

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

June 21, 2016

Meeting at a Glance:

- Chuck Colby is leaving the State Committee after 6 years of service. The State Committee thanks him and wishes him the best!
- Welcome to Darin Hickling, new Farm Bureau representative!
- Welcome to Ron Montesi, new NYACD representative!
- The Round 22 AgNPS ranked list was approved. Award letters will go out with the official announcement. Contact your AEA for more information.

Present:

D. Stein, Chair; D. Brass, R. Montesi, D. Hickling, State Committee Voting Members; B. Steinmuller, Assistant Director; C. Frasier, B. Bzduch, G. Spitzer, T. Clark, B. Brower, S. Fickbohm, R. Cunningham, J. Clifford, R. Bush, L. Lyons-Swift, SWCC; K. Stainbrook, J. Lendrum, DEC; L. Williams, NY Farm Bureau; PJ Emerick, S. Lorraine, CDEA; B. Claypoole, D. Grantham, Cornell; A. Paice, NYACD; L. Kuehnle, Schoharie SWCD; K. Sumner, Orange SWCD; C. Nellis, Montgomery SWCD; T. Tesman, Rensselaer SWCD.

Honoring Chuck Colby and Welcoming New SWCC Members

D. Stein called the meeting to order.

Chuck Colby is stepping off the State Committee after six years of service. He was a vital part of the growth of State Committee programs over the past several years. He was not present at the meeting, but the State Committee gave him a plaque in honor of his service, which D. Stein will present to him. He will be missed, but he will remain involved with the local Soil and Water Conservation District board.

Welcome to Darin Hickling, new Farm Bureau representative on the State Committee, and to Ron Montesi, new NYACD representative to the State Committee!

Review/Approval of Minutes

D. Brass moved to approve the March 2016 minutes; seconded by R. Montesi. Motion passed; carried.

Correspondence and Managers' Meetings Update, B. Steinmuller

A letter was sent to Nassau County to appoint members of the County Soil and Water Conservation District. The District is down several seats, making it difficult to conduct business.

Cortland County Soil and Water Conservation District sent a letter suggesting changes to the proposed Bunk Silage Relocation Policy. The letter was read in full.

The Managers' Meetings held at the beginning of June were extremely productive and useful, especially in the discussion regarding potential State Aid to Districts Part C projects. There was a record turnout by District Board members.

Agricultural NonPoint Source Program Update, B. Bzduch and L. Lyons-Swift

40 close outs have occurred already this year! Thank you to the districts and staff for moving those along—it is a much higher number than previous years.

Round 15 is now completely closed out. There is one Round 14 final report that has been received and is waiting for corrections, and another is in the process of being closed and is just waiting for the final check.

Letters have been sent to Districts with contracts that will be expiring 9/1/2016 as a reminder to assess the projects, close out the contracts, or submit requests for time extensions.

37 of the 39 Round 21 contracts have been fully executed, 1 is pending, and 1 we have not received a Plan of Work yet.

Amendments for State Committee Consideration

Region 1

Allegany County SWCD – Wellsville Water Supply BMP Implementation – Round 18 – C701051

Start Date: 7/24/2012 Current End Date: 5/25/2016

Request: Time Extension to 12/31/2016

Reason: Weather related site issues and financial difficulty have delayed the completion of 4 remaining BMP's on 2 farm operations. Both Landowners were unable to complete projects in the fall of 2015 and have plans in place to implement the projects during the summer of 2016. The District is seeking an additional construction season for these projects.

Note: Victor DiGiacomo, Region 1 AEA, supports this time extension, refers to the State Committee Previous Amendments: None

D. Brass motioned to approve the amendment, seconded by R. Montesi. Motion passed; carried.

Cattaraugus County SWCD – So. Branch Cattaraugus Creek Nutrient Implementation – Round 18 – C701054

Start Date: 7/24/2012 Current End Date: 5/25/2016

Request: Time Extension to 12/31/2016

Reason: One project remains to be completed in this contract. The streambank stabilization project was designed 2 years ago, but there were delays in getting timely final design approval from NRCS. The design was later sent to a private engineer and approval is anticipated very soon. Once the design is approved, quotes will be requested and construction should commence early summer. The project is anticipated to be completed by late summer.

Note: Victor DiGiacomo, Region 1 AEA, supports this time extension, refers to the State Committee Previous Amendments: None

R. Montesi motioned to approve the amendment, seconded by D. Hickling. Motion passed; carried.

Orleans County SWCD – Implementation of Livestock BMPs in Oak Orchard and Sandy Creek Watershed – Round 18 – C701083

Start Date: 11/1/2012 Current End Date: 9/1/2016

Request: Time Extension to 9/1/2017

Reason: Three landowners are committed to implementing the Barnyard Runoff Management practices called for in this grant. One of the landowners has a construction crew on the job now and expects to be complete this summer. The other two have designs in place and are procuring bids at this time. They are also in the process of lining up financing. This will result in construction beginning later this year necessitating the need for a time extension.

