

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

STATE COMMITTEE MINUTES

September 18, 2012
Days Inn and Suites, 160 Holiday Way
Schoharie, NY 12157

Present

D. Stein, J. Dickinson, D. Brass, C. Colby, Voting Members; Darrel Aubertine, Commissioner, R. Rausch, J. Rusnica, DAM; M. Latham, Director, B. Steinmuller, C. Frasier, R. Brower, V. Weston, DAM, Div. of Land and Water Resources; D. Petit, Peter Wright, Marilyn Stephenson, USDA NRCS; P. Kaczmarczyk, DOH; K. Smith, DOS; E. Cruden, R. Tuess, D. Tuxill, DEC; L. Telega, Cornell & CCE; J. Lieberum, NYSCDEA/Warren Co. SWCD; J. Littrell, NYACD; Richard Ball, Schoharie Valley Farms; J. Barber, FSA, USDA; E. Hoxsie, L. Prezorski, J. Clifford, Dutchess SWCD; R. Bush, L. Lyons-Swift, Cortland SWCD; M. Watts, Chemung SWCD; S. Lewis, J. Slezak, J. Santacrose, Albany SWCD; M. Thorpe, L. Taylor, Putnam SWCD; R. Weidenbach, L. Underwood, Delaware SWCD; D. Mosher, Schenectady SWCD; C. Nellis, Montgomery SWCD; S. Fickbohm, Otsego SWCD; K. Sumner, K. Brown, Orange SWCD; J. Dean, Rockland SWCD; B. Wohnsiedler, Jefferson SWCD; S. Hoerz, P. Nichols, C. Coons, Schoharie SWCD, T. Pinheiro, Essex SWCD.

Call to Order: D. Stein, Acting Chairman, called the meeting to order at 10:10 am. Introductions were made around the room. D. Stein gave the floor to Commissioner of Agriculture and Markets, Darrel Aubertine, to address and welcome all those in attendance. Commissioner Aubertine thanked all of the Conservation Districts for their ability and for their accomplishments in helping to restore agricultural and natural resources after the extreme flooding and devastation brought by Hurricane Irene and Tropical Storm Lee in late summer of 2011. Commissioner Aubertine told the group that it was the District's expert assistance that gave the Cuomo Administration some of the earliest information on the impacts just hours after Irene and Lee. The impacts were expertly and rapidly assessed by Conservation Districts. These assessments became the applications for assistance through the first of its kind, state emergency funding through the Agriculture and Community Recovery Fund (ACRF) Conservation Program.

D. Stein echoed the Commissioner's remarks including a message of appreciation to the SWCC staff for their hard work and commitment to the emergency relief program. Stein also summarized the meeting agenda, introducing each topic and presenter.

Special Meeting:

Impacts of Hurricane Irene and Tropical Storm Lee: Events, Response and Assistance

Schoharie County SWCD

Pete Nichols, Stream Program Manager for the Schoharie County SWCD, gave a presentation summarizing the impacts of both storm events. P. Nichols' presentation described the extent of the devastation in Schoharie County and surrounding areas. The presentation gave by P. Nichols provided an excellent summary of the extreme impacts brought by both Hurricane Irene and Tropical Storm Lee.

Summary of the two storms:

- Hurricane Irene dumped 16 inches of rain on parts of the Catskills and Hudson Valley. Unprecedented flooding occurred in the Schoharie Valley as 110-140 cubic feet per second spilled over the Gilboa Dam. Experts called it a 500 year storm event.
- Tropical Storm Lee spared much of the eastern half of the county but Cobleskill and Richmondville saw localized flooding. Four or more inches are dumped on already saturated

soils. TS Lee dumped more rain in the Southern Tier Region of the state, mimicking much of the disaster from Hurricane Irene.

A copy of this presentation can be downloaded at: <http://www.agriculture.ny.gov/webcasting.html>

Orange County SWCD

Kevin Sumner, District Manager for the Orange County SWCD, gave a presentation detailing the District's response to Irene's impacts that devastated agricultural and natural resources in the county. The Orange County SWCD was on the ground the day after the storm to expertly assess the damage to the agricultural resources in the county. The Orange County SWCD exemplified the District response by working around the clock to ensure that all producers impacted had an opportunity to receive funding to help restore fields, clear debris and rebuild infrastructure. Kevin Sumner highlighted the work of the District staff in successfully securing nearly \$900,000 for farm restoration. Seventy farms in the County received funding through the ACRF, mostly in the hard hit area of the Black Dirt region in the Wallkill River Watershed.

