

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

18 December 2018

At a Glance

- Ag NPS (Agricultural Nonpoint Source) Abatement and Control Program Update
- AEM (Agricultural Environmental Management) Base Funding – Tier 4 cost-share discussion
- Riparian Forest Buffer Establishment Policy
- 2019 – 2023 Strategic Plan Update
- Partnership Reports / Advisory Member Reports / Public Comments

Present

Albany location: Erica Goodman, Darin Hickling, Ron Montesi, Voting Members; Brian Steinmuller, Assistant Director; Bethany Bzduch, Jennifer Clifford, Judy Littrell, Julie Berlinski, AJ Battaglia, SWCC Staff; Tim Sweeney, NYSDAM; Sara Latessa, NYSDEC; Elizabeth Murray, NY Farm Bureau; Paul Kaczmarczyk, NYSDOH.

Syracuse location: Dale Stein, Chair; Dave Brass, Vice-Chair; Greg Albrecht, Ron Bush, Victor DiGiacomo, SWCC Staff; Steve Lorraine, CDEA; Lindsey Gerstenslager, Wayne SWCD, Tammy Willis, NRCS.

Call to Order

Dale Stein called the meeting to order at 10:03 am.

Correspondence

Newsletters and periodicals were made available in the Albany office. No other written correspondence was received.

Review/Approval of Minutes

D. Brass made a motion to approve the November 20, 2018 draft minutes; seconded by E. Goodman. Motion passed; carried.

AgNPS Abatement and Control Program Update, Bethany Bzduch

B. Bzduch presented the following amendments for State Committee Consideration

Region 1

Allegany County SWCD – Oil Creek BMP Implementation – Round 20 – C701144

Contract Start: 06/25/2014

Contract End: 12/31/2018

Request: Time Extension to 12/31/2019

Reason: The farms in this contract have started implementing fencing for their Prescribed Rotational Grazing systems. Due to wet weather they have been unable to complete their practices. The District would like to request a one-year extension to provide an additional construction season for the completion of these practices.

Note: Victor DiGiacomo, Region 1 AEA, supports the request, but refers to the State Committee

Previous Amendments: None

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

Erie County SWCD – Eighteenmile Creek Watershed/Lake Erie Direct Protection Project – Round 19 – C701112

Contract Start: 03/05/2013

Contract End: 12/31/2018

Request: Time Extension to 12/31/2019

Reason: This SWCD is requesting a year extension to provide an additional construction season to complete the remaining bmp's in the contract. The contract involves seven farms. Two farms have completed their projects and one farm has withdrawn from the grant. The remaining four farms have started implementing their planned projects but have experienced delays in construction due to chronic precipitation that has resulted in poor site conditions. Additionally, the farms have experienced financial hardships and are attempting manage the financing of their projects.

Note: Victor DiGiacomo, Region 1 AEA, supports the request, but refers to the State Committee

Previous Amendments: 1-time extension and 1 budget change

D. Brass motioned to approve the amendment, seconded by D. Hickling. Motion passed; carried. No more extensions will be granted on this contract.

Genesee County SWCD – Upper Tonawanda Creek Public Drinking Water Supply Protection – Round 21 – C701213

Contract Start: 09/28/2015

Contract End: 06/01/2019

Request: Time Extension to 06/01/2020

Reason: This SWCD is requesting a year extension to provide an additional construction season to complete the remaining bmp's in the contract. The contract involves two farms. One farm has elected to withdraw from the grant. The remaining farm has started implementing their planned rotational grazing practices but have experienced delays in construction due to poor weather conditions. If the extension is granted, the installation of concrete and pipeline can occur during the spring and summer.

*Note: Victor DiGiacomo, Region 1 AEA, supports the request, but refers to the State Committee
Previous Amendments: 1-time extension and 1 budget change*

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

Wayne County SWCD – Central Canal Corridor Watershed Ag Program Phase 3: Lower Ganargua Creek – Round 19 – C701139

Request: BMP Change

Reason: The farm originally applied for AGNPS funding to construct Barnyard Water Management System to address stormwater flows and clean water exclusion. The District is submitting an amendment request to change the BMP System to Erosion Control Management – Structural which more appropriately addresses the practices being implemented. The water quality benefit of this system remains the same.

