

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

State Committee Meeting
NYS Dept. of Agriculture and Markets
10B Airline Drive, Albany, NY 12235

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

September 18, 2018

At a Glance

- AgNPS Abatement and Control Program Update
- State Aid to Districts Report – Approval of PM Review Policy and review of new Rules and Regulations process
- SWCC Strategic Plan Update

Present

Albany: Ron Montesi, Voting Member; Brian Steinmuller Assistant Director, Jennifer Clifford, Bethany Bzduch, Julie Berlinski, Judy Littrell, AJ Battaglia, SWCC Staff; Tim Sweeney, DAM; Don Tuxill, NYSDEC; Elizabeth Murray, Lauren Williams, NYFB; Paul Kaczmarczyk, NYSDOH.

Syracuse: Dale Stein, Dave Brass, Voting Members; Victor DiGiacomo, PJ Emerick, Ryan Cunningham, Greg Albrecht, Ron Bush, SWCC Staff; Steve Lorraine, CDEA; Beth Claypoole, CCE; Julie Melancon, NYSDEC; Greg Kist, NRCS.

Call to Order

D. Stein called the meeting to order at 10:00 am.

Review/Approval of Minutes

D. Brass made a motion to approve the July 2018 minutes; seconded by Ron Montesi. Motion passed; carried.

Correspondence, Brian Steinmuller

Brian reported that two letters were received by the Albany office.

The first letter was from Westchester County SWCD, addressed to Mike Latham, Director of the SWCC. The letter was regarding a question, if an action of a county Financial Commissioner supersedes the Soil and Water Conservation District law. Brian read the letter in full. Brian and Jennifer Clifford met with Mike Latham and Counsel's Office, as well as Westchester SWCD staff. Westchester was advised that because of the agreement that is in place with the Department of Finance, the Department of Finance is empowered to govern the expenditures of the District. Jennifer noted that this is the first time the District has contracted with New York State without the County as well as a private consultant. Jennifer noted that we have developed some solutions to discuss with the Department of Finance. This issue is unique to only a few Districts because they hold their funding with the county. The District wants to move forward in the most efficient and proper manner possible.

The second letter was from Onondaga SWCD regarding a matter with the EPA. While trying to submit a grant application, the District was rejected multiple times due to a technical error with DNB numbers, a unique identifying number necessary for federal grant submittal. Ultimately, the District was unable to

submit the grant application themselves. Onondaga Environmental Institute, an organization that the District was partnering with for the project, submitted the grant under their own DNB number. The grant proposal was ultimately rejected on this technicality and the funding was not secured. The EPA came back years later to penalize both parties for the way they submitted their grant application. Onondaga SWCD has been working with their County Attorney, the SWCC, and EPA on this matter for many months. It took many months for the EPA to furnish and administrative agreement, which included many requirements on the District as well if they wish to enter a federal program within the next three years. The District signed the agreement. By signing the agreement, the District ultimately did not want this incident to be a mark on their record. Ultimately the SWCD requested a letter of support from the State Committee. Due to time constraints, Brian honored this request before this meeting. The letter focused on empirical evidence that the Onondaga County SWCD has a stellar record with state grants and asked that the EPA consider this when carrying out the terms of the agreement. Brian noted that nothing further is needed from the State Committee at this time, but staff will continue to work with the District and monitor the situation. Discussion ensued and the SWCC was in full agreement in support of the District.

SWCC Staffing, Brian Steinmuller

Ryan Cunningham was named Region 4 AEA for Northern NY. Backfill for that position was approved by DOB over the summer. There was a lot of interest in the open position. It took some time hiring to become official and the regional staffing map has been updated and Ryan assumed the position mid-September.

There are many other requests to fill in the Albany office. Maureen Irish has been promoted to Administrative Assistant and she continues to work on contract management duties. There is still a vacancy in the Program Aide position. Within the Agricultural Protection Unit, there has been a request to fill Matt Brower's position. Requests to fill these positions have been submitted to the Department and ultimately to the DOB for consideration of backfills. We are working off the new Civil Service list to fill the positions.

