

Approved

**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  
581 State Fair Blvd, Syracuse, NY

December 20, 2016

**Meeting at a Glance:**

- D. Stein and D. Brass were elected chair and vice chair, respectively. Congratulations.
- The definitions of "expansion related practices" and "repeat BMP systems" with regard to the AgNPS program were established.
- CRF Round 2 is under-subscribed. Applications are currently being reviewed.
- The State Committee is going to work on building a story map to show the important work that is being done across the state.

**Present:**

D. Stein, State Committee Chair (Syracuse location); D. Brass (Syracuse), R. Montesi (Albany), E. Goodman (Albany), D. Hickling (Albany), State Committee Voting Members

Syracuse location: R. Cunningham, G. Albrecht, R. Bush, SWCC; PJ Emerick, CDEA; J. Call, G. Kist, USDA-NRCS; V. Green, USDA-FSA; A. Paice, NYACD

Albany location: B. Steinmuller, Assistant Director; B. Bzduch, L. Lyons-Swift, J. Clifford, B. Brower, S. Fickbohm, T. Clark, G. Spitzer, SWCC; L. Williams, NY Farm Bureau; S. Wojtowicz, NYS Dept. of State; P. Kaczmarczyk, NYS Dept. of Health; T. Sweeny, NYS Dept. of Agriculture and Markets.

**Call to Order**

D. Stein called the meeting to order.

**Review/Approval of Minutes**

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

**Correspondence**, B. Steinmuller

The usual mailings and periodicals were made available.

**Staffing**, B. Steinmuller

The waiver to advertise and hire the Region 3 Associate Environmental Analyst Regional Staff member (to backfill Cliff's position) is at the Division of Budget, and should be approved soon. The position must be hired off the civil service list, and the goal remains to fill the position as soon as possible. B. Steinmuller thanked all of the staff who have stepped up to cover Cliff's workload including coordination of the Region 2 County Soil and Water Conservation Districts

HR, Civil Service, and the Division have been working on updating the time and experience exam for a new SEA/AEA list. More details to follow.

The new outreach position should be advertised soon. It will be an annual contract subject to four renewals.

**Agricultural Non-Point Source Update**, B. Bzduch and L. Lyons-Swift

The dashboard for AgNPS is attached.

Only approximately 75% of the AgNPS interim reports are being submitted within one month of the due date. The trend has been positive, however there is still a high rate of late and missing reports. A discussion ensued, including the following questions, all centering around the basic question of why the forms are being submitted late:

- Are the forms too difficult? Will it be easier once the SW-5 form is the interim report?
- The forms are crucial to State Committee staff knowing the status of each contract. However, they might not feel as urgent to the Districts because the communication is moving in only one direction. Are there ways to change this?
- Are there other ways to incentivize prompt reporting?

### **Ag NPS Amendment Requests**

All amendments this month were approved by the regional staff and did not require State Committee approval.

#### **Region 1**

Allegany County SWCD – Black Creek Watershed Protection – Round 20 – C701143

Request: BMP Change

Reason: The farm originally intended to implement a sand separation system, however, they are now moving away from using sand as bedding and does not want to move forward with the originally planned system. The farm would like to implement a waste storage system to address their milkhouse waste.

*Note: Victor DiGiacomo, Region 1 AEA, approves the BMP system change*

*Previous Amendments: None*

#### **Region 2**

Madison County SWCD – Upper Chenango River AG NPS Elimination Project – Round 21 – C701216

Request: BMP Change

Reason: The farm has converted to an organic operation and has gone to a 100% grass based system. They no longer require cover crops on the farm, but would like to convert cropland to pasture and implement a prescribed grazing system.

*Note: Scott Fickbohm, Region 2 AEA, approves the BMP system change*

*Previous Amendments: None*

#### **Region 4**

Washington County SWCD – Metawee River CAFO Compliance and HAS Cover Cropping – Round 20 – C701195

Request: Landowner Change

Reason: Original Landowner transferred farm to his son. The same BMPs will be implemented in the same and the new landowner is committed to implementing the project in the same timeline.