A copy of this presentation can be downloaded at: <http://www.agriculture.ny.gov/webcasting.html>

Delaware County SWCD

Larry Underwood, Technical Coordinator for the NYC Watershed Agricultural Program, gave a presentation outlining the Delaware County SWCD ACRF implementation. The Delaware County SWCD received nearly \$150,000 to implement emergency conservation measures on 12 farms. The Delaware County SWCD also helped out the Greene SWCD in implementing agricultural conservation projects in Greene County. Greene County communities were among the hardest hit by Hurricane Irene and the help of Delaware County SWCD allowed Greene SWCD to focus on the widespread municipal damage. Delaware County SWCD has been a long time proponent of natural stream design techniques to restore and maintain aquatic ecosystems. This capacity helped the District to complete a number of stream restoration and stabilization projects in addition to the field and farmstead projects implemented in both counties. *The Delaware County SWCD developed a Post Flood Emergency Stream Intervention Training Manual that is being discussed as a statewide model for how stream restoration efforts should be conducted after flooding events so as to not create more stream corridor problems as a result of emergency work. This will be considered at a future SWCC meeting.*

Chemung County SWCD

Mark Watts, District Manager for the Chemung County SWCD, gave a presentation detailing the response to Tropical Storm Lee and the District's capacity for shared services and equipment with municipalities and other Conservation Districts. M. Watts thanked Jeff Ten Eyck, Regional Coordinator for the SWCC for advising the District to apply for ACRF funding. Chemung County was spared much of the damage brought by Hurricane Irene, but experienced extensive damage as a result of Tropical Storm Lee. The Chemung County received approximately \$35,000 to implement emergency conservation projects on 9 farms. M. Watts told the Committee that the Chemung County SWCD is prepared to assist in storm and flood damage clean-up in part because of the equipment that is coordinated, housed, and maintained by the District.

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Messages of Appreciation, Commissioner Darrel J. Aubertine, Mr. Richard Ball, Owner of Schoharie Valley Farms:

Commissioner Aubertine was joined by Richard Ball, owner of Schoharie Valley Farms in Schoharie NY to express sincere appreciation for the work that Soil and Water Conservation Districts have done to assist communities and farms in restoration and recovery efforts following Hurricane Irene and Tropical Storm Lee. Mr. Ball told the group that SWCDs were on the front lines and among the first responders that county residents and farmer saw in the days following the storms. Both Commissioner Aubertine and Mr. Ball agreed that Schoharie Valley and much of the impacted region has bounced back by many measures, but still much has to be done in the long term to minimize flood impacts into the future.

Panel Discussion of the Agricultural and Community Recovery Program (ACRF) Conservation Program:

Michael Latham, Executive Director of the NYS Soil and Water Conservation Committee, facilitated a panel discussion to evaluate the overall District response and the continuing role of Districts in emergency management and floodplain management. The panel included representatives of 14 Districts. Discussion highlights include:

Overall Storm Response

Question: How prepared were you to respond to the storm and floods in 2011?

- The storms of 2006 and subsequent localized flooding helped to prepare many Conservation Districts for the widespread impacts and response to the 2011 storms. No doubt that the 2011 experiences provide even more to build from and prepare for the next time natural disasters and emergency response is needed by Conservation Districts. The extreme disaster that was experienced in 2011 gave us much better information on where the problem areas are. As a result better floodplain maps, aerial surveillance, and other tools have become available for continued District use.
- The Districts on the panel that provided assistance to the County Emergency Operations Centers (EOC) felt that they were able to respond to the local emergencies more effectively and efficiently.
- Jeff Flack of the Greene SWCD noted that the District has always been involved with hurricane and flood issues that launched them in to stream work since the District's creation. J. Flack mentioned that they thought they were prepared, but it took a week to get their arms around the disaster, they worked with the County on a triage approach to prioritization. The District has always had a great relationship with the Highway Dept because county roads have been built along stream corridors; as a result public infrastructure is where the Greene County SWCD focused much of their attention.

