

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  
55 Hanson Place, Brooklyn, NY 11217

April 18, 2017

**Meeting at a Glance:**

- The 2016 State Aid to Districts Program provides historic levels of State reimbursement to Conservation Districts
- The Committee was presented with the breakdown of the 2016 State Aid Reimbursement year and began discussions on Part C Performance Measure funding
- Round 23 of the Agricultural Nonpoint Source Abatement and Control Program was the highest ever requested in one round with \$42.9 million in requests and \$70.5 million in total project cost. 125 proposals were submitted representing 287 farms

**Present:**

State Committee Voting Members: D. Stein, State Committee Chair (Albany); D. Brass (Albany), E. Goodman (Brooklyn), R. Montesi (Albany)

Albany location: B. Steinmuller, Assistant Director; B. Bzduch, L. Lyons-Swift, J. Clifford, S. Fickbohm, T. Clark, R. Cunningham, R. Bush, SWCC; P. Kaczmarczyk, NYSDOH; S. Wojtowicz, NYS Dept. of State; A. Kumar, NYSDEC; E. Henry, USDA-NRCS; C. Humphry, Suffolk SWCD (Brooklyn); P.J. Emerick, NYSCDEA; A. Paice, NYACD; K. Young, NY Farm Bureau.

**Call to Order**

D. Stein called the meeting to order.

**Review/Approval of Minutes**

**D. Brass moved to approve the February 21, 2017 minutes; seconded by R. Montesi. Motion passed; carried.**

**Correspondence**, B. Steinmuller

The usual mailings and periodicals were made available at the Albany location.

B. Steinmuller summarized a letter from M. Watts of Chemung County SWCD to the SWCC office regarding the District's award for the Part C Performance Measures. A subsequent letter referring to the competitiveness of Part C PM from M. Watts to the CDEA was also summarized.

A third piece of correspondence from J. Parker, Steuben County SWCD regarding eligible expenditures for Part C Performance was summarized.

**State Budget and Staffing**, B. Steinmuller

B. Steinmuller gave a budget breakdown of the approved EPF. Steinmuller explained that the State budget was approved early in April and noted that the SFY 2017-2018 Environmental Protection Fund budget remains strong at \$300 million. Within the budget, programs related to Conservation Districts also remain robust with the following details:

- AgNPS - \$19 million with \$1 million going to Cornell for Integrated Pest Management and \$500,000 going to Suffolk County CCE for nutrient management activities. This leaves \$17.5 million for AgNPS/AEM Base Funding
- State Aid to Districts - \$9 million
- Oceans and Great Lakes (EBM) - \$15 million
- Climate Resilient Farms - \$2.5 million with \$400,000 carved out for Cornell Soil Health Initiative and \$50,000 for soil carbon sequestration projects
- Farmland Protection - \$20 million
- FL-LOWPA - \$2.279 million
- Lake Erie - \$250,000
- Water Quality Improvement Program - \$20 million

***The final SFY 2017-2018 EPF Budget is appended below.***

Clean Water Infrastructure: \$2.5 billion with \$50 million suballocated for nutrient management strategies on Concentrated Animal Feeding Operations (CAFOs). Steinmuller discussed the intent of this new program. K. Young asked a number of questions related to the program and provided feedback on behalf of the NY Farm Bureau (NYFB). Discussion continued.

The waiver to advertise and hire the Associate Environmental Analyst Regional Staff was approved and the Division will be moving forward with hiring a new AEA to cover regional coordination. Scott Fickbohm has transferred to Region 3 and now we are looking to backfill Region 2 (Central NY). Steinmuller is working with HR to schedule interviews and by the next meeting, a new AEA should be in place. 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 County Soil and Water Conservation Districts. The waiver to backfill the Climate Resilient Farming Program Manager and the Agency Program Aid are both still pending.

HR, Civil Service, and the Division have been working on updating the training and experience exam for a new SEA/AEA list. The exam announcement came out in March 2017.

The new outreach position is moving forward. It will be an annual contract with the Cortland County SWCD and is subject to four renewals.

Steinmuller submitted a request for a SG23 AEA to serve as the new Manager for the Climate Resilient Farming Program. Steinmuller explained that this is a new position request, not a backfill so approval will be a challenge.

**State Aid to Districts Report**, J. Clifford, B. Steinmuller

J. Clifford gave a presentation on the State Aid to Districts Program, 2016 reimbursement year. Clifford went over the 2016 status and discussed all aspects of State Aid, A-C. Included in the presentation, the SWCC discussed the current program, future directions, and Part C project/activities.

Discussion focused on the competitive nature of the Part C program element. There has been concerns voiced by SWCDs over the years regarding the determination of eligibility for Part C performance measures. In 2016, the State Committee established a Performance Measure Evaluation Summary Report Review Policy. The intent and use of this policy is to allow the State Committee staff to request clarification regarding any of the submitted information that is determined to be unclear or insufficient to make a final determination. The Office of the State Comptroller prohibits the policy to be used to allow an applicant more time to complete a form or to change an answer after a determination of eligibility has been made. It is the State Committee Staff's responsibility to both insure that the round remains legally competitive, and in compliance with the statute, regulations and policy.