*Note: Bob Brower, Region 4 AEA, approves the landowner change*

*Previous Amendments: None*

#### **Region 5**

Orange County SWCD – Wallkill River Watershed Farm Runoff Control – Round 18 – C701082

Request: BMP Change

Reason: The farm was originally committed to implementing a stream crossing for equipment use. The farm has decreased the use of the crossing point lessening the water quality concern. The farm would like to request a change to a Livestock Heavy Use Area. The current barnyard area drains directly to a concentrated flow that flows to Indigot Creek. Several conditions must be met before the landowner may proceed with the implementation of the livestock heavy use area.

*Note: Jennifer Clifford, Region 5 AEA, approves the BMP Change*

## **Expansion Related Practices/Repeat BMP Systems**

### ***Proposed Definitions:***

***“Expansion related practice system”:*** Shall mean any proposed practice system(s) that are required to prevent pollution from intended farm growth. **Or**

*Any proposed practice system(s) needed to address documented water quality concerns from recent intentional farm growth, with recent being define as within the 10 year period\* immediately preceding the current round of AGNPS funding. This shall also include practices that have been funded through previous AGNPS grants that are still within their designated lifespan.*

*Expansion related practice system shall **not** include a practice system that no longer has the capacity to store or treat a pollutant because of environmental factors outside of the farmer’s control. For example, continued experience of extreme weather and rainfall as well as flooding may drastically diminish the capacity of agricultural waste storage systems or vegetative treatment areas to function. Additionally, expansion related practice system does not include an additional or retrofitted practice system that is needed due to new CAFO Permit requirements, changes in standards, Cornell recommendations, or other regulatory or administrative policy changes.*

***“Repeat BMP System”:*** Shall mean any proposed BMP System that is the same as a previously funded BMP system that is proposed to be implemented in the same location on the farm when the previously funded practice system is still within its designated lifespan for operation and maintenance requirements.

*A Repeat BMP System shall **not** be defined as the implementation of the same BMP system in a different location or different BMP systems over time and multiple contracts. Farms that have completed AEM Tier 3 planning and are actively working with the Conservation District to implement Tier 4 BMP systems have and will continue to have access to the AgNPS Program to cost-share distinct systems over time.*

As the AgNPS program matures, and farms are repeatedly seeking funding, and farms are increasingly being asked to provide ecosystem services in addition to products, the State Committee wants to evaluate how AgNPS dollars are being allocated, especially if farms are repeatedly receiving funding for the same systems or if they are relying on state dollars to fund the impacts of their expansions.

In order to be able to conduct this analysis, the State Committee is trying to collect data on how many applications may fall into these categories of “expansion related practices” and “repeat BMP systems.” In Round 22, an effort was made to collect data; however, the data were inconsistent because different Districts defined the terms differently. This lead the State Committee to try to define the terms before Round 23, using the expertise of the TAC.

Draft definitions developed, using the TAC’s input, were circulated to TAC members. This lead to some questions from the CDEA, mostly surrounding whether the changes would impact scoring. In Round 23,

as in past rounds, the expansion related practice/repeat BMP questions will only impact the "cost effectiveness" section of the scoring. It will not impact the rest of the scoring, which is based on water quality impacts. There is always a pre-review meeting where the evaluators talk with program staff about how they should score the proposals, and this will be emphasized then.

Questions were raised about whether the data on expansion related practices and repeat BMPs could be answered in the plan of work stage. That was dismissed because the data need to be on the entire applicant pool, not just on the successful applicants, in order to be as useful as possible.

Finally, discussion ensued regarding the definition of "expansion" that referred to expansion within the prior ten years. Several people thought that a shorter timeframe would be more appropriate.

**D. Brass moved to approve the definitions of "expansion related practices" and "repeat BMP systems" as proposed, with the sole change to reduce the time period of "recent intentional farm growth" from ten years to five years. D. Hickling seconded; motion passed, carried.**  
(\*Note: the location of the change is highlighted above.)

### **Ag Waste Storage Screening Tool**

The screening tool was updated to make it more usable and easier for the reviewers to read and understand. The changes were modeled after the Covered Heavy Use Area Screening Tool, which has been well received by reviewers.