AqNPS Abatement and Control Program and Source Water Protection, Bethany Bzduch
Program Status

41 contracts have been closed out since the start of 2018. All contracts have been closed out for Round 17. There are two remaining grants in Round 18 that will be closed out soon. *Please see the dashboard appended to the minutes for more on program status.*

Amendments for State Committee Consideration

Region 2

Chenango County SWCD – Chesapeake Bay Watershed Implementation Project #3 – Round 20 – C701155

Contract Start: 06/25/2014

Contract End: 12/31/2018

Request: Time Extension to 12/31/2019

Reason: This project involves 4 landowners. Three of the farms in the grant have completed their projects. The fourth farm is committed to implementing a Manure Storage, however, suffered a barn fire and had to rebuild the milking facility. Additionally, there have been many changes in the design for the storage which has delayed the project. No construction or earth movement has occurred yet for this project as the District and farm are waiting for a geological investigation and functional review to be completed. The remaining landowner has re-committed to implementing the project by the end of 2019.

Note: PJ Emerick, Region 2 AEA, refers to the State Committee

Previous Amendments: None

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

Schuyler County SWCD – Seneca Lake CAFO Ag Implementation Phase II – Round 20 – C701190

Contract Start: 06/25/2014

Contract End: 12/31/2018

Request: Time Extension to 10/01/2019

Reason: Significant flooding has impacting the County, delaying the implementation of best management practices on one farm in the grant. The farm has completed a design, received bids, and selected contractor. The contractor is currently on site. Some aspects of the Silage Leachate System have been completed, but due to weather implications, the project will not be completed by the current contract end. The landowner is committed to completing the project within the new time frame.

Note: PJ Emerick, Region 2 AEA, refers to the State Committee

Previous Amendments: None

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

Region 3

Delaware County SWCD – Controlled and Limited Livestock Access – Riparian Buffers – Round 20 – C701158

Contract Start: 06/25/2014

Contract End: 12/31/2018

Request: Time Extension to 12/31/2019

Reason: This project involves 2 landowners. One of the farms in the grant has completed their project. The remaining farm will be implementing a Riparian Forest Buffer and Access Control System, however, has experienced delays in implementation due to changes in the USDA CREP planning process. The CREP conservation plan has now been approved and contracted. As soon as designs are approved construction will begin. The project is set to be completed in 2019.

Note: Scott Fickbohm, Region 3 AEA, refers to the State Committee

Previous Amendments: None

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

Round 24 Update

The RFP closed on August 20th. In response to the solicitation, 92 proposals were received. 209 farms applied during this round. Through Round 24, approximately \$28 million requested from the State with an overall project cost of \$45 million. 41 CAFO farms applied. Only 6 farms indicated that they would be implementing cover crops. 66 waste storages were applied for. 8 proposals would be addressing the 12 HABs waterbodies for a total of \$2.4 million. Bethany noted that \$17 million is available for this round.

Dale Stein noted that it has become difficult for many farmers to fund the 25% cost-share on their end due to the current state of dairy economy.

State Aid to Districts Report, Jennifer Clifford
Consideration of New PM Review Policy

Jennifer distributed a new revised performance measure review policy. Because the law changed to remove competitive basis from Part C, the review can now be more flexible. Jennifer reviewed the drafted policy for SWCC consideration:

