

APPROVED

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

**State Committee Meeting**  
NYS Department of Agriculture and Markets  
10B Airline Drive, Albany 12235

NYS Department of Agriculture and Markets  
581 State Fair Blvd., Syracuse, NY 13209

April 3, 2018

**Meeting at a Glance**

- Review of newly approved 2019 NYS Budget allocations for EPF
- AgNPS – program status, amendments, Round 24 update, Source Water Protection
- NRCS – Geological Investigation Requirement for Standard 313 Waste Storage Designs, Engineering QA/QC, planning policies and procedures update
- HABs summits and action plans
- CRF Round 3 – Scoring update and Resolution 18-1

**Present**

**State Committee Voting Members:** Dale Stein (Syracuse), Darin Hickling (Albany), Dave Brass (Syracuse), Erica Goodman (Albany), Ron Montesi (Albany).

**Albany Location:** Brian Steinmuller Assistant Director, Bethany Bzduch, Julie Berlinski, Jennifer Clifford, AJ Battaglia, Tim Clark, Judy Littrell, Lauren Prezorski, Scott Fickbohm SWCC Staff; Lauren Williams NYFB, Paul Kaczmarczyk DOH, Stephanie Wojtowicz DOS, Sara Latessa, Don Canestrari, DEC; Corey Nellis, Joe Slezak Montgomery SWCD, Lisa Kuehnle Schoharie SWCD; Ben Luskin, Washington SWCD.

**Syracuse location:** PJ Emerick, Greg Albrecht, Ron Bush, Ryan Cunningham, Victor DiGiacomo, SWCC Staff; Beth Claypoole, CCE; Scott Cook, DEC; Paula Bagley, Greg Kist, NRCS; Lydia Brinkley, Upper Susquehanna Coalition; Brian Reaser, Tioga SWCD.

**Call to Order**

D. Stein called the meeting to order at 10:10 am.

**Review/Approval of Minutes**

**D. Hickling made a motion to approve the December 19, 2017 minutes; seconded by E. Goodman. Motion passed; carried.**

**SWCC Staffing,** Brian Steinmuller

Michelle MacDonald has left the NYS Department of Agriculture and Markets to take a new position in state government. There is currently no backfill for division secretary, Brian asked that everyone be patient and persistent until the position is filled. Brian noted that Judy Littrell now controls the email lists and Program Assistant Maureen Irish has taken on some new roles as well.

The Department has received a waiver to backfill for the Administrative Assistant and will have names of candidates and hopefully soon. The Northern New York Regional Coordinator position is still vacant and the Department is waiting for the authority to backfill.

**Correspondence**, Brian Steinmuller

The Albany office did not receive any written letters. The usual periodicals were made available at the Albany location.

**Budget**, Brian Steinmuller

Brian Stated that the SFY 2019 Budget was approved on March 31. This year's budget includes \$300 million for the Environmental Protection Fund. Brian noted some highlights below:

- \$20.25M for WQIP
- \$20M for The Agriculture and Farmland Protection Initiative
- \$17M for Ag Nonpoint Source funding including some carve outs that will be funded by other mechanisms
- \$10M for Soil and Water Conservation Districts
  - This number represents a \$1M proposed increase from 2017 and will help districts build capacity to address ongoing and increasing needs across NYS
  - This number includes some educational outreach carve outs in Steuben County and a shared services infrastructure agreement in the counties of Chemung and Schuyler.
  - Total funding after carve outs: \$9.645M
- \$2.3M for FLOWPA
- \$1.5M for Ag Waste Management
- \$250K for Lake Erie Protection Alliance (Erie SWCD)
- \$17.25M for Great Lakes and Ocean Ecosystem Based Management Systems
- \$2.5M for Climate Resilient Farming
  - \$200K for Cornell Soil Health Program

Districts should currently be receiving the remaining funds from last year's budget (SFY 2018) and the money must still be spent under the SFY 2018 laws. The amount of funding for EPF is a good sign that there is and will be continued support from the Executive Chamber and legislative houses. Harmful Algal Blooms have also been addressed in the budget.