**D. Hickling moved to approve the screening tool; seconded by D. Brass. Motion passed; carried.**

### **Round 23 RFP, Application, and Proposal Rating Sheet**

Note: District employees not representing the CDEA are required to recuse themselves at this point. There were no such employees and therefore no recusals.

The application has been slightly modified since last year:

- Districts can now list unassessed PWL segments, if applicable. This was a source of confusion last year because there were named but unassessed PWL segments, and some of them were listed in the assessed section.
- Questions have been added to collect information regarding repeat BMP system applications and expansion related practices.
- Questions were added regarding silage bunk relocation.
- Questions were added regarding 9 Element planning and criteria was added to the project summary section to include if the project addresses objectives outline in a watershed management plan with documented water quality concerns from agricultural sources.

**R. Montesi moved to approve the Round 23 RFP, application, and proposal rating sheet; seconded by D. Brass. Motion passed; carried.**



### **GIS Story Maps, L. Lyons-Swift**

Online GIS capacity for the state has expanded due to a new enterprise level licensing agreement with ESRI, the company that makes ArcGIS.


One of the possibilities available through online GIS capacity is to create story maps, which can show off the work the State Committee is doing. One cool example is through the [Illinois Council on Best Management Practices](#) (below), and more information including [examples](#) are available through [ESRI resources](#) and [training/recorded webinars](#).

BMPs > | Partners > | About > | [Calendar](#)

Cereal Rye Cover Crops

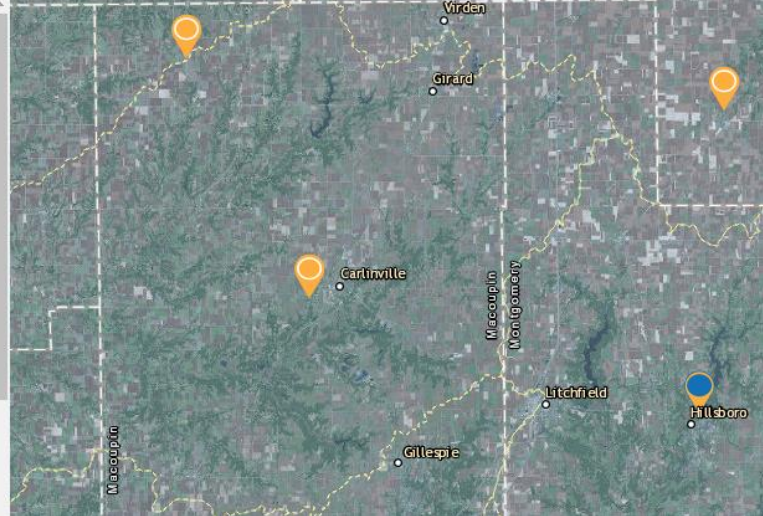
 

Cover crops



Farmer/Landowner: Kris Reynolds  
Organizations Involved: Illinois Farm Bureau  
Best Management Practice(s):

- [Cover Crops](#)



The map includes information about specific farms, with short videos from the farmers and links to information about the BMPs.

Everyone was very enthusiastic about creating such a map for New York State. NRCS offered to help with filming short videos, and the Farm Bureau offered to connect with farmers who might be interested in highlighting their work. The Dept. of State won an ESRI award for some of their GIS work, so they may have some expertise to share as well.

Discussion ensued around who the audience would be for such an effort (other farmers? The general public? Etc.), as well as the best ways to start the project (a phased approach). Lauren Lyons-Swift offered to spearhead the project, and she looks forward to working with the outreach person once they are hired.

**CREP Report**, S. Fickbohm

**Letter supporting herbicide application to promote buffer survival:**

Following the presentation last month regarding the importance of riparian forest buffers and the success in establishment when using herbicide treatments, S. Fickbohm drafted a letter requesting FSA to allow herbicide application as a cost shareable element of CREP agreements. It included a summary of the discussion from last month's meeting: the importance of buffers to water quality, that the herbicides can be cost effective (especially given the reduced time required for establishment), the safety of using an herbicide rated for aquatic habitat even in the terrestrial setting, and the DEC certification required of sprayers. V. Green mentioned that she had brought up the discussion with FSA executives in Washington D. C., and they seemed receptive to the idea, and thought that it would require a policy change (which is far easier than if it required legislative or budgetary changes).