Question: What resources were needed the most to facilitate the District's response?

- Engineering services was biggest resource need. In many cases the Districts were able to conduct preliminary design work including running hydrology and sizing. This information was brought back to local Professional Engineers that were swamped.
- Discussion ensued on the need to come up with a consistent form to assess and report damages. Delaware County SWCD has a form that was developed and may be useful as a template.

- Discussion ensued regarding Delaware County SWCD's emergency stream protocol that was developed after the 2006 floods. The Delaware County SWCD received a grant from the NYS Department of Environmental Conservation (NYS DEC) and the NYC Department of Environmental Protection (NYC DEP) to develop an *Emergency Stream Intervention Training Manual*. The manual was accompanied by comprehensive training events where 242 municipal officials and private contractors have been trained on proper stream restoration techniques following severe floods. Rick Weidenbach discussed the potential for this manual to be reformatted for statewide use. R. Weidenbach noted that it has been accepted by both the NYS DEC and NYC DEP and would be a great place for Districts to start. R. Weidenbach also took the opportunity to thank the Governor and Commissioner Aubertine for the state's response. He noted that Districts have never had the opportunity to help the farm community like this and in 32 years he has never seen resources be deployed so efficiently and effectively.

ACRF Conservation Program

Question: Did you feel the communication between the state and your District was too much, too little or appropriate?

- The consensus was that the communication between the state and Districts regarding the Conservation component of ACRF was excellent. The working relationship between the SWCC staff and the Districts was very effective. If there was a problem, it was dealt with immediately, allowing Districts to proceed with getting projects done. The Districts appreciated getting briefed on the other components of the Department's ACRF in order to steer farmers to the correct contacts for feed replacement and capital improvements. The consensus was that the coordination of all involved state and federal agencies including the State Historical Preservation Office (SHPO), DEC, and the even the Army Corp of Engineers was a great example of the type of cooperation needed for emergency response.
- A concern that rose was the exclusion of reimbursement for District staff time. The Districts were pleased that ACRF staff time could be supported using the existing AEM Base Program funds. However, if the District did not have that ability they would be in real trouble to make payroll. Many Districts are dependent on chargeable accounts, such as AgNPS, and staff resources in several of the impacted counties were diverted away from these program areas to work exclusively in flood response.

Question: How was outreach to the local farm community on the ACRF Conservation Component conducted?

- The outreach strategies were mixed across the impacted areas. In some of the most impacted areas, Districts had to travel the county when it was safe to seek out impacted farmers. In other areas such as the Black Dirt Region of Orange County, farmers called the District early and often for support. It was noted that the USDA-Farm Service Agency and the New York Farm Bureau did an outstanding job in getting information out. One District noted that they drafted a letter to all farms in the county with pertinent disaster relief information, including contact numbers, program summaries, etc.

Question: Was the list of eligible practice systems adequate to cover most of the emergency conservation needs, was the application process sufficient, and was the time frame for project completion appropriate?

- The eligible practice systems were appropriate for the response. Discussion was raised on the electronic submission of applications. Although, very little problems occurred with the tracking of project submissions, it was mentioned that a better system that provides the

applicant with an automated receipt would be appropriate. This may also help the administrator of the program to more efficiently track and process application requests.

- It was noted that the 90 day project completion deadline would not have worked if the disaster occurred during a different time of year. It was further discussed that the weather in early autumn in 2011 was less than hospitable, but late autumn and early winter was relatively dry and mild which facilitated successful completion of 90%.
- Simplifying the procurement record process was needed to facilitate project completion. It became evident that contractors were in short supply and the Districts needed flexibility in working with farmers to secure contractors.
- Equipment availability was discussed. Dave Mosher, Programs Coordinator of Schenectady County SWCD noted that some Districts possess equipment and can mobilize that equipment to assist in other counties if needed. D. Mosher noted that an inventory of available District equipment should be developed and maintained for use in future emergency relief. This could be coupled with preexisting memoranda of understanding (MOUs) between Districts in order to deploy both equipment and people across an impacted area.

Question: How did the ACRF Conservation Program facilitate coordination with other disaster relief programs that came later, such as the USDA-FSA Emergency Conservation Program (ECP)?

