

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

STATE COMMITTEE MINUTES

April 16, 2013

Department of Agriculture and Markets
10B Airline Drive, Albany, NY 12235

Present:

G. Proios, Chair, D. Stein Vice Chair, C. Colby, J. Dickinson, D. Brass, Voting Members; M. Latham, Director, B. Steinmuller, Assistant Director; T. Clark, C. Frasier, SWCC Staff; D. DeWeese, NRCS; J. Rusnica, J. Czub, DAM; D. Tuxill, K. Roberts, DEC; L/ Prezorski, J. Clifford, Dutchess SWCD; L. Lyons-Swift, Cortland SWCD; P. Kaczmarczyk, DOH; L. Telega, CU; K. Smith, S. Wojtowicz, T. O'Malley, DOS; N. Billhardt, CDEA; R. Weidenbach, Delaware SWCD; J. Littrell, NYACD; E. Svenson, LHCCD.

Call to Order

G. Proios called the meeting to order at 10:00 a.m. Introductions made. A moment of silence was observed for the victims of the attacks on the Boston Marathon on April 15th.

B. Steinmuller welcomed back to the Department, Jackie Czub and announced that she will be the Deputy Commissioner responsible for overseeing the Division of Land and Water Resources. Jackie thanked the Committee for the welcome and presented on a number of things that the administration is doing to advance agriculture and conservation efforts across the state.

Review/Approval of Minutes

D. Stein moved to approve the February 12, 2013 minutes as presented; seconded by D. Brass. Motion passed; carried.

Correspondence

B. Steinmuller made the correspondence available. Correspondence included a variety of Soil and Water Conservation periodicals, reports and District Newsletters and Reports.

Ag Nonpoint Source Abatement and Control Program - Brian Steinmuller

STATUS OF ROUNDS 1-19

Of 719 contracts, 191 are active, and 461 are complete. 22 contracts have been cancelled during the life of the program. There are 45 Round 18/19 NPS projects pending. 15 NPS projects have been closed out in 2013 to date.

March 5, 2013 – Round 19 NPS Announcement made - 45 contracts were awarded. Round 19 Plans of Work are due to the State Committee office on May 20, 2013.

Staff Approved Amendment

Tioga SWCD – Susquehanna River Lower Mainstem WS Protection – Round 15 – C700954
Request: change in BMP's

Reason: original application was a cost shared barnyard runoff mgt. NRCS EQIP program covered the entire costs of the project. CNMP planner and District review indicated silage leachate was the next highest priority item to address.

*Note: Cliff Frasier, Region 5 AEA, supports the change in BMPs
Previous amendments: none*

Tompkins SWCD – Owasco Lake Watershed Protection Project Phase II – Round 14 - T700894

Request: change in BMP's

Reason: the work was completed as planned, but the BMP was called a heavy use area when it was in fact, an animal trail and walkway. Change is for documentation purposes.

*Note: Jeff Ten Eyck, Region 3 AEA, supports the change in BMPs
Previous amendments: none*

Round 19 Ranked List Re-Approval – Resolution 13-02

B. Steinmuller told the Committee that the Round 19 Ranked List Resolution is being proposed for re-approval because three proposal scores had to be changed. The first was Cayuga County SWCD's proposal 5-2. While working on the Plan of Work, Cayuga County SWCD alerted SWCC staff of an error made in the budget. The project costs for two farms on the SW3, Implementation List, were not totaled or transferred to the SW2 – Budget Form. The shortfall totals \$78,750. By adding that shortfall to the total, the project request should have been \$483,712. An email response was requested from all of the reviewers indicating whether their scores would change based on this new total rather than the originally proposed total of \$404,962. The proposal ranked number 1 on the list. As a result of the higher cost, however, two reviewers did lower their scores under Cost-Effectiveness. The result was a three point decrease.

On two separate cases, one reviewer notified the AgNPS Program Manager that the scores for two Montgomery proposals were misreported on the spreadsheet. As a result the Montgomery 27-2 score should have been 5 points lower while the Montgomery 27-3 score should have been 5 points higher. After re-recording the evaluators scores correctly, the Montgomery 27-3 score was elevated within the position of available funding; hence an award was also made for this project. Montgomery 27-2 was lowered in score, but still within a fundable range.