**D. Hickling moved to approve the letter, D. Brass seconded. Motion passed, carried.**

**CREP Enrollment:**

Following the FSA accounting of the CREP acreage, it appears that there are fewer acres available for the program than previously thought. There are currently only about 120,000 acres available to be enrolled, though some acres expire each year (and some of those re-enroll, and it is not predictable how many will). While the buffers are necessary to meet TMDL and other environmental goals, it seems likely that there will be a lot of stopping and starting within the enrollment process.

**Annual Plans of Work**, B. Steinmuller

57 of the 58 Districts got their Annual Plans of Work in on time, which is excellent, and which means that those Districts will be eligible for performance measure 3 funding.

Most of the Plans were approved at the November meeting. However, some had not been reviewed at that time, and still need SWCC approval:

- Monroe County
- Montgomery County
- New York City
- Oneida County
- Rensselaer County
- Suffolk County
- Ulster County
- Wayne County
- Wyoming County

**D. Brass moved to approve the Annual Plans of Work from the Districts listed; D. Hickling seconded. Motion passed, carried.**

**Climate Resilient Farming Update**, G. Spitzer

The Round 2 applications were due December 12. 14 applications were received, for less money than is available. This is largely due to only one application being received in Track 1-Cover and Flare Systems (despite being oversubscribed last year). The State Committee discussed how low dairy prices are right now, and how that makes major investments extremely difficult. D. Stein reiterated that the farmers in his area are all interested in the technology, but low milk prices impact their ability to make such investments, even with cost-share funding available. All the applications will be scored, and if they are receive scores above the threshold (50%), they all will be funded.

**Partnership Reports:**

**P. Kaczmarczyk, DOH**

The NYC ten year filtration avoidance determination is currently being reevaluated, and has been since May. Some goals that are emerging from the process are more funding for BMPs planned through Whole Farm Plans in the watershed, more CREP in the NYC watershed, more easements on farmland and forests. The State and NYC are working out the details, especially the funding to be committed.

There are more emerging issues for water quality, including for compounds that hadn't previously been tracked. DAM is on phone calls regarding the issues.

**R. Montesi**

A board member for Warren County is retiring after 35 years of service. There are three applicants to serve in the "at large" seat now, and they are being interviewed.

### **S. Wojtowicz, DOS**

The Local Watershed Revitalization Grants were announced as part of the REDC awards. \$19.5 million were awarded in 61 projects. There were only 2 watershed plans among the awarded, and not very many watershed planning applications. There is also ongoing work to update the Owasco Lake Watershed Management Plan to be consistent with the 9 element process.

### **L. Williams, Farm Bureau**

There was a meeting regarding the Owasco Lake enhanced planning efforts. Farm Bureau is also working with farmers and local community members regarding how to work with press inquiries.

There's also the CAFO permit which is still pending, and there will be more CAFO roadshows conducted for outreach to the farming community.

### **D. Hickling**

The Farm Bureau had its annual meeting and now has a new president, David Fisher, Dairy Farmer from St. Lawrence County.

### **B. Steinmuller, SWCC**

There has been a lot of attention paid to the Owasco Lake. There was a FOIL request for all the information regarding the AgNPS projects in the watershed, which total \$4.1 million.

### **PJ Emerick, CDEA**

The 2017 Annual Water Quality Symposium registration is out! Please take a moment to share it with any partners, watershed group or others you feel could benefit from the outstanding selection of courses we have in 2017. In addition, I wanted to thank each of our partners for their help with organizing and instructing courses. Having a strong partnership and dedication to working together really makes this event such a success.

The CDEA is still working to obtain price quotes to produce the CDEA online 4 hour ESC video. The CDEA feels it would be best to do a "voice over" if the presentation, which we feel would make it more professional and enjoyable for the online audience. We will have more information early in 2017.