Note: Victor DiGiacomo, Region 1 AEA, refers to the State Committee

Previous Amendments: None

R. Montesi motioned to approve the amendment, seconded by D. Brass. Motion passed; carried.

Region 2

Steuben County SWCD – Water Quality Enhancement Initiative – Round 18 – C701089

State Date: 11/1/2012 Current End Date: 9/1/2016

Request: Time Extension to 9/1/2017

Reason: The construction of the project is well under way and the District anticipates that the project will be completed by the deadline. With unknown weather conditions between now and then, the District is asking for a no cost time extension in case the project runs into weather related delays which are beyond the District's control to extend construction beyond the current deadline.

Note: Scott Fickbohm, Region 2 AEA, refers to the State Committee

Previous Amendments: None

D. Brass motioned to approve the amendment, seconded by R. Montesi. Motion passed; carried.

Region 3

Saratoga County SWCD – Bacon Hill/Hudson River Tributaries Project – Round 18 – C701088

Start Date: 7/24/2012 Current End Date: 5/25/2016

Request: Time Extension to 5/25/2017

Reason: All construction BMP's have been completed and as-builts are complete. At this time an extension is needed to complete the cover cropping that is required for the grant. Due to poor weather conditions last fall the farms were not able to complete the cover crop. One year of cover cropping has already been completed and the final year will be done this fall.

Note: Cliff Frasier, Region 3 AEA, recommends approval, refers to the State Committee

Previous Amendments: None

D. Hickling motioned to approve the amendment, seconded by R. Montesi. Motion passed; carried.

Schoharie County SWCD – Gage Barnyard Implementation Project – Round 17 – C701036

Start Date: 7/12/2011 Current End Date: 7/11/2016

Request: Time Extension to 11/1/2016

Reason: The change in landowner has continued to delay the project because the deed transfer to put the farm in the new landowner's name just occurred early this spring. Contractors were reluctant to bid on the project until the transfer was formalized. Since the project has been delayed, NRCS will no longer provide engineering support for the project design that they completed for the project. The Landowner has had to hire a private engineer to complete a new set of design drawings for the barnyard causing further delays.

Note: Cliff Frasier, Region 3 AEA, refers to the State Committee

Previous Amendments: 1 Time Extension, 1 Landowner Change

D. Brass motioned to approve the amendment, seconded by R. Montesi. Motion passed; carried.

Region 5

Orange County SWCD – Upper Wallkill River Farm Runoff Control – Round 17 – C701028

Start Date: 7/12/2011 Current End Date: 7/11/2016

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Request: Time Extension to 7/11/2017

Reason: Staff changes have left the District shorthanded for several months. An extra year is needed to close out the remaining projects and deliver meaningful conservation to several farms in Orange County.

Note: Jennifer Clifford, Region 5 AEA, supports the time extension

Previous Amendments: 1 Time Extension

D. Brass motioned to approve the amendment, seconded by R. Montesi. Motion passed; carried. Discussion ensued prior to amendment approval regarding the length of the extension. The committee moved to approve a no-cost time extension to 11/1/2016.

All District employees and board members other than the CDEA representative recused themselves at this point.

Round 22 Ranked List

97 proposals were received and ranked, for a total of \$34.4 million requested. There is \$13.1 million available.

Thank you to the TAC members/evaluators for the projects! All of the evaluators said that this year's proposals were high quality, leaving them with an even more difficult job.

Round 22 Ranked List Approval – Resolution 16-02

MOTION:

That subject to the availability of funds, the Committee shall award funding, pursuant to Round 22 of the Agricultural Nonpoint Source Abatement and Control Grant Program, for projects 1-97 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. Hickling moved to approve Resolution 16-02, seconded by D. Brass. Motion passed; carried.

TAC Meeting/Round 23 Program Updates

The timeline for Round 23 is anticipated to be similar to Round 22, with an RFP released in the early months of 2017 and due at the end of March or beginning of April. Merging the RFP release cycle for AgNPS and CRF was considered, but rejected based on feedback given at the Managers' Meetings. This should help Districts in balancing the workload across the year.

