



## Soil and Water Conservation Committee

**ANDREW M. CUOMO**  
Governor

**RICHARD A. BALL**  
Commissioner

**DALE STEIN**  
Committee Chair

### State Committee Meeting / Videoconference

June 20, 2017

Locations:

1. NYS Department of Agriculture and Markets Albany – Pride of NY Room, 10B Airline Drive, Albany 12235
2. NYS Department of Agriculture and Markets State Fairgrounds – Agriculture Office (3), 581 State Fair Blvd, Syracuse 13209
3. NYS Department of Agriculture and Markets Brooklyn Office, 55 Hanson Place, Brooklyn, NY 11217

**10:00 a.m. Call to order / Introductions**

10:05 Review and approve minutes

10:10 Correspondence, and staff update – Brian Steinmuller

10:15 US EPA – Grants Reporting and Tracking System – Aseem Kumar, NYSDEC

10:30 AgNPS Abatement and Control Program – Bethany Bzduch

- Program status
- Amendments
- Round 23 review and consideration of Resolution 17-02 (reverse side)

11:15 State Aid to Districts – Part C Performance Measures, consideration of PM Summit recommendations (Summit Meeting notes - Page 3) – Jennifer Clifford

**12:00 Lunch (on your own)**

12:45 Climate Resilient Farming Program Update – Brian Steinmuller, Greg Albrecht, Scott Fickbohm

- Program status
- Results of year 1 services contracts

1:00 CAFO Compliance “agricultural waste storage” Program – Michael Latham

- Cost share requirements
- Financial assistance cap
- Identified Need

1:30 Partnership Reports / Advisory Member Reports / Public Comments

2:00 Set next meeting date and location  
Adjourn

**Resolution 17-2**

**MOTION:**

That subject to the availability of funds, the Committee shall award funding, pursuant to Round 23 of the Agricultural Nonpoint Source Abatement and Control Grant Program, for projects 1-125 in order ranked and in the amounts recommended by the advisory members of the Committee until funds available for this purpose are exhausted or the scoring threshold is reached, consistent with the Soil and Water Conservation District 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.

For access to the State Fairgrounds location, proceed through Gate 2 and take a right turn. Travel down the fair road approximately 1/8<sup>th</sup> of a mile and the Agriculture Office (3) is located at the corner across from the Iroquois Village. Parking is available along the fair roads adjacent to the building or at any lot adjacent to the building.



**State Aid to Districts Performance Measure Summit**  
**Meeting Minutes**  
State Office Building  
Utica, NY  
May 31, 2017

**Present:**

Jennifer Clifford, SWCC  
Ron Montesi, SWCC voting member  
Brian Steinmuller, SWCC  
Dale Stein, SWCC voting member  
Erica Schreiner, Oswego SWCD  
Steve Lorraine, Madison SWCD, CDEA  
Brian Scoralick, Dutchess SWCD  
Scott Fickbohm, SWCC

Victor DiGiacomo, SWCC  
Lindsey Gerstenslager, Wayne SWCD  
Lance Lockwood, Chemung SWCD  
Jennifer Kelly, Chenango SWCD  
Nichelle Billhardt, Lewis SWCD  
Chip McElwee, Broome SWCD  
Wendy Walsh, Tioga SWCD  
Dustin Lewis, Saratoga SWCD  
Amanda Barber, Cortland SWCD

**Performance Standards**

**PM 1 – District Board activity, operations, and training**

- PM 1a – no change at this time regarding the number of board meetings
  - It was discussed that this should be raised to 12 meetings as the District cannot function properly without the oversight of the board. This will be discussed at the next PM Summit in 2018.
- PM 1b & c proposed change eliminate question on training budget amount – Is there a training plan and a budget to support training? Y/N
- PM 1b – writing in “Medical Leave of Absence” can suffice for supervisors not able to meet training requirements due to medical reasons
- PM 1c – keep training exemption for intern, seasonal, & contractual employees
  - Do we need to ask for each employee and training OR can we just ask “Have all employees received training during the reporting period? Y/N” SWCC will check with counsel/OSC
  - If we have to ask for employee names; the employee list will be part of the application form
  - How much cross-referencing can we eliminate? – SWCC will check with counsel/OSC
  - What was original question asked re: employee training? – since 2006 the form has always required the District to list employees
- PM 1e – No new policies will be added at this time
  - There was discussion about adding Work Place Violence Prevention as this is required by Labor Law Article 2 section 27-b.
  - Cash Disbursement and Receipt Policy was also discussed as it often is reviewed under OSC audits.
  - It was suggested that the District Operations Manual, that includes a list of policies each District is required to have in addition to suggested policies, be the tool to inform Districts about policy compliance not the performance measures.
- PM 1g – add Empire Farms Days