Furthermore, we have been working with NYS DEC Albany staff and the Municipal Assistance Sub Committee to roll out MS4 Inspectors training similar to the existing 4 hour erosion and sediment control course currently being offered. This could be a great opportunity for Districts to provide another much needed service to our Municipalities. Also, it will ensure that the delivery of the program is uniform and incorporates the training needs Districts and the DEC feel are needed to keep current with the real world application of the MS4 Stormwater program.

Recently CDEA Division III representative Steve Lorraine has been working with the Technical Advisory Committee to provide comments on the upcoming Round 23 Ag NPS RFP. Steve has been in contact with several Districts and the CDEA will continue to work the SWCC regarding their suggestions/ideas.

Lastly, the next CDEA meeting will be held at the Double Tree East Syracuse on January 26<sup>th</sup> -27<sup>th</sup> and we hope that each of the partners can join us.

Please contact me anytime if you have any questions or concerns.  
Thank you!

### **G. Spitzer, SWCC**

Approved

I am moving to Boston mid-January, and will be leaving the State Committee. It's been an honor and a pleasure to work with all of you. Thank you for the opportunity, and for working with me to build the Climate Resilient Farming program.

**A. Paice, NYACD**

NYACD is now 59 years old! The next meeting will be January 12. There will be training on Jan 21, and March 6-7 will be legislative days in Albany. Hotel rooms will be reserved at the Best Western.

**G. Albrecht, SWCC**

The CAFO permit will be interesting and important, once it is released. There will be conversations about it at the Water Quality Symposium.

The Chesapeake Bay watershed groups have been working on better models for BMPs that will determine how the Districts and the Upper Susquehanna Coalition are evaluated. These should be finalized by the end of the year. By next fall, there will be work done to create a new tool for watershed implementation plans.

A new Finger Lakes Watershed team has been established with the DEC.

**J. Call, NRCS**

Is happy to join the team and conservation partnership. He offered his assistance in developing up the GIS Story Map concept and with other outreach efforts. B. Steinmuller again welcomed him and noted the excellent timing of his position when the State Committee is trying to build outreach efforts.

**G. Kist, NRCS**

The new administration brings lots of questions. We will all have to see what the impacts will be.

In the meantime, EQIP is moving forward, NYC watershed work is moving forward, and Chesapeake Bay work is moving forward.

**V. Green, FSA**

The next big Chesapeake Bay riparian forest buffer meeting will be in March in Maryland.

CRP will be offering some funding for filter strips at tile outlets.

**SWCC Officers**

The voting members of the State Committee went into executive session to determine the chair and vice chair.

**R. Montessi moved to enter executive session; D. Hickling seconded. Motion passed, carried.**

All others left the rooms so that the executive session could occur with the videoconference.

**R. Montessi moved to re-convene the regular session; D. Hickling seconded. Motion passed, carried.**

**R. Montessi moved to establish D. Stein as chair and D. Brass as vice chair; D. Hickling seconded. Motion passed, carried.**



