout the State; 50% of which were CAFO farmers. Department of Environmental Conservation received 120 responses in writing. Comments included, which permit - the Clean Water Act or State permit, engineering needs, public review of CNMPs, what constitutes a *substantial* change, CAFO permit time frame, technical issues. There is a CAFO workgroup meeting scheduled for Friday, February 27. Summaries of the responses will not be available in time for the meeting. The meeting will focus on the annual nutrient management plan and annual report. Old CAFO permits expire June 30, 2009. M. Latham stated the new CAFO permit provides the need for continue development of an annual CNMP Planner Training Course.

Air Quality reporting requirements were discussed. In December 2008 the EPA ruled that CAFOs did not have to report emissions of ammonia and hydrogen sulfide under CERCLA of 1980. On January 20, 2009, new exemptions from the reporting requirements of these laws became effective for almost all animal agricultural operations. Large CAFO's were not granted an exemption for EPCRA reporting requirements and the current rule requires those farms that did not sign the 2005 EPA Air Emissions Compliance Agreement (CA) to make a good faith estimate of their emissions. Farms that are participating in the CA are bound to the terms of that agreement, i.e., they agree to estimate their emissions within 18 months (about two years from now) of the conclusion of the current National Air Emissions Monitoring Study and report emissions as necessary at that time. For information on estimating and recording tools, please contact:

(<http://www.epa.gov/emergencies/content/epcra/index.htm>).

B. Aman asked if E-Farm applications were still being accepted. M. Latham said sign ups are being taken and they are looking to resolve issues for restoring funding. J. Tauzel stated they need 3.2 million and are not sure of outcome.

Ecosystem Based Management (EBM)

L. Prezorski announced the Ecosystem Conservation Council's Draft Report has been released for public comment. The public comment period is January 30 – March 2, 2009. She distributed fact sheets outlining the background of EBM when a 2006 New York State Law created the New York Ocean and Great Lakes Ecosystem Conservation Council and committed the state to Ecosystem Based Management (EBM) to achieve sustainability of our coastal resources, watersheds and their communities. The fact sheets and Power Point demonstration identify the Council's nine state agencies membership, the actions, achievements and outcomes to date as well as priorities to achieve healthy ecosystems in New York State. Further information is available at:

www.nyoglecc.org

M. Latham stated there is a deficiency in the EBM program as far as how the program is going to "hit the ground", and how the coordination/implementation will happen and become something tangent on a local level without cooperation and assistance from Districts. He stated the SWCC would be a logical, local conduit to the Council and should become a full partner in the New York Ocean and Great Lakes Ecosystem Conservation Council.

He distributed a Draft letter from the SWCC to the New York Ocean and Great Lakes Ecosystem Conservation Council requesting the NYS SWCC become a full partner of the Council. The letter details the benefits and positives of having the SWCC as a full partner. After some discussion, it was recommended the letter be sent to the Council.

Annual Plans of Work

M. Latham announced the following Annual Plans of Work for approval: Annual Plans of Work are to be approved by Region prior to April 1, 2009.

Allegany	Erie	Montgomery	St. Lawrence	Washington
Cattaraugus	Genesee	Ontario	Steuben	Westchester
Delaware	Madison	Orleans	Suffolk	Wyoming
Dutchess	Monroe	Rockland	Warren	

B. Aman moved to approve the work plans; seconded by J. Dickinson. Motion passed and carried.

Legislative Futures Subcommittee

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. A Draft resolution to form such a committee was circulated and discussed. The name of the subcommittee was changed to "Emerging Needs Subcommittee".

D. Stein moved to create the development of the Emerging Needs Subcommittee; seconded by J. Dickinson. Motion passed and carried.

Members will include M. Latham, G. Proios, P. Black, B. Rogers, J. Tauzel and J. Rusnica.

Other Reports

M. Latham reported he was in the process of reviewing Part A and Part C State Aid to Districts. B. Rogers stated he believes the State Aid to Districts programs are working as evidenced at NYACD annual meeting and legislative days. He noticed an increase in attendance and involvement of program Directors.

M. Latham stated he submitted the NYSWCC travel plan for 2009. Restrictions on all travel are in place and require special approval, especially out-of-State travel.

Topics for future SWCC Meetings were discussed. Dairy policy, air emissions, climate change, wind energy, economics, invasive species, were mentioned. J. Tauzel mentioned milk pricing, dairy statistics, L. Prezorski added a discussion on Department of State's Smart Growth

Program. M. Latham mentioned if anyone knows of any definite plans of farms closing to notify our office. Climate change will be presented at the March or April meeting.

M. Latham distributed Agricultural Census and statistics reports and announced that Steve Ropel, Director of the Department's Statistics Bureau, will share agricultural information at our next meeting.

The following is the schedule for the upcoming NYSSWCC meetings for 2009:

March 24, 2009	Albany, NY
April 21, 2009	Auburn, NY
May 19, 2009	Albany, NY
June 15 & 16, 2009	Batavia, NY

Next Meeting – Tuesday, March 24, 2009, Albany, New York

Meeting adjourned at 2:30 p.m.

This web cast may be viewed in its entirety at
<http://www.webcasting.com/soil-water/02.17.2009soil.html>.