The Technical Advisory Committee (TAC) met on May 5 and discussed a variety of issues relevant to Round 23. One of the major questions was the discussion of "expansion related practices." AgNPS was established more than twenty years ago to help farms manage runoff and water quality concerns, especially as they were being expected to take on more responsibility due to CAFO regulations. However, now that manure management and water quality are fully incorporated into the farm's business, what is the responsibility of the state and what is the responsibility of the farm to mitigate the impacts of new water quality concerns due to farm growth? There were a number of pieces to the discussion:

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- In Round 22, there was a question on the RFP asking whether the application included an "expansion related practice." However, Districts interpreted this differently, and the results were somewhat inconclusive.
- There are two kinds of projects related to expansion: those where the expansion is planned, and those where the expansion has already occurred. It was discussed that these scenarios could be treated separately. EQIP, for example, only funds projects based on the condition of the farm on the day the application is submitted.
- Farms that are adding to their storage capacity may be doing so for expansion reasons, or they may find their current storage inadequate due to (anticipated) regulatory changes.
- One suggestion discussed at the TAC meeting was to reward projects coming from first time farms rather than penalizing repeat applicants/expansion related practices.

The State Committee recommends that Round 23's application form will require more specific/well defined questions, and to collect better data.

EPF 2016-2017 AgNPS - AEM Base Funding Split

AEM Base is the compensation that Districts receive for their time spent working with farmers through the AEM framework (tiers 1, 2, 3, and 5; and any tier 4 project that is not funded through AgNPS or CRF). It is funded through the Environmental Protection Fund's AgNPS budget line, so every year the State Committee designates an amount of money carved out from that appropriation to fund the AEM Base program.

The AgNPS budget in the 2016-2017 EPF (which will fund AgNPS Round 23 and AEM Base Year 13) is \$17.5 million.

Districts can claim up to a certain limit determined by the qualifications of their staff. Given expected growth in District capacity, plus a cushion in case Districts claim more than expected, a reasonable estimate for AEM Base Year 13 is \$3.2 million, leaving \$14.3 available for Round 23 AgNPS. Any funds that are unspent will be returned to the AgNPS pot.

D. Hickling moved to approve the \$3.2 million sub-allocation funding for AEM Base, seconded by D. Brass. Motion passed; carried.

District employees and board members who had recused themselves were welcomed back in to the meeting at this point.

Bunk Silo Relocation Policy

The Bunk Silo Relocation Policy was developed following a Round 22 question regarding which elements of the project could be cost shared, used as landowner match, or not allowed as part of the project. Previously, each project was evaluated on a case by case basis, resulting in inconsistencies state-wide. The Round 22 question was answered, and the State Committee also charged the AgNPS program to develop a comprehensive bunk silo relocation policy. It was discussed at the TAC meeting, and CDEA solicited comments from Districts.

The biggest concern from the CDEA comments was regarding not providing the option to cost share the bunk silo floor, which represents by far the most expensive component of the system. The State Committee discussed the issues, including the extent to which building a new bunk silo could reflect expansion/capital investment, rather than the best solution to a water quality problem. J. Lendrum from the DEC shared that the CAFO program is most concerned with surface water rather than groundwater, and that moving the bunk silo is sometimes necessary if the original one is too close to a stream to treat the effluent. One District suggested funding the silo but only to the same size as the existing silo.

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The State Committee eventually decided to continue the revisions of the policy and include the bunk silo floor as cost share match, but to expect a higher cost share percentage and with limits on what is considered an acceptable reason for moving the silo. **D. Brass moved to support the continued revisions with inclusion of the floor as cost share match, with restrictions, seconded by R. Montesi. Motion passed; carried.**

CREP, S. Fickbohm

S. Fickbohm has been working with NRCS and other partners on amending the current CREP agreement (the current agreement was written in 2003). The goals have been to adhere to the TMDL for the Chesapeake watershed, and in the past 13 years, the amount of phosphorus and sediment loading has decreased, but the goals for nitrogen have not been met. The USDA and NYS DAM want to increase the amount of riparian forest buffers statewide. 11,000 acres of buffers have been created since 2003, far less than the original goal of 40,000. A new pilot incentive payment program is being developed for the Upper Susquehanna watershed region, to increase the CREP cropland rental rate by 15 times to incentivize further involvement.

A new agreement will be signed at a formal ceremony sometime in the upcoming months. It will include more funding (including in-kind support from the state, which is already covered many times over through the AgNPS program) and revised reporting requirements.