The Article 7 budget bill amended district law and performance measures and has removed the competitive basis for funding and the requirement that Districts invest PM funds into a qualifying project and/or activities. A fifth PM was added to the law. Funding will be distributed equally pursuant to performance standards. Performance measures are broken down below:

- PM1 – Board operations, oversight and training

- PM2 – Public outreach and education activities
- PM3 – Quality of delivery of state natural resources conservation programs including appropriate certifications and reporting
- PM4 – The ability of the district to use such funds from local and private sources
- New: PM5 – The ability to promote partnerships and assist local governments in nongovernmental organizations.

These are significant changes that gives Districts more authority in deciding how the PM funds should be invested toward building capacity.

S. Lorraine asked if the SWCC sees any problems with the unprecedented carveouts under District Aid. B. Steinmuller answered in the affirmative. There have never been carve outs in the SWCD state budget before under this category. The carveouts for the three District roughly equates to a \$6,200 reduction for each participating District. Brian is not clear on how it happened and there are concerns of a precedent being set. D. Stein directed that he SWCC find out how this happened and to make sure that a precedent does not get set by these events.

**AgNPS Abatement and Control Program and Source Water Protection**, Bethany Bzduch

**Program Status:** Bethany reported that there have been 12 project closeouts so far in 2018 in the AgNPS program. One Round 17 contract has been closed, leaving one remaining Round 17 projects still open and is in progress. The number of active contracts has increased to 39 and those projects will hopefully get underway this year.

**Staff Approved Amendments:**

**Region 2**

Cortland County SWCD – East Branch Tioughnioga Ag Waste Management Whey Street Dairy – Round 21 – C701209

Request: BMP Change

Reason: The farm originally applied for AGNPS funding to construct a waste storage and transfer system. The waste storage system was awarded and fully funded with federal funding for the same project. The farm would like to use AGNPS funds to install a Silage Leachate System to totally contain leachate and discontinue the use of the existing VTA. The same nutrient reduction goals will be addressed by this project.

*Note: PJ Emerick, Region 2 AEA, approves the BMP system change*

*Previous Amendments: None*

**Source Water Protection Program:** The program is still being developed, there is a tentative release date in May 2018. Bethany has been working Dave Behm, Manager of the Department's Farmland Protection Implementation Grant Program to develop the program. A Webinar will be held on April 10<sup>th</sup>, following an AEM program webinar, District employees are encouraged to attend both. Bethany is unsure on how many Districts will participate in the program but will touch base with Districts during the webinar to gauge interest. The program will be an RFA with no deadline and will allow applicants to submit their proposals when ready. Not having a specific deadline will allow Districts better understand conservation easements and develop relationships with local land trusts.

Julie Berlinski and Bethany have been working on putting together a riparian buffer evaluation procedure to review projects that have been funded by AgNPS. Julie mentioned that the project is similar to the covered heavy use area evaluation that was done. The evaluation has two phases: acquiring general information on project and then conducting a site visit. This will be used as a guide for future riparian buffer projects. Brian noted that there has been a renewed interest in riparian buffers and a need to evaluate how successful the program has been in protecting water quality through the incentives provided by AgNPS. Additional information included a be provided at the next meeting.

**Round 24:** All District attendees and D. Stein recused themselves. Bethany stated that the RFP has not yet been released but a press release has been developed and is being edited by the Governor's office. The current deadline is June 11, this date is subject to change. Round 24 will make available \$17M in funding. However, Brian stated that there will be more funding via re-appropriations of available project funds.

**NRCS Program Update**, Greg Kist and Paula Bagley

Paula described how a 2015 audit of the New York State NRCS programs indicated that NRCS NY was not meeting NRCS national policy for what geological reports should contain, and how they should be developed. Paula explained that in order to meet the requirements of the 313 Waste Storage Facility standard, a standalone geological report must be prepared in accordance with the NRCS National Engineering Manual. In 2017, NRCS national changed policy to require that geological reports on federally funded waste storages and dams be reviewed by NRCS regional geologists.

Brian Reaser and Greg Albrecht questioned what conditions would require a Qualified Geologist to prepare the geological report rather than a professional engineer. Paula said there are guidelines in the National Engineering Manual and that the decision is also affection by professional judgement.