Performance Measure Evaluation Reports are submitted to the NYS Soil and Water Conservation Committee (State Committee) by Soil and Water Conservation Districts (District) to qualify for performance-based conservation financial assistance (Part C - Performance Measures) under State Aid to Districts. Reports may be revised and resubmitted by the District up to the statutory deadline of February 15th. After 2/15, reports are reviewed by State Committee staff altogether. Any report that does not result in meeting all the performance measures will be followed-up on by staff. The applicant who signed the report certifying its accuracy or his/her designee will be notified by email and provided three (3) business days to provide clarification or amplifying information such as meeting minutes, sign-in sheets, etc. If the District does not respond or additional information is not submitted by the designated deadline, the answer may be deemed incomplete and disqualify the District from funding for the Performance Measure from which the question correlates to (*Performance Measures: 1. Board Activity, 2. Reporting and Outreach, 3. Funding and Partnerships, 4. State Conservation Programs, 5. Promoting partnerships and Assisting local gov't & NGO's*). If the information is received by the designated deadline the new information provided will be used to help qualify the District for the Performance Standard. Awards are made based on total remaining funds for State Aid to Districts after Parts A and B have been awarded; and the total number of qualifying Districts per each performance measure.

Ron Montesi moved to approve the revised evaluation, second by D. Brass. Motion passed; carried.

Review of Consensus Rule Making

Jennifer has begun to make changes and updates to the State Aid to District Program Rules and Regulations to be consistent with the new law. Danielle Cordier, Attorney for the Department worked on the initial reg and is assisting the SWCC on the revisions. Cordier told the Committee that it can seek a "consensus rule" since the changes being made are necessary to be compliant with the changes in the law. Danielle noted that she and Jennifer met with the regulatory review unit and they agreed to go with the consensus rule making. The notice of proposed consensus rule making will have to be posted in the published state register. There will be a 45-day public comment period. After the comment period, a notice of adoption can be filed. This is an effort to conform current regulations to reflect changes in the statute. If anyone objects, it will have to be withdrawn and a regular rule making will take place. Additional outreach will be necessary before publishing the regulations. Jennifer has a strikethrough draft available and can provide a bullet point list of changes.

Ron Montesi moved to approve the consensus rule making for state aid, second by D. Brass. Motion passed; carried.

SWCC Strategic Plan Update, Brian Steinmuller

Brian distributed a presentation on the Strategic Plan 2014 – 2018 Final Review. The plan began on January 1, 2014 and will end on December 31, 2018. Brian reviewed past and current goals as well as accomplishments, including increasing District Aid in order to assist in building District capacity and programs, starting an Operations Subcommittee, and developing a Climate Resilient Farming Program.

There have been many advancements in technical service and program delivery. Brian noted that we are committed to public outreach and communications to help Districts tell their story. We have also helped

to address Districts with approval authority and will continue to build on that strength. Great advancements have also been made in greenhouse gas mitigation and climate change via the Climate Resilient Farming Program. A GIS story board is being developed, which will allow the SWCC to provide project information on a web-based platform. To share information, the SWCD Sharepoint site was created and has been a vital tool for communication with Districts.

There are many proposed changes for the next five years, which should focus on collaboration with many different associations to achieve both rural and urban conservation goals. We wish to continually increase AEM Base funding. We also wish to grow capacity within geo-spatial data management and make investments in watershed modeling/monitoring to determine and report on conservation outcomes.

Access data platforms must be brought into the 21st century. Comprehensive resource management will be the biggest focus of the 2019-2023 Strategic Plan. We also hope to continue the expansion of the AEM framework into other agricultural programs, specifically NY Grown and Certified. Climate change, resiliency and adaptation must also remain a focus for us. We will also continue to work with and support watershed-based coalitions. In summation, Brian noted that we have made considerable gains and have completed many of the objectives from the current Strategic Plan. Steinmuller noted that a Strategic Plan Subcommittee will be formed this fall to aid in development of a Strategic Plan draft for State Committee approval and adoption.

A survey will be sent out to Districts regarding their perspective on how well the current plan has been implemented and areas to improve as well as what should be contained in the 2019-2023 SWCC Strategic Plan in the coming weeks.

The full presentation can be found in appendix.

Partnership Reports / Advisory Member Reports / Public Comments

Don Tuxill, NYSDEC – Scoring for WQIP and AgNPS projects are taking a lot of staff time. He also noted that the DOW is working on the annual report to the EPA regarding the NPS Program.

Paul Kaczmarczyk, NYSDOH – Discussed the staffing situation in his office at the DOH.