As a result of these three scoring issues, no other proposals that were awarded were bumped out of a fundable scoring range. For the purposes of OSC approval for the Round, it was instructed that a new resolution approving these changes by the SWCC is needed.

MOTION:

That subject to the availability of funds, the Committee shall award funding, pursuant to Round 19 of the Agricultural Nonpoint Source Abatement and Control Grant Program, for projects 1-76 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.

D. Stein moved to approve resolution 13-02, re-approving the Round 19 Ranked List; seconded by J. Dickinson. Motion passed; carried.

Lauren Lyons-Swift provided a copy of a program data report "Dashboard" for Round 19. Discussion ensued regarding the report. Advisory members and partners were impressed by the quality of the report and information that can be harnessed in this format. L. Swift told the group that further program information for Round 19 will be entered upon receipt of the plans of work that are due in late May. At that time, more program details will be presented (Please see the attached Round 19 Dashboard).

NYSDOS Advisory Member Report – Stephanie Wojtowicz and Ken Smith gave a report to the SWCC that provided an overview of the Division of Coastal Resources at DOS, and provided details on the Waterfront Revitalization Program and, specifically, Watershed Management Planning that have been led by many Conservation Districts in areas of the state.

All DOS watershed plans involve the development of a Watershed Advisory Committee which includes a wide array of state agencies (sometimes federal), watershed organizations, lake associations, town officials, etc. In many watershed plans, SWCDs have been involved in a number of different ways. Often it includes participating on the advisory committee to help review documents and provide feedback and comments. In some cases, the Districts provide technical assistance including mapping services, watershed assessments, and other technical data. In other cases, the Districts actually manage and provide oversight for the development of the plan -- as is the case in Schroon Lake, Third Brook and the comprehensive Mohawk River Watershed Management Plan, to name only a few examples. Districts can be involved in a variety of ways and as deep or peripherally as they would like. As entities with firsthand knowledge of entire watersheds, District involvement is always welcome by DOS.

The watershed plan tends to focus on water quality (protection and restoration); District personnel are familiar with methods or techniques to assess water quality and recognize potential impairments and can also assist in identifying appropriate BMPs to eliminate impairments and/or threats. Watershed planning efforts are made strong by broad participation, including by those that are knowledgeable about watershed dynamics and an intimate knowledge of local watersheds. It is important throughout the process of developing and implementing a watershed plan, that the participants are comfortable with the process and supportive of the action identified as being meaningful to them. SWCD staffs are trusted by watershed residents, businesses, and other constituents and can be instrumental in developing watershed plans.

Watershed Management Plan Facts:

- 458 communities are located within areas with a watershed management plan
- Over 11,500 square miles or 7 million acres are under a watershed management plan
- Since 1994, over \$38 million in state grants have been invested in watershed management planning

Discussion ensued regarding specific program criteria, proposed policies and program areas to address increased coastal flooding resulting from climate change and District's further involvement in Coastal Resources programs.

For additional information regarding DOS Coastal Resources Division Programs contact:

Kenneth Smith
(518) 473-3373
kenneth.smith@dos.ny.gov

Stephanie Wojtowicz
(518) 486-7641
stephanie.wojtowicz@dos.ny.gov

Tracey O'Malley
(518) 473-3371

tracey.omalley@dos.state.ny.us

99 Washington Ave, Suite 1010

Albany, NY 12231

Website: <http://www.dos.ny.gov/communitieswaterfronts/>

Advisory Member / Partnership Reports / Public Comments - ALL

USDA-NRCS – D. DeWeese advised the Committee about the Federal Sequestration and the uncertain outcome that this will have on the federal agency. DeWeese told the Committee that the Administration's FY 2014 budget was released and there are no guarantees, but it appears that NRCS employees will not be furloughed. DeWeese noted that the Farm Bill remains in limbo in the new Congress.

NYS DEC – D. Tuxill provided an update to the Committee about the U.S. EPA's Nonpoint Source Guidelines to the States that is scheduled to be released in March. DEC is working in response to the guidelines with partner agencies. DEC is determined to seek EPA's endorsement and approval of NYS's existing program. It is hopeful that EPA will recognize the NYS Program as one of the leaders in the nation. Tuxill noted that the EPA guidance on state's NPS programs is currently out and undergoing a review by DEC. He noted that there will be continual opportunities for SWCC and other partners to engage with DEC on renewal of the state's NPS Program.