The Chemung County SWCD drafted a letter stating that the Review Policy was unclear and the District maintains that they should have been contacted when it was realized that a new employee was not listed as having a training completed in 2016. This omission resulted in the District not earning the funding set aside for PM1 (approximately \$22,000).

It was explained again that the OSC prohibits review policies like this one to be used to allow an applicant more time to complete a form or to change an answer after a determination of eligibility has been made. It was further discussed that an alternative to this approach would be to make Part C PM awards more based on a block grant concept, which would allow the State Committee to continue to award funds based on a benchmark of performance but would also permit the Committee to contact the District for more information to qualify for the award. It would only be with a change in SWCDL Section 11-A removing the term "competitive basis", that this approach would be allowed by OSC.

In the meantime, however, Steinmuller discussed other options that could help address some of the eligibility challenges experienced this year. For example, the exemptions currently for contractual, seasonal, and interns could be removed and if it is clear that trainings could and should occur both on the job and at events throughout the year, interpretations on who should receive training and how would be eliminated.

Clifford noted that a State Aid to Districts Summit will be scheduled in May to discuss these and other issues related to eligibility, awards, and eligible project/activities/expenditures. A recommendation of the percentages appropriated to each of the PMs will be discussed at this meeting as well.

#### **Climate Resilient Farming Program (CRF), B. Steinmuller**

B. Steinmuller provided a Round 2 CRF update. Round 2 proposals were awarded on April 13<sup>th</sup> and an event was held on a farm in Erie County. Victor DiGiacomo was on hand at the press event led by the Commissioner and the Erie County SWCD. Steinmuller thanked the Erie County SWCD for their efforts in helping to make the event a great success. As a result: 14 projects were awarded to 11 different SWCDs, on 26 individual farms, for \$1.5 million.

#### **Agricultural Nonpoint Source Abatement and Control Program, B. Bzduch, L. Lyons-Swift**

The dashboard for AgNPS is attached.

Approved

B. Bzduch provided a status of the Round 23 RFP and review status:

Total Project Cost Requested: \$70,562,585.32  
State Funds Requested: \$42,926,378.36  
Number of Farms: 287  
Number of CAFOs: 94  
Number of Farms Implementing Cover Crops: 39  
Cover Crop Acres: 9,610  
Number of Covered HUAs: 33  
Number of Waste Storages: 124

The eligible Round 23 proposals are being scored by members of the SWCC Technical Advisory Committee (TAC). Proposal scores are due in mid-June and the resolution approving the ranked list should be available at the June 2017 State Committee meeting.

**Partnership Reports / Advisory Member Reports / Additional Public Comments:**

**R. Montesi, SWCC Voting Member**

R. Montesi told the Committee that the Warren County SWCD will be hiring a Lakes Manager with Part C and other local resources.

**A. Paice, NYACD Executive Director**

A. Paice provided a report to the SWCC on NYACD functions and priorities. Paice advised the Committee that the next NYACD Annual Meeting will be held on October 15-17<sup>th</sup> at the Hampton Inn and Suites in Cazenovia. Paice discussed the need to engage with NACD in order to express NY conservation needs in regards to the federal Farm Bill.

**P. Kaczmarczyk, DOH**

P. Kaczmarczyk told the Committee that as a part of the \$2.5 billion Water Infrastructure bill, \$5 million is being made available for a new Source Water Assessment Program. More details will follow.

**P.J. Emerick, CDEA**

P.J. Emerick provided a report of CDEA activities to the SWCC. The CDEA report included a summary of the 2017 Water Quality Symposium, MS4 inspectors training, NYS Erosion and Sediment Control Certification program, and CDEA's perspective on the NYS EPF. P.J. Emerick also advised the Committee that the next CDEA meeting is scheduled for May 4<sup>th</sup> and 5<sup>th</sup> and will be held in Albany at the NYS Department of Agriculture and Markets.

**S. Fickbohm, SWCC Staff**

S. Fickbohm provided a report of CREP activities and advised the Committee that he is very busy with AgNPS Close-outs.

**J. Clifford, SWCC Staff**

J. Clifford advised the group that the revised Operations Manual is being finalized and should be available for a soon.

**K. Young, NYFB**

K. Young provided a report to the Committee on NYFB efforts and activities. Young told the Committee that the NYFB is monitoring the Riverkeeper lawsuit against the CWA CAFO permit very closely. Young also requested to know the status of the joint DAM/DEC Manure Storage document. Young noted that the NYFB is awaiting the release of this document since there is currently a public backlash against the implementation of manure storage structures underway in some communities across the state.

**A. Kumar, DEC**

A. Kumar asked for time on a future agenda to discuss the DEC role in assigning pollutant load reduction estimates to Ag BMPs as a part of the required reporting to the US EPA. Steinmuller noted that he will be invited to the next scheduled State Committee meeting to provide this report.

**E. Henry, NRCS**

E. Henry gave an update on the status of USDA-NRCS. He advised the Committee that a new NRCS certification process is being implemented and all NRCS certified TSPs will have to recertify under different criteria that include a series of new trainings have to be complete either on Ag-Learn or in person trainings. Discussion ensued.

**Next Meeting – June 20, 2017.**

**Meeting Adjourned**

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