*Note: Victor DiGiacomo, Region 1 AEA, approves the BMP system change
Previous Amendments: 1-time extension and 1 landowner change*

Wayne County SWCD – Central Canal Corridor Watershed Ag Program Phase 3: Lower Ganargua Creek – Round 19 – C701139

Contract Start: 03/05/2013

Contract End: 12/31/2018

Request: Time Extension to 12/31/2019

Reason: Two of the four farms in this contract have successfully implemented their planned bmp's and one farm has decided not to participate. The remaining farm has started implementation of their clean water exclusion practices but has been unable to complete the project due to constant rain and inclement weather. The farm and District agree that it would be best to wait for the spring when site conditions can improve and to make sure necessary seeding is completed according to NRCS standards.

*Note: Victor DiGiacomo, Region 1 AEA, supports the request, but refers to the State Committee
Previous Amendments: 1-time extension and 1 landowner change*

R. Montesi motioned to approve the amendment, seconded by D. Brass. Motion passed; carried. No more extensions will be granted on this contract.

Wayne County SWCD – Central Canal Corridor Watershed Ag Program Phase 4: Lower Ganargua Creek – Round 20 – C701196

Contract Start: 06/25/2014

Contract End: 12/31/2018

Request: Time Extension to 12/31/2019

Reason: Both farms in this contract have been unable to complete their planned bmp's within the current timeframe. The first farm has started implementation but has had to wait until materials from a fallen barn can be cleared from the project site to complete the project. The second farm is attempting to apply for federal funding to match the state funding. However, to

do so, they needed to complete a CNMP. The CNMP has been completed and the initial survey of the project has been completed. The farm is currently working to complete projects included in a Round 19 contract before they begin implementing Round 20 projects but are committed to completing all bmp's by the end of 2019.

*Note: Victor DiGiacomo, Region 1 AEA, supports the request, but refers to the State Committee
Previous Amendments: None*

E. Goodman motioned to approve the amendment, seconded by D. Hickling. Motion passed; carried.

Wyoming County SWCD – Cattaraugus Creek Ag BMP Implementation – Round 21 – C701233

Contract Start: 09/28/2015

Contract End: 06/01/2019

Request: Time Extension to 12/01/2020

Reason: The SWCD is requesting an 18 month no cost time extension to provide two full construction seasons for project implementation. There are three farms participating in this contract. Two farms have successfully completed their projects. The last farm has experienced delays in project implementation due to a potential purchase of another farm. The remaining farm has completed cover cropping and a riparian buffer that are part of their in-kind contribution. An engineer has been retained and is actively working towards completing a design for a waste storage and transfer system. The additional time would allow for engineering and construction of the planned bmp's to be completed.

*Note: Victor DiGiacomo, Region 1 AEA, supports the request, but refers to the State Committee
Previous Amendments: None*

R. Montesi motioned to approve the amendment, seconded by D. Hickling. Motion passed; carried.

Wyoming County SWCD – Middle Genesee River Basin Ag BMP Implementation Project – Round 21 – C701235

Contract Start: 09/28/2015

Contract End: 06/01/2019

Request: Time Extension to 12/01/2020

Reason: This contract involves three farms. One of the farms has successfully completed their planned bmp's. The SWCD is requesting an 18 month no cost time extension to provide two full construction seasons for project implementation to be completed on the other two farms. Both farms have started implementing several project components, however, have experienced delays due to the poor dairy economy and changes to farm business structure. The additional time would allow for the completion of the remaining bmp's.

*Note: Victor DiGiacomo, Region 1 AEA, supports the request, but refers to the State Committee
Previous Amendments: None*

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

Wyoming County SWCD – Cayuga Creek Ag BMP Implementation – Round 21 – C701236

Contract Start: 09/28/2015

Contract End: 06/01/2019

Request: Time Extension to 12/01/2020

Reason: The SWCD is requesting an 18 month no cost time extension to provide two full construction seasons for project implementation. One farm has started construction on several project components, however, more need to be completed. The second farm's waterway/diversion project has had to undergo design changes to accommodate a larger volume of precipitation. Several alternatives are being reviewed to keep the project within budget.