NYS DOH – P. Kaczmarczyk provided a brief report on the recent retirement and replacement of the Center for Environmental Health Director.

NYACD – J. Littrell reported on on-going efforts of the NYACD to address priorities in the current state legislative sessions. Littrell noted that a top priority of NYACD continues to be advocating for additional EPF appropriation to fully fund Parts A-C of the District Aid Program. Other priorities include: invasive species management and education authorities within District Law, eligibility for Districts to apply directly to the DOS Waterfront Revitalization Program, and to advocate for additional opportunities for Districts statewide. Littrell noted that the NY Association of Towns (NYAST) has signed on to support District eligibility for the DOS Program. NYAST support is important since it includes towns and counties that have exclusive ability to apply for Waterfront Revitalization Programs through DOS.

Littrell advised the Committee that the NYACD Annual Meeting dates are set for October 16 – 17, 2013.

CCE – L. Telega noted that a large event is being planned to commemorate the Land Grant Institution's 150th birthday. The event is being planned at the NYS Legislative Office Building Lobby.

NYS CDEA – N. Billhardt reported to the Committee on the 2013 Annual Water Quality Symposium. She noted that registration was down by approximately 30 participants totaling 272. She attributed this mainly to budget concerns. She noted that many courses advanced Level 1 of the TAP and advanced training will be offered at the Conservation Skills Workshop in the fall. She announced that she has been elected President of the CDEA and Aaron Ristow of the Upper Susquehanna River Coalition of Conservation Districts/Tompkins County SWCD was elected Vice President. Billhardt noted that the CDEA is reviewing committee and subcommittee assignments for its members. She announced winners of awards during the ceremony.

Billhardt also noted that the CDEA recognized that the District's Administration Manual is need of review and update and would like to work with the SWCC and NYACD on undertaking this effort.

SWCC Staff Update - B. Steinmuller took this opportunity to report to the Committee that both Greg Albrecht, and Bob Brower received awards for their outstanding service to SWCC partners. G. Albrecht was honored by USDA-NRCS for his service and work on policy and program areas that focus on partnerships and B. Brower received an award by CDEA Division V on his excellent work in assisting Districts with a host of different program areas and operations. The SWCC commended its staff on these awards.

NY Farm Bureau – C. Mural told the Committee that the NYFB has been actively advocating for additional state EPF. Mural also noted that the lack of a federal Farm Bill is starting to have effects with its members in NYS. Finally Mural reported that the NYFB is concerned about a number of legislative matters including farm labor, animal welfare, and others. She noted that the next 28 days of the legislative session will be decisive to the NYFB.

SWCC Staff Update – M. Latham reported on the EPF Budget (Appended to the Minutes) and spoke about the legislation pending that would define Districts as a municipal corporation for the purposes of allowing a Conservation District to enter into inter-municipal agreements (IMAs). If Districts had this legal status, opportunities to cooperate with municipalities on natural resource programs would be streamlined, since contractual agreements would be unnecessary. Other benefits include providing an opportunity for Conservation Districts to coalesce for purposes of lowered health insurance and other benefit costs. Latham discussed other legislative priorities that are making their way through the legislature. He asked that Districts provide him with as much details on the types of agreements as possible to continue advocating for the legislation.

2012 State Aid to Districts Report – Jennifer Clifford

J. Clifford gave the Committee a presentation on the 2012 State Aid to Districts Program. Clifford reported that all but two Districts received additional funding for Part A in 2012 beyond what they were reimbursed for in 2011 with Parts A, B, and C combined. This was an improvement from what original projections suggested and continues to set up Districts to earn additional reimbursement into the future. Currently, the appropriation covers only the base aid, Part A component of District Aid therefore challenges still remain in the District's ability to earn the maximum aid of Parts B and C. Many Districts invested in their operations by making equipment purchases in order to access the \$60,000 cap for Part A reimbursement. This strategy, although effective in the short term, may not be sustainable in the long term. Clifford highlighted that Districts reported \$3 million in non-required match for Part B and C projects in 2012. This will be a potential major loss for 2013 due to all State Aid funds being dispersed through Part A reimbursement. Clifford provided the Committee with a snapshot of the entire reimbursement program (please see the program information attached).