Beth Claypool asked whether an enhancement such as a liner would offset the need for detailed geologic investigation. Discussion indicated that geologic reports are required for all waste storages, but the design engineer uses that report to select BMP features such as liners.

Brian Steinmuller asked if there was a template or checklist that designers could use when preparing geologic reports. Paula said that Table 7-2 in the Agricultural Waste Management Field Handbook is a good place to start, but that each site's needs will be unique.

Paula indicated that NY NRCS is historically understaffed in their engineering department. Also, there is only 1 NRCS regional geologist for our region, which covers all of New York and New England. She said there are about 70 waste storage structures in active NRCS NY contracts.

Dale Stein described a geological investigation ongoing on his farm, including costs. Discussion ensued about the costs of investigations and how farmers will have to bear those costs.

Brian Steinmuller asked if any other BMPs required detailed geologic investigations. Greg Kist and Paula indicated that water wells and dams also require similar investigations.

Corey Nellis said that Dan Vellone, NRCS Regional Geologist, had stated in a training that a geologic report should be about 21-27 pages without pictures. Paula said that page count was appropriate for a detailed report, but that not all reports would need to be that long.

Greg Kist stated his concerns that some engineers and soil and water district staff are not sufficiently trained to design and construct effective waste storage structures. He said there are 2 NRCS projects that are under investigation currently because they may not meet the 313 Standard. Discussion ensued about inexperienced engineers entering the agricultural sector and about training for current staff working in the field.

#### **Harmful Algal Bloom (HAB) Initiative Report**, Brian Steinmuller

Brian reported that the NYS HABs summits have been completed and that he attended all of them across the state. The main discussion focused on mitigating HABs in the 12 identified pilot lakes in New York. Brian praised DEC, DOH as well as the Department and SWCDs for their hard work. The focus remains on the action plans for the 12 pilot lakes. Land and Water Resources will provide comment to DEC. Conservation Districts are also vital members of the steering committee for each lake's plan.

Scott Cook stated that Brian summed up HABs happenings very well and the summits were very educational to everyone involved. There was great agriculture involvements at all the HABs summits. HABs and the conditions that cause them are very complicated with many factors including but not limited to watershed nutrient loading. Discussions should be continued at the next state committee meeting in May and beyond as this initiative continues.

#### **Climate Resilient Farming Program**, Brian Steinmuller

All District participants and D. Stein recused themselves. Brian thanked the evaluators from DOS, DEC, Cornell and Ag and Markets. 38 proposals were received representing 66 individual farms. Brian presented a spreadsheet detailing the costs of each project. Track 1 only received 2 proposals and the remaining available funding will be dispersed to track 3. The proposals were hyper competitive and many applications will not be funded via CRF Round 3. Brian read Resolution 18-1.

#### **Resolution 18-1**

That subject to the availability of funds, the Committee shall award funding, pursuant to Round 3 of the Climate Resilient Farming Grant Program, for projects ranked on each of the three lists,

one list per track, 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.

R. Montesi moved to approve Resolution 18-1; Seconded by D. Hickling. Motioned passed; carried.

Project award letters and project descriptions will be completed around Earth Week in April. There is \$2.5M in funding available for Round 4.

District participants and D. Stein re-entered the meeting at this time.

**Part C Vehicle Purchase Request**, Jennifer Clifford

There are four requests from districts to use 2017 Part C performance measure funds to purchase a vehicle in 2018:

1. Rensselaer submitted a request last year but did not purchase a vehicle due to time constraints. The county requested a 50-50 split using Part C money and district funding set aside for a vehicle purchase. The vehicle will support road bank mulching, stream bank stabilization and culvert replacement.

**R. Montesi moved to approve the request from Rensselaer SWCD; Seconded by E. Goodman. Motion passed; carried.**

2. Schenectady put in a vehicle request for a fully loaded Ford F350 dump truck to support maintenance at three nature preserves, a mowing program, hydroseeding and composting. Districts have all examined other funding sources but have determined that Part C money is the best way to secure funding.