Climate Resilient Farming, G. Spitzer

G. Spitzer provided an overview of the TAC conversation regarding the Climate Resilient Farming program. The vision of CRF when it was first started last year was to incorporate climate change concerns and issues into every aspect of the AEM process, from initial discussions and assessments of environmental risks on the farm through planning protocols, implementing systems to mitigate those risks, and ultimately assessing how well those systems achieved the goals set. The State Committee is working on all of those levels to enhance climate change within AEM:

- Tier 2 background sheets on greenhouse gas emissions are being developed by Cornell and will be ready by Jan 2017
- The streamside component of a Tier 3A water management plan is being developed by USC and will be complete and ready for training in 2017
- A tool to assess the best locations within the Upper Susquehanna watershed for water storage and wetland enhancement projects for flood mitigation is being developed by USC and will be complete and ready for training in 2017, including an assessment of what it will take to bring the tool statewide

In addition, the Round 1 RFP received 17 applications for funding, totaling \$2.5 million. 11 projects were funded (\$1.4 million), and they are currently in the plan of work stage.

The TAC had a long conversation on a variety of CRF points, and came to the conclusions that the tracks in the program (manure storage cover and flare, water management, and soil health) should remain the same in Round 2; multiple farms per proposal should be allowed; and further tool development and research projects. The TAC also suggested that the division of resources among the tracks should be 50-60% manure storage cover and flare, 20-25% water management, and 20-25% soil health.

The State Committee discussed these issues and the TAC's recommendations, and decided on increasing the funding for the water management track to the detriment of the soil health track. The Committee also decided to move forward with external review if possible, for Round 2.

The CRF Round 2 RFP is anticipated to be released in the fall, with a schedule similar to Round 1. Round 2 is anticipated to have between \$2 million and \$2.5 million for the RFP.

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D. Hickling moved to approve allowing multiple farms per application for CRF Round 2, seconded by R. Montesi. Motion passed; carried.

R. Montesi moved to support external review of CRF Round 2 applications, seconded by D. Brass. Motion passed; carried.

D. Brass moved to support a division of CRF Round 2 resources of 50% Track 1 manure storage cover and flare, 35% Track 2 water management, and 15% Track 3 soil health, seconded by R. Montesi. Motion passed; carried.

State Aid to Districts, J. Clifford

J. Clifford gave a presentation about the State Aid to Districts (also known as District Aid) program (attached). The program has three components:

- Part A: 50% reimbursement for technical staff expenses, up to \$60,000/District
- Part B: \$6,000/District for a pre-approved conservation project
- Part C: Remaining funds, distributed competitively based on achievement of four performance measures, to be spent on a conservation project or program

Because Parts A and B are capped per District, and each year's appropriation in the NYS Environmental Protection Fund budget can vary, the amount of Part C funding per District can vary significantly. In 2015, Districts that achieved all four performance measures received \$16,174 for conservation projects or programs. In 2016, because of the increased appropriation, Districts that achieve all four performance measures may receive between \$50,000 and \$80,000—a major increase!

Because of the increased funding, and the feedback given from previous years of the program, J. Clifford proposed a new review policy for clarification if the information given on the form. The current policy is to only evaluate what is on the submitted report, and if it is unclear, the District may not achieve that measure. The proposed policy would allow the program manager to email the District employee who submitted the form in the event of an unclear response and ask for clarification on unclear responses only. Districts would not be allowed to provide new information to answer questions initially left unanswered, and would have a time limit (3 business days) to provide clarification.

R. Montesi moved to support the District Aid clarification policy, seconded by D. Hickling. Motion passed; carried.

Partnership Reports:

NYACD, A. Paice

The legislative session ended, and bills supported by NYACD were not passed (they were still being reviewed in the Environmental Conservation Committee).

The NYACD annual Administration and Management conference will be held in Syracuse October 18 – 20.

CDEA, PJ Emerick

The 2017 Water Quality Symposium courses are currently being selected. PJ has suggested a new course on field safety and first aid. Anyone interested in being involved in the course/instructor selection process should contact PJ or Jordan.

The RFP for the symposium location for 2017 has been released, and CDEA will be reviewing the proposals.

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In June, CDEA members watched the online NYS Builders Association 4 hour Erosion and Sediment Control course with the intent of developing a similar CDEA version. In the coming months, the rest of the details will be reviewed, including web hosting, video costs, and other program requirements. Funds generated by the online course will be used to provide more water quality and erosion control training. The Municipal Subcommittee will be made aware of all further developments.

The CDEA/NRCS Training Agreement has been formalized and is in place, and has already been used for Envirothon expenses.

CDEA is beginning to work with SWCC and the NYS Civil Service Committee to update the exams for District staff positions. If anyone is interested in being involved, contact PJ.

The next CDEA meeting will be on July 22, at the Radisson hotel in Utica.

No other partner reports were submitted.

Meeting adjourned.