One item that must still be reviewed and addressed by the committee is the continually low eligibility rate in Part C, Performance Measure 1, which deals mainly with training and Board Activity. It was noted that District Board activity and training opportunities must be a priority for the committee and NYACD. If funding continues to allude this component, the SWCC may have little ability to address the perceived lack of Board training and activity. Discussion ensued. This topic will be continued at SWCC meetings in the future.

Emergency Stream Intervention Program – Rick Weidenbach, Delaware County SWCD, Tom Snow, DEC

R. Weidenbach gave the Committee a presentation on the Delaware County SWCD Emergency Stream Intervention Program. The ESI protocol and training were originally developed for municipal equipment operators and contractors to provide environmentally-friendly, post-flood stream response for compromised channel capacity due to deposition, in-channel debris issues and corrective measures for stream avulsions. The program was designed for immediate post-flood corrective action or triage by local municipalities, working with the stream's natural tendencies while protecting aquatic habitat. For

additional info on this training initiative and for a copy of the training manual, please go to www.dec.ny.gov/lands/86450/html. This program is not a long-term restoration/remediation program, or a flood mitigation program.

R. Weidenbach and T. Snow have been communicating with B. Steinmuller and staff of the SWCC to develop a strategy on how this program can be expanded for statewide implementation through County Soil and Water Conservation Districts. A recommendation was made to present this opportunity to the SWCC in hopes for a statewide endorsement of District's potential role in this program area. Many benefits were expressed by both Delaware County SWCD and the DEC as a result of implementing this program before, during and after major flood events, which are happening with increased frequency and intensity.

Benefits include: far less environmental damage sustained as a result of inappropriate and sometimes unnecessary work being done in streams immediately following major flooding, expedited permit issuance to municipalities by DEC for restoration activities, full and timely reimbursement by FEMA following natural disasters caused by major storm events, and increased visibility by the county of the expert assistance Districts provide to municipalities following natural disaster emergencies.

Proposal:

The Delaware County Soil and Water Conservation District will be conducting a three-day "Train the Trainer" session for Post Flood Emergency Stream Intervention. The first day of the training will be May 23rd at a location in Delaware County.

FIELD TRAINING WILL INCLUDE:

- Learning where to and where not to work
- Determining when and where to relocate stream channels
- Learning how to prioritize stream work
- Identification/duplication of stable stream reaches
- Recognizing channels with reduced flow capacity
- Use of USGS New York StreamStats Web Tool to calculate watershed areas
- Proper stream channel sizing using locally and regionally-developed Hydraulic Relationship Curves
- Determining proper stream profile and geometric pattern
- Reconnecting to the floodplain
- Work methods and dewatering techniques

Requirements:

Participants:

MUST attend all three sessions.

MUST commit to conducting at least one three-day training during the next field season.

MUST agree to serve on a "Statewide Committee" for curriculum standards/quality control.

MUST have at least two years of hands-on experience with stream projects, instructional experience/knowledge and/or be CPESC certified.

Since this is a planned "train the trainer" program, space is limited. Delaware County SWCD and the DEC is requesting that the SWCC Regional Staff develop a list of potential District participants and reach out to those participants to determine capacity to carry out this program, interest in the program and ultimately identification of current and future need for bringing this protocol back to their District. (Please see the attached Post Flood Emergency Stream Intervention Program Train the Trainer announcement for additional details.)

Annual Plans of Work Approval

The following Plans of Work that have been submitted and approved by the AEAs is as follows:

Albany	Franklin		Saratoga
Allegany	Fulton		Schenectady
Broome	Genesee	Niagara	Schoharie
Cattaraugus	Greene	Oneida	Seneca
Cayuga	Hamilton	Onondaga	Suffolk
Chautauqua	Herkimer	Ontario	Sullivan
Chenango	Jefferson	Orange	Tioga
Clinton	Lewis	Orleans	Tompkins
Columbia	Livingston	Otsego	Ulster
Cortland	Madison	Rensselaer	Wayne
Delaware	Montgomery		Westchester
Dutchess			Wyoming
Erie			Yates
Essex			

D. Stein moved to approve the District's Annual Plans of Work listed above; seconded by D. Brass. Motion passed; carried.

Submitted on time and reviewed but additional information requested include:

Nassau
New York City
Putnam
Rockland

Next Meeting – May 21st, 2013 at the Department of Agriculture and Markets, Pride of New York Conference Room.

The Meeting adjourned at 2:30 pm.

Audiocast available at: <http://www.agriculture.ny.gov/webcasting.html>