- It was difficult to coordinate the ECP with ACRF Conservation Program on account that farmers and Districts did not know when and at what level the ECP would be delivered. In many cases, the ECP was able to pick up projects that the ACRF was unable to fund. In that regard the two programs functioned well together. The need to better cooperate with federal partners on emergency relief efforts was noted.
- Lauri Taylor, Executive Director of the Putnam County SWCD highlighted the fact that Districts had each other's back and were able to assist across county boundaries. This was evident in so many cases especially, Delaware, Greene, Dutchess, and Putnam SWCDs.
- It was noted that the ACRF Conservation Program should be a template for flood mitigation, not just on farms, but with residents and communities as well. In some cases the problems may originate in the watershed above the farm but not necessarily on the farm. The Districts were left with little financial resources to provide municipal assistance. Ed Hoxsie, Executive Director of the Dutchess County SWCD noted that unless it was a public infrastructure issue, the District was severely limited in their ability to provide resolution to the problem. The District was able to provide some technical assistance, but E. Hoxsie felt that residents were underserved. E. Hoxsie echoed the concern raised above that sometimes addressing watershed concerns in areas limited to farmland can exacerbate problems in other areas of the watershed.
- Scott Fickbohm, District Manager of the Otsego County SWCD noted that scientists and conservation professionals have reached consensus that climate change is driving increased frequency of extreme storm and other weather events and there needs to be corresponding management and policy changes to adapt.
- Rick Weidenbach, Delaware County SWCD, advised the group that we need to challenge ourselves to be more proactive. We know that floodplains are a part of the stream, just not a part every day. Whether it is in a field, city or village, it is a part of the stream. Protection, enhancement and proper floodplain management is essential if we are to move forward with flood damage mitigation. Districts need to be vocal on demonstrating the true value and public benefit of a flood plain, including improved water quality and flood attenuation.

Regular Business:

Review and Approval of Minutes:

A motion was made to approve the July 2012 Minutes as presented by D. Brass; seconded by C. Colby. Motion passed; carried.

Correspondence

Correspondence was made available to the meeting participants.

Agricultural NPS Abatement & Control Grant Program: Brian Steinmuller

STATUS OF ROUNDS 1-17

Of 629 contracts, 157 are active, and 446 are complete. 22 contracts have been cancelled during the life of the program. There are 4 Round 17 NPS projects pending, along with 46 Round 18 projects pending. 33 projects have been closed out in 2012.

Amendment for State Committee Consideration

Chenango SWCD – Susquehanna River Basin Precision Nutrient Mgt – Round 14 – C700926

Request: time extension from 10/31/12 to 12/8/13

Reason: extension needed due to adverse growing conditions in 2011 and poor conditions caused by tropical storms Irene & Lee. Progress will continue this fall and next year.

Note: Cliff Frasier, Region 5 AEA, supports the time extension

Previous amendments: none

J. Dickinson moved to approve the time extension; seconded by D. Brass. Motion passed; carried.

Staff Approved Amendment

Wayne SWCD – Canal Corridor: Phase 2 Black Brook – Round 17 – C701047

Request: change in BMP's

Reason: change from barnyard water management system to agricultural waste storage facility. NRCS approved as a better option for water quality control.

Note: Jeff Ten Eyck, Region 3 AEA, supports the change in BMP's

Previous amendments: none

Performance Measure Percentages and Proposed Changes: Jennifer Clifford

J. Clifford provided details on the proposed changes for the 2013 Performance Measure Program.

Changes for 2013 PM:

- Percentage for PM 1 has been increased to 20%
- Percentage for PM 4 has been reduced to 30%
- 1g – addition of NACD Legislative Conference as approved State, Regional, or National Meeting for Directors
- 2a – Number of items required to meet this PM has been raised to seven (7) or more
- 2a – addition of conference speaking, interviews, press release, press conference, and authoring a periodical to the list of approved presentations, reports, and publications

- 2b – addition of coordination and promotion of environmental cleanup as an approved public education and outreach activity
- 3 – addition of working in partnership with Private Sector to deliver a program or project as an approved task for leveraging additional funds and fostering partnerships

J. Clifford distributed a Performance Measure summary sheet and a worksheet with the proposed changes and the percentages of available reimbursement to each PM.

