

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, NY 12235

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

May 15, 2018

**Meeting at a Glance**

- AgNPS Abatement and Control Program Review
- Conservation District Project GIS Story Board
- AEM Outreach Meeting Recap
- HABs Initiative and Action Plans Report
- CAFO Court Ruling Briefing

**Present**

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

**Albany Location:** Brian Steinmuller Assistant Director, Julie Berlinski, AJ Battaglia, Tim Clark, Judy Littrell, Scott Fickbohm SWCC Staff; Lauren Williams NYFB; Paul Kaczmarczyk DOH; Stephanie Wojtowicz, DOS; Tim Sweeney, NYSDAM.

**Syracuse location:** PJ Emerick, Victor DiGiacomo, SWCC Staff; Greg Kist, NRCS; Steve Lorraine, CDEA.

**Call to Order**

D. Stein called the meeting to order at 10:08 am.

**Review/Approval of Minutes**

**D. Brass made a motion to approve the April 4, 2018 minutes; seconded by E. Goodman. Motion passed; carried.**

**SWCC Staffing**, Brian Steinmuller

Brian noted that we are working with a skeleton crew today as many are out on training. Maureen Irish was promoted and is in a traineeship for the Division Administrative Assistant position in charge of contract management. Brian will be working closely with her to ensure that the traineeship is fulfilled.

The request to fill the Northern NY Regional Coordinator position has left the department and is with the Division of Budget with waiver to backfill. If the waiver is passed, the recruitment process will start immediately. The NYS Civil Service List came out in March 2018 and that list will be used to find a candidate.

**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 noted the District Aid line item changes and other changes in law due to the SFY 2018-2019 Budget. New rules and regulations will be drafted and there is a meeting with NYS Department of Agriculture Market's Counsel's office next week. There will be a series of public meetings with Districts and a State Aid summit in June given the amplified amount of funding and changes in the law.

Regarding carveouts in the budget, certain Districts had been working with state legislators on long-standing project proposals and regional needs. These project proposals were funded through ended up District Aid carveouts in the new budget via the legislative process. The Districts called out in the line item did not ask to have these project proposals funded through State Aid. There have been several Districts who have spoken with their regional coordinators on how to prevent this action from setting a precedent.

Steve Lorraine noted that all districts need to be aware of how and why the carveouts happened. Other districts and legislators will hear about it and try to adopt the same method.

Brian wants to know NYACD's stance on the matter to ensure that we have the same message as a partnership.

**AgNPS Abatement and Control Program and Source Water Protection**, Brian Steinmuller and Julie Berlinski

**Program Status**

Please see the attached program dashboard.

Round 24 - We are still waiting for AgNPS Round 24 to be released. The Governor's office has shown strong support statewide and is very concerned with carrying out past and present initiatives.

**Amendments**

Chautauqua County SWCD – Findley Lake and French Creek Nutrient Management Project – Round 23 – C701295

Request: Landowner Change

Reason: The farm has changed ownership. The same BMPs will be implemented in the same watershed and the new landowner is committed to implementing the project in the same timeline.

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

*Previous Amendments: None*

Erie County SWCD – Eighteenmile Creek Watershed/Lake Erie Direct Protection Project Phase 3 – Round 22 – C701251

Request: BMP Change

Reason: The farm originally applied for AGNPS funding to implement an Access Control System. The farm has had a change in management and no longer pastures the animals. The original resource concern has been eliminated by this change. The farm has since built a bunk for silage storage that is producing leachate and runoff. The farm would like to address this new resource concern by implementing a Silage Leachate Control and Treatment System. Changing the BMP systems will allow the farm to address the silo resource concern and will provide a greater water quality benefit.

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

*Previous Amendments: None*

Field staff is working diligently to close out projects and we are on schedule with them. Many Round 23 contracts have been executed. Districts and farms can start Round 23 work this summer.