**D. Hickling moved to approve the request from Schenectady SWCD. Seconded by R. Montesi. Motion passed; carried.**

3. Montgomery requested a vehicle to support ag plastic recycling, no-till drill rental, emergency drill management and trail and park management throughout the county. Four new programs opened up via Part C funding in Montgomery County last year. Corey Nellis stated that they need another vehicle to manage all active programs in the district.

**D. Hickling moved to approve the request from Montgomery SWCD. Seconded by E. Goodman. Motion passed; carried.**

4. Erie requested to purchase a truck for no-till drill rental and farm technical assistance.

**R. Montesi moved to approve the request from Erie SWCD; Seconded by E. Goodman. Motion passed; carried.**

Jennifer noted that we will receive more requests at the next state committee meeting. The average cost of the vehicles is \$35-40,000.

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

**Lauren Williams, Farm Bureau** - Lauren stated that the numbers from the budget look good, however some items were missing. Greater staff capacity is needed for geological surveys. NYFB is continuing to work with DEC on CAFO questions and waste tire issues.

**Jennifer Clifford, SWCC Staff** - Given the new laws, the SWCC will be revising rules and regulations for State Aid to Districts. This will include discussions with Districts on how to form questions under new performance measure and approach projects and award funding under the new performance measures. Putting together meeting with Districts to discuss State Aid later this spring/early summer. The June State Committee meeting will have a recap of 2017 State Aid to Districts.

**Scott Fickbohm, SWCC Staff** - Things are going well in Region 3. The NYS CREP Report for 2017 is on Sharepoint and available upon request.

**Lisa Kuehnle, Schoharie SWCD – Discussed the** geological evaluation delays and asked that DEC be aware and use discretion during enforcement.

**Sara Latessa, DEC** - Bureau of Compliance at DEC has been briefed on geological evaluations. Latessa asked that all be proactive if you see a farm approaching a deadline to inform them of what is going on before compliance date passes. Contact Ed Hampson in compliance at DEC.

**Stephanie Wojtowicz, DOS** - DOS is working on the RFP for the next round of consolidated funding applications. \$13.8M available in SFY 2018-2019 budget, which is \$2M lower than last year.

**Judy Littrell, SWCC Staff – Indicated that she is** developing outreach materials with Districts. On April 13<sup>th</sup>, there will be a FarmNet webinar on the current economy in the dairy sector and how District employees can work with dairy farmers to mitigate the stressful situation. All District employees are welcomed encouraged to partake in the webinar.

**AJ Battaglia, SWCC Staff** - Developing a tire recycling survey to send out to Districts to find a better way to streamline the process going forward.

**Dale Stein, SWCC Chair – Said that** farms are struggling to meet 25% cost share and unable to secure bridge loans to cover the necessary costs. Milk prices continue to drop, hopes that the current crisis is a once in a lifetime bottom.

**Victor DiGiacomo, SWCC Staff** - Water Quality Symposium was very well attended and the employee association are currently reviewing the comments.

**Greg Kist, NRCS State Conservationist – Spoke about staffing issues and indicated that the Area Engineer position in Walton will be advertised for 7 days.**

**PJ Emerick, SWCC Staff – Indicated that a number** AgNPS closeouts taking place in Central NY. Board meetings and trainings are coming up. Working on Finger Lakes cover crop plans of works, and working with Districts and DEC on HAB actions.

**Beth Claypoole, Cornell Cooperative Extension -** Upper Susquehanna Pasture Management School will be a two-day event and tour, will be held on May 2<sup>nd</sup> and 3<sup>rd</sup>.

**Scott Cook, DEC –** Told the Committee that he had a chance to take Venetia Lannon of the Governor’s Office on a watershed tour in the Finger Lakes and he was very thankful for the opportunity and to all Districts, farmers, and staff involved to view projects implemented in the Finger Lakes.

**Brian Steinmuller, SWCC Staff -** talked about the MOU with DEC that is worth \$10M over ten years. Currently have a \$5M, 5-year deal that expires within a year. Recurring reports will come out.

**Next Meeting:** Tuesday, May 15<sup>th</sup> in Albany and Syracuse locations.

**Meeting Adjourned at 12:37 pm.**

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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