Lauren Williams, NYFB – The New Clean Water Act CAFO permit was released for public comment. Comments are due October 11th. The CWA permit only affects 21 farms statewide. She also noted that SWCDs have helped educate the public on water quality issues addressed by manure storages. NYFB has also been working on animal mortality and composting issues with DAM.

AJ Battaglia, SWCC – Continuing to prepare CRF Round 3 contracts and sending them to Fiscal and Counsels office. Two contracts have been approved thus far.

Bethany Bzduch, SWCC – Round 2 of CAFO Waste Storage and Transfer System Program was closed in early August 2018. We will be funding 43 proposals for a total of \$14.7 million dollars from the state. 50 storages will be funded in Round 2. Overall, 48 proposals were received. Three were deemed ineligible and two did not meet the scoring criteria. The plan of work process has begun.

Julie Berlinski, SWCC – Finishing Riparian Buffer evaluations. She has been to six counties and looked at 19 total projects. She will have a full report prepared by next month. She will be jumping back into GIS Story Maps soon.

Judy Littrell, SWCC – A CAFO Waste Storage project has been completed and closed in St. Lawrence County. The landowner is very happy with the project and the farmer is looking forward to outreach. The project was completed in four months as contractors are looking for work in the region. Judy also went over the classes currently being planned for the 2019 Water Quality Symposium.

Jennifer Clifford, SWCC – The 2019 Part B solicitation and request for projects is out. Districts must submit by December 1, 2018. Jennifer distributed the 2017 SWCD Annual Report.

Brian Steinmuller, SWCC – Planning a statewide District Managers meeting on December 4th and 5th at the Otesaga in Cooperstown, NY. We will be able to fund up to three members per District. The staff is developing an agenda that will be released in the coming weeks.

Greg Albrecht, SWCC – Thanked Greg Kist for his service and friendship over the years.

PJ Emerick, SWCC – Moving forward with the Eastern Finger Lakes cover crop project. PJ is also working on the statewide managers meeting. He is working on AgNPS closeouts and CRF Round 3 plans of work. He is also working the new employee orientation at the Conservation Skills Workshop and proctoring the NYS Erosion and Sediment Control exam. PJ is also helping Brian with the upcoming NASCA meeting in Onondaga County.

Ryan Cunningham, SWCC – Attended the Washington County Board Meeting. Heading to several counties next week for meetings. Essex County is in the process of hiring a new District Manager. He hopes to attend many upcoming board meetings. Clinton County is in the process of hiring a new AEA Technician.

Victor DiGiacomo, SWCC – Reported on the State Comptroller's Office audit for Orleans County SWCD. Overall, the audit went well. There are many CAFO projects in Western NY and he anticipates more projects coming.

Greg Kist, NRCS – Noted that the federal fiscal year ends on September 30th. He is trying to wrap up contracts with producers before the year ends. He is looking at the new Farm Bill for 2019. Interviews for Greg's replacement have been held. Greg thanked the Committee for the years of collaboration and support. The Committee wished Greg well in his retirement, thanked him and gave him a round of applause for his support of the SWCC and SWCDs in NYS. Greg and his family are heading back south before the upcoming Upstate New York winter! Best wishes Greg in your retirement.

Beth Claypoole, CCE – Noted that there is a new invasive species in NYS: The spotted lanternfly. It was spotted in Albany and Yates County. Deb Grantham is taking a new position within Cornell as the Northeast Integrated Pest Management Program Director. Congratulations Deb!

Steve Lorraine, CDEA – The Conservation Skills workshop is next week with classes Monday – Thursday. The Water Quality Symposium will take place March 12-15th of 2019.

Dale Stein, SWCC – Dale Stein publicly thanked Greg Kist for his support and friendship. D. Stein also spoke about options available with the animal mortality issues that farms have been dealing with over the last few months.

Next Meeting: Tuesday, October 16th at the Jefferson County SWCD. The meeting will be followed by a conservation tour.

Meeting Adjourned at 12:35 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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