### **Riparian Buffer Evaluation**

The SWCC would like to conduct a review of riparian buffer practices including: riparian forest buffers, riparian herbaceous cover and constructed wetlands. The purpose of this review is to assess the effectiveness and success of these practices in protecting and improving water quality. All information received will be used to determine the impact the AgNPS Program is having on water quality in waterbodies across New York State.

The review process will consist of two phases. For the first phase, the SWCC will be requesting site plans that the District may have on specific contracts which have implemented riparian buffer systems. The site plans will be used to supplement existing SWCC information. If the site plans or maps are unavailable, the SWCC will supplement its records in the second phase. Upon submission of the site plans or other documents, the site visit will be scheduled.

The second phase of the process will be to conduct site visits and evaluations of the riparian buffer systems. Any District personnel time utilized to assist SWCC Staff on the second phase of the evaluation process may be charged to the AEM Base Program under Tier 5B/BMP Evaluation. The site plans, maps and other evaluations will be used to assess how well each practice has addressed the identified water quality concern and how well each is being maintained. Additionally, the geographic information pertaining to buffer locations will be used to track the spatial extent of AgNPS projects and provide insight on the impact these projects are having on water quality in waterbodies across New York State.

For the submission of any materials, please contact Julie Berlinski or your regional AEA to further discuss our goals, information requests and scheduled site visits. The information gathered during this process will be used as a learning tool to determine how we can improve the success rate and functionality riparian buffer systems. It will be used to help the SWCC develop improved policies, as well as, allow the direction of resources to provide better assistance to Districts through various programs and training outlets.

Brian added that this is intended for site reviews, not for the districts to fill out themselves. Julie noted that we are anticipating that many farms have been sold and/or are out of business and welcomed any alterations to her plan. Tim Clark added that it is important to identify all types of species in the riparian buffer. Steve Lorraine noted that it is vital to determine a proper timeline for this project. Technical discussion ensued.

**Conservation District Project GIS Story Board**, Julie Berlinksi and Judy Littrell

In order to demonstrate Conservation District success and showcase their projects, former employee Lauren Swift presented this idea to the Employee's Association and the State Committee in the summer of 2017. Julie Berlinksi's GIS skills and Judy Littrell's communication skills have allowed the project to be resurrected.

The idea of the project is to showcase different BMP systems throughout NYS. CRF, EBM, State Aid, AgNPS are all included on the interactive map. Julie requested that Districts send the State Committee three projects that they are proud of and want to be included. This project is an outreach tool for public use. Julie showed the first map, which shows where each District office is located. Secondly, Julie showed us a map with a project overview. Judy noted that each project is color-coded by funding source. The information requested from districts will be: project type, project name and round, description, photos and testimonials for the specific BMP. Filters on the map are available by specific BMP. Projects can be viewed from the county level, however when you zoom in the points on the map disappear to respect the privacy of the farms.

Judy noted that we will be sending out a memo to each District, asking them to submit three flagship projects. The cost-share must come from a state program. We also intend to go out in the field and get video testimonials from landowners as a later phase of this project.

Judy and Julie asked if there will be a problem with landowners doing testimonials in order for them to understand that this will be available on a public website. Brian stated that the Department has experience with licensing via various programs. Both the District and landowner must agree that this project can be showcased on the internet. Brian asked the Committee for additional guidance.

Stephanie Wojtowicz stated that there would not be a problem with projects that are funded via Department of State and would like to see it promoted through this project to show the importance of watershed planning. She also noted that co-benefits should be identified.

Brian stated that this is not intended to inundate districts with more reports and that it is important for the public to know that this will not be an all-encompassing list of District accomplishments.

Judy asked whether the timeframe should be projects started within the last five or ten years. Dale Stein stated that the District should be able to decide which project fits this report the best, regardless of timeframe. Steve Lorraine stated that Districts will provide various levels of information (including photos), some will send all information requested and some will send the bare minimum. Brian added that this project will help to summarize the services that we provide. Stephanie and Julie noted that the story board leaves a lot of room for growth in all areas.