J. Dickinson moved to approve the changes as presented; seconded by D. Brass. Motion passed; carried.

Advisory Member and Other Reports:

NYSDOH – Paul Kaczmarczyk spoke about the proposed gas pipeline project through the Town of Cobleskill.

USDA-NRCS – Don Pettit briefed the Committee on the status of the 2012 Farm Bill and the Field office of the Future (FOTF) plan. Pettit noted that the FOTF plan has been submitted to NRCS HQ after collaboration with the Four Way Partnership. A key to the FOTF plan is to focus on the partnerships in NYS that exist between NRCS and Districts. Pettit spoke about leveraging available training programs to build capacity through enhancing District’s Job Approval Authority. Pettit spoke about the draft 590 Standard that is out for public review.

Pete Wright, spoke about the status of the NRCS Emergency Watershed Protection (EWP) funding awarded in 24 counties.

NYSDOS – Ken Smith advised the Committee that DOS is currently reviewing applications through the State’s Consolidated Funding Application (CFA) process. 139 project proposals were submitted for Waterfront Revitalization Program funding, for which \$15 million is available. Smith also advised the Committee that Cattaraugus Creek and Canadarago Lake have recently become eligible under the Waterfront Revitalization Program.

NYS CDEA – Jim Lieberum advised the Committee that the Conservation Skills Workshop will be held next week in Cortland and the 2013 Water Quality Symposium will be back in Auburn.

NYSDEC – Don Tuxill gave a report highlighting some recent changes that are underway to the CAFO Permit. Tuxill also introduced Erica Cruden who will be taking the lead on CAFO for DEC and coming to more SWCC meetings in the future. Tuxill spoke about the 319 Program and that EPA will be putting out guidance on updates to the NPS Management Plans and 9 element watershed planning efforts.

CCE – Lee Telega briefed the Committee on the local budget process for Cornell Cooperative Extension offices. Telega advised the group that CCE continues to look at how they serve the agricultural community. CCE is piloting regionalizing specialists in market development, dairy processing, and dairy modernization.

NYACD – Judy Littrell noted that the NYACD Annual Meeting will be held in Auburn on October 15th, and 16th. NYACD is still accepting resolutions. J. Littrell told the group about the recently held Northeast NACD meeting that was held in Corning in August. She heralded the meeting as a success and the field tours led by various area Districts were outstanding. Littrell advised the Committee that she participating in a lobbying trip to Washington D.C. with the Farm Bureau to discuss the negative impacts of proposed

recent EPA guidance to remove the term “navigable” from their definition of jurisdictional waterbodies. The fear is that this will give EPA the authority to potentially regulate every puddle or wet area on a farm. Littrell noted that the NYACD has signed on to a letter to the Governor urging him to increase the EPF.

USDA-FSA – J. Barber gave the Committee an update on the closure of various state FSA offices. Offices include: Yates, Saratoga, Albany, and Sullivan Counties. Barber gave an update on the Biomass Crop Assistance Program (BCAP).

Farm Bureau – Cathy Mural gave the Committee an update on FB’s efforts to oppose the EPA proposed guidance on removing the term “navigable” from their definition of regulated waterbodies. Mural also briefed the Committee on other legislative affairs including the urging of passage of the federal Farm Bill.

Ag & Markets – Ron Rausch briefed the Committee on the Yogurt Summit that was convened by Governor Cuomo and held in August. The major focus of the Yogurt Summit was to improve the business climate in NYS to fully support the burgeoning Greek Yogurt market. Increasing milk production and supply is a main objective and the state is working on multiple fronts to achieve this, including streamlining environmental permitting in order to facilitate growth and investing in research and development all along the dairy value chain from farm to shelf.

SWCC Training Update – Lauren Prezorski provided an update on the on-going training efforts. Prezorski briefed the Committee on the upcoming AEM Training Session to be held on November 13th, 14th in Auburn. The new and updated worksheets will be rolled out at this session and participation by all Districts planning to participate in the next round of AEM Base Funding is mandatory.

Next Meeting:

Next Meeting – 9:00 a.m. / November 13, 2012 at the Cayuga County SWCD office in Auburn.

Meeting Adjourned at 4:00 p.m.

To access the complete audio-cast of this meeting, please visit the New York State Department of Agriculture website at: <http://www.agriculture.ny.gov/webcasting.html>