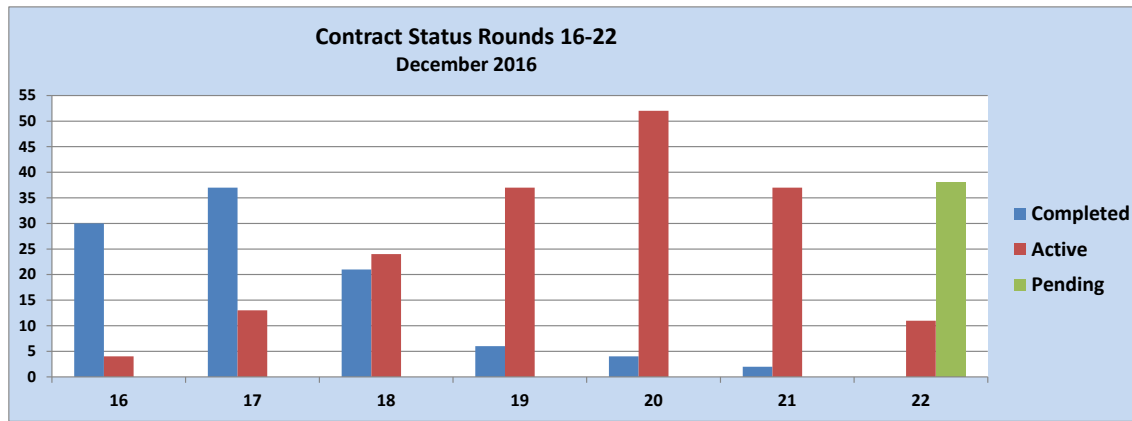
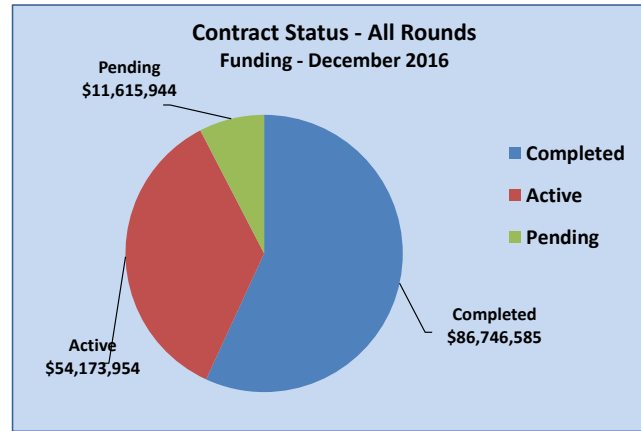
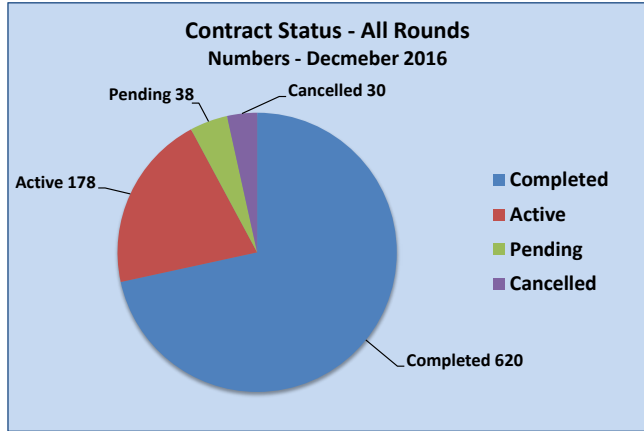
Approved

Please contact Brian Steinmuller, Assistant Director of the New York State Soil and Water Conservation Committee if you have questions or would like to propose agenda items for the Committee to address.  
[Brian.steinmuller@agriculture.ny.gov](mailto:Brian.steinmuller@agriculture.ny.gov)  
518-457-0562

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

**Next Meeting – February 21, 2017.**

December 2016 - SWCC Report



Round	Total number of Contracts	Total Of Contract Amount	Active Contracts	Active Funds	Cancelled Contracts	Cancelled Funds	Completed Contracts	Completed Funds	Pending Contracts	Pending Funds
16	37	\$7,741,977.70	4	\$1,680,456.65	3	\$0.00	30	\$6,061,521.05	0	\$0.00
17	51	\$10,389,934.29	13	\$4,365,403.35	1	\$0.00	37	\$6,024,530.94	0	\$0.00
18	45	\$10,943,333.86	24	\$6,679,032.14	0	\$0.00	21	\$4,264,301.72	0	\$0.00
19	45	\$12,588,950.78	37	\$11,340,516.14	2	\$0.00	6	\$1,248,434.64	0	\$0.00
20	56	\$13,608,322.34	52	\$13,217,430.11	0	\$0.00	4	\$390,892.23	0	\$0.00
21	40	\$13,299,275.95	37	\$12,587,476.37	1	\$0.00	2	\$711,799.58	0	\$0.00
22	49	\$15,919,582.68	11	\$4,303,638.76	0	\$0.00	0	\$0.00	38	\$11,615,943.92
	323	\$84,491,377.60	178	\$54,173,953.52	7	\$0.00	100	\$18,701,480.16	38	\$11,615,943.92

**Interim Report Status - Summary**