Brian cited some privacy concerns regarding testimonials. A release form can be drafted for photos and video in which the landowner states that he/she is comfortable with this information being readily available. All cost-share projects are FOIL-able. Legal discussion ensued regarding landowner sign off. A memo will be prepared and sent out to all districts.

**AEM Outreach Meeting Recap**, Judy Littrell

**Website Update**

Judy reported that the updated SWCC website is still in the works. She met with a private web design firm, however it would cost \$17,000. In March, Division Director Mike Latham put in a help ticket via IT with website proposal. We have not heard back since other than the acknowledgment that they received the ticket. Judy has been trying to update it as much as possible and we hope to include the story board on it soon.

Judy introduced the idea of SWCC Facebook page and noted that NY Grown and Certified, Dept. of Agriculture and Markets and Taste NY all have their own pages as well as several districts. A Facebook page would allow us to share time sensitive information and share some important projects across the state.

Dale let the committee know that Facebook pages must be maintained constantly to achieve effectiveness. Scott noted that Facebook would allow for event announcements, soil analysis videos, forestry plans, etc. The target audience of an SWCC Facebook page would be anyone we can reach. Judy noted that SharePoint is for Districts, a Facebook page would be for the public.

### **NYS Grown and Certified**

Judy has served as a liaison between the districts and NYS Grown and Certified in terms of AEM requirements. Cut flowers are a new commodity in NYS Grown and Certified. She has also facilitated training sessions at the conservation skills workshop and Water Quality Symposium. NYS Grown and Certified has opened the door for new AEM customers and producers to learn more about the districts and AEM. There will be a NYS Grown and Certified Ag Producers grant that will be rolled out by Regional Economic Development Councils.

### **AEM and Outreach Materials**

AEM Outreach Committee has been created and is made up of District personnel to identify specific needs of outreach at the District level. We are also assisting on manure storage FAQ. Trainings have been held at the conservation skills workshop and Water Quality Symposium regarding how to address storage siting issues, empowering farmers to tell their stories and working with media workshops. Judy is planning to visit SWCDs to view projects and seek feedback. She created six popup banners and four table top displays promoting AEM, as well as an AgNPS brochure, 'what is soil and water conservation district?' brochure and a Climate Resilient Farming rack card. There is also a Climate Resilient Farming brochure on the horizon. Finally, Judy facilitated a webinar with FarmNet regarding working with farmers in times of economic stress. The trifold displays were put on display for both offices to see. PJ added that NY State Fair would be interested in our display and outreach materials.

Scott added that Region 3 is expected 70 or 80 fewer dairy farms to be around this time next year. Other entities are making exceptions to free up money to help dairy farms through this tough time. Broome County is expecting to have all their cows on only three farms and that changes how they approach AEM.

Judy stated that farms of all sizes need to be participating in AEM, especially in a post-dairy world. We also need to continue to look for new conservation partners at all levels of state government. Farmer to farmer communication is vital as well regarding AEM participation.

### **AEM Statewide Award**

Districts have been sent a notice calling for award nominations. Judy is currently working with the Commissioner's Office and with other partners throughout this process. The goal is to award the winning farm with a sign indicating their award.

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

Brian noted that all summits have been completed and there will be recaps and HABs action plans available on the DEC website. The focus has shifted away from the summits and to HAB Action Plans. The plans have been drafted by technical consultants under DEC and DOH direction. Ag and Markets has also provided comments on the action plans. The steering committees made up of Districts, watershed groups and other nonprofits and NGOs are currently reviewing plan components and will give their input to DEC. The implementation will start with the release of the various funding programs. The Water Quality Improvement Program and AgNPS will both be tools for this initiative. Brian thanked all involved with the process.