## **PM 2 – District outreach and reporting**

- PM 2a – add Federal Partners
- PM 2c – There was some discussion on addressing the timely submittal of other reports other than the APOW (grant reports, AEM reports, etc.). This was determined to be addressed through their respective contracts or program policies and not to be included in the Performance Measures.
- PM 2c – change to include the APOW that is submitted during the reporting period
  - For the 2017 PM Application question 2c will read:
    - Please indicate if the 2018 Plan of Work was timely submitted (recommended for approval by SWCC staff by November 1, 2017) and approved by the NYS SWCC?  
Y/N

## **PM 3 – Leveraging funds and fostering partnerships**

- PM 3.2 the word “different” will be added to clarify that the 4 partnerships should be with different local, state, federal, or private entities.
  - Same entity with different departments/divisions would be OK
    - ELIGIBLE – USDA FSA, USDA NRCS, etc.
    - ELIGIBLE - Albany County Planning Dept., Albany County Hwy Dept., etc.
  - Same entity with different program areas would NOT be OK
    - NOT ELIGIBLE – NRCS EQIP, NRCS Dam Watch, NRCS NY Grazing Coalition
- PM 3.3 No change will be made
  - It was requested that the SWCC clarify “maintain or increase appropriation” or define base appropriation
  - This has been a “self-certified” answer (it’s not checked against any source) and there has never been a Districts disqualified from PM 3 due to appropriation therefore no change will be made
  - There was discussion about omitting this question but there was feedback provided that it does provide a leveraging point with the county that a District’s state funding may be reduced due to a decrease in the county appropriation.
- PM 3.7 proposed change: add to the “Brief Description” to “Explain how you’re partnering”. Further discussion will need to occur. There was discussion on the following aspects of this item:
  - Private sector not private individual
    - SWCC staff recommended that private individuals (Ag landowner for cost-share & BMPs, non-ag homeowner) would not meet the intent of partnering with the private sector. That there is a difference between working with a LO on an AgNPS grant vs. both parties coming together to conduct a Soil Health Workshop. Some Districts felt that working with a LO to implement a BMP would constitute a partnership.
  - Partnership not paid services

- SWCC staff recommended that a paid service would not meet the intent of partnering with the private sector. That hiring a private Ag engineer does not meet the intent of a partnership. That a partnership should include both parties contributing vs. paying for a service that the private sector provides. Some Districts felt that if a project could not be completed without hiring an Ag engineer than the District is partnering with the private sector to complete a project that would otherwise not be completed. Further discussion needs to occur.

#### **PM 4 – State Natural Resource Programs**

- PM 4 - Discussion occurred about what statewide program exists that watershed protection and water quality monitoring could fit under.
  - DOS Watershed Planning and DEC Water Quality Monitoring (WAVE, RIBS, etc.) will be reviewed for inclusion.

#### **PM Standards**

- Should we change some of the standards? What other measures could we ask about? Further discussion needs to occur.

#### **Performance Measure Review Policy**

Discussion occurred on the PM Review Policy approved on 7/19/16 allowing follow-up to occur via email to the same person who signed the form allowing a three day window to clarify an answer. The policy would not provide the opportunity to submit information for unanswered questions or for information provided on the form which was sufficient and clear to make a determination. The law and regulations stipulate financial assistance for Part C is awarded on a **competitive basis**. Expansion of the review policy would contradict the competitive nature of the program as outlined in the law. OSC prohibits the policy to be used to allow an applicant more time to complete a form or change an answer after a determination of eligibility has been made. State Committee staff must ensure that each funding round is legally competitive and in compliance with the statute, regulation, and policy. A law change would be required to alter this process. If the words **competitive basis** were removed from the law staff could approach the review of the application similar to a block grant. A follow-up policy would still have to be in place to set parameters for how long a District would have to respond and how much supporting documentation would be needed to change a determination.

The CDEA has sent a letter to NYACD expressing interest in moving forward with a resolution to strike the words **competitive basis** from the State Aid to Districts section of the law. State Committee voting members in attendance expressed support for the pursuance of this change.

#### **Performance Measure Reporting Form**

- Performance Measure Evaluation Summary Report is now being called Performance Measure Application – this is to clarify that this is an application for competitive funding

- PM 3 – verbiage will be added about completing all that apply to increase the Districts ability to meet this PM. It will remain the same that only 3 of the 7 items are required to qualify.

### **Percentages**

- Current
  - PM 1 - 20
  - PM 2 - 10
  - PM 3 - 40
  - PM 4 - 30
- Proposed
  - PM 1 - 10
  - PM 2 - 10
  - PM 3 - 40
  - PM 4 - 40

### **Part C project eligibility**

- Prohibition on the purchase of Motor Vehicle
  - There was consensus that this should mirror the capital improvement policy to submit for pre-approval

### **Final Report Form**

- There was consensus that final reports should be done on 1 form
- State Committee staff will revise the form to allow for multiple project reporting
- A list of eligible categories listed under the law will be added to the final report form like Part B

### **Open Discussion**

Districts expressed that they want to see operational expenses be included under State Aid. This would require a law change and Districts should work with NYACD to make this type of change.