**CAFO Court Ruling Briefing**, Brian Steinmuller

The CAFO permit as it relates to the Clean Water Act was reviewed and courts ruling determined some major findings which will result in DEC needing to revise the permit by October 23, 2018. Until then, the CWA permit does remain in full effect for the 21 farms across the state that participate. The court found that there needs to be DEC agency review of CNMP and CNMP revision and there needs to be public access to the plans. The court ruled that the technical requirements are compliant with EPA CAFO rule. The majority of CAFO farms were untouched by the ruling as they are enrolled in the state's ECL permit. DEC has 30 days to appeal the ruling.

**Part C Vehicle Purchase Request**, Brian Steinmuller

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

1. Madison County – Heavy duty truck to help in district's conservation tillage program to allow them to transport material safely and more efficiently. They are expecting additional 300 acres of cover crops per year. **D. Brass made a motion to approve the vehicle request; seconded by E. Goodman. Motion passed; carried.**
2. Herkimer County – One-ton pickup truck with eight-foot bed with a towing capacity of a minimum of 10,000 pounds. Their goal is to be able to move materials more efficiently for hydroseeding, knotweed inventory, tree planting and streambank erosion projects. Scott has spoken with the district and reviewed the request and gave the request a thumb up. **E. Goodman made a motion to approve the vehicle request; seconded by D. Brass. Motion passed; carried.**

Jennifer Clifford developed an Excel spreadsheet to track all requests.

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

**Steve Lorraine, CDEA** – Employees Association planning meeting was held last week regarding the Conservation Skills Workshop which will be held in Cortland in September.

**PJ Emerick, SWCC** – Board meetings and trainings have taken place. He has done some AgNPS closeouts and has been working with Brian on the soil erosion control project in the Eastern Finger Lakes region. We are still waiting on DEC to send back their report to us for review. He is conducting a final review of the HAB Action Plans for lakes in his region.

**Victor DiGiacomo, SWCC** – Conducting HAB plan reviews and CRF Round 3 plans of work coming in and noted that districts have been busy.

**Greg Kist, NRCS** – Soil health training is taking place with 40 participants in the class. Geological investigations have taken place. Annual NRCS programs are in good shape, however the federal government is looking to cut \$70 million out of the budget. This includes projects that are currently ongoing unless the funds are directly allocated to specific projects.

The Secretary of Agriculture has approved 400 NRCS positions to be hired immediately, 400 approved for August and 300 for September. New York was only allocated 3 positions from 400 new positions and he is working to fill these positions as soon as possible.

**Paul Kaczmarczyk, DOH** – Attended a farm tour put on by the Watershed Ag Council in Delaware County. He looked at four farms: one beef operation, one horse farm and two small dairy farms that made their money through breeding. He noted that one farm in Schoharie was right on the creek that flowed into the Schoharie Reservoir.

**Lauren Williams, NYFB** – Continuing to watch CAFO ruling but is in a holding pattern until DEC makes the decision on next move. NYFB is also keeping an eye on the Farm Bill and determining what it will mean for NYS farms. Brian noted it was difficult to ascertain what changes have been made by the House and what it means for NYS.

**Stephanie Wojtowicz, DOS** – The CFA is out as is DOS's RFP for Waterfront Revitalization/Watershed Management Planning. She let the committee know to have interested applicants reach out to their local REDCs. There is \$15M in the RFP, which is up from the original \$13.8M.

**Scott Fickbohm, SWCC** – Receiving CRF Round 3 plans of work and has been dealing with STAIEP closeouts as they come in. He attended a meeting in Albany regarding a MOU opportunity for help with sediment and reduction plans in the Mohawk Valley. Regarding CREP, there is now more information on Farm Bill and there is a cap on the available acres and the margin of available acres is growing thinner and thinner. The rental rates may go down in the new Farm Bill.

**Brian Steinmuller, SWCC** – Attended a meeting at DEC regarding source water assessment program. Sat in on a technical presentation by USGS. CRF plans of work have been coming in and we are still seeking direction from department counsel on reallocation of funding.

**Next Meeting:** Tuesday, June 19<sup>th</sup> in Albany and Syracuse locations.

**Meeting Adjourned at 12:12 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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