Note: Victor DiGiacomo, Region 1 AEA, supports the request, but refers to the State Committee

Previous Amendments: None

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

Region 3

Madison County SWCD – Chenango River Ag NPS Reduction Project – Round 20 – C701166

Contract Start: 06/25/2014

Contract End: 12/31/2018

Request: Time Extension to 12/31/2019

Reason: The SWCD is requesting a no cost time extension for two farms in this contract. The third farm has gone out of business and will not be moving forward with the project. The first farm was awarded an EQIP contract and has just received approval of the geological study. The waste storage project is currently undergoing review by NRCS. The second farm has had to restructure the business due to a death in the family. They are committed to installing their planned bmp's in 2019.

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

Previous Amendments: None

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

Region 2

Onondaga County SWCD – SLWAP Agricultural BMPs – Round 20 – T701177

Contract Start: 06/25/2014

Contract End: 12/31/2018

Request: Time Extension to 12/31/2019

Reason: The SWCD is requesting a no cost time extension for one farm in this contract. The remaining farm has been unable to complete their project due to the poor weather causing difficult site conditions. The project has been designed and ready for implementation when the weather freezes to allow for safe access to the site. The landowner has begun working on their in-kind portion of the grant.

*Note: PJ Emerick, Region 2 AEA, supports the request, but refers to the State Committee
Previous Amendments: None*

R. Montesi motioned to approve the amendment, seconded by D. Hickling. Motion passed; carried.

AEM Base Funding, Greg Albrecht

B. Steinmuller gave an overview of the changes to AEM Base funding. To engage with more producers, it was realized that there is a risk to lose farms if there is no clear path toward providing technical and cost-shared financial help. It may be advantageous for Districts to have the ability to help correct specific resource concerns with implementation of practices without having to wait for the next grant cycle. There has been success with this method in the District Aid program over the years. B. Steinmuller wants to know the Committee's standpoint on adding funding to the AEM Base program via cost-share of Tier 4 implementation. There have been meetings with Counsel's office regarding the support of ongoing Riparian Forest Buffer Projects and it was agreed that cost-share through the AEM Base Program is the best method.

G. Albrecht noted that new ideas are usually brainstormed at TAC meetings and not at State Committee Meetings. However, Steinmuller and Albrecht agreed that a high-level discussion regarding Tier 4 cost-share through AEM Base is warranted. Albrecht added that a capped amount of funds could be available to support implementation costs, i.e. materials, designs and contractors. It could be an alternative to the District Aid Funding in Parts B and C or competitive grant programs such as AgNPS, CRF, or EBM. There have been EBM (Ecosystem Based Management) and local watershed programs that have thrived with small portions of money. This would continue in those targeted areas and be used as a model for statewide AEM implementation.

B. Steinmuller noted that there is available funding that should be spent down in a very reasonable and effective manner. This can be achieved with no impact on annual program appropriations, both programs (Ag NPS and AEM Base) can be supported robustly. There must be clear guidelines for Districts on how to use the funds.

Financially, there are enough resources for AEM Base to succeed going forward. G. Albrecht and B. Steinmuller estimated an additional \$50,000 per District going into the AEM Base program. B. Steinmuller added that each year 80-85% of what is contracted for is completed and the rest of the funding is returned and to be spent again on future projects. Adding a financial assistance element will make AEM Base more efficient and easier to navigate overall.

D. Stein noted that there are many small farm projects that miss out on available state programs. And to avoid reallocation of funding at a legislative level, we should consider re-investing the available funding on small farms via the District's AEM Strategic Plans. R. Montesi supported the idea of helping smaller farms with guided funding. L. Gerstenslager also supported helping small farms, especially those that do not fall in problem-area watersheds and welcomes the creativity on how to put funding to great use.

Overall, roughly \$2.5 million could be available across all Districts in addition to the capped AEM Base Program options. J. Clifford offered more support for this, stating that Districts in her region (Region 5)

would be interested in the new AEM Base funding as many of the farms in her region do not compete well in most competitive grant cycles, but are still identified as having resource concerns. S. Lorraine added that specific guidance should be provided to Districts on how to utilize these financial resources in the most effective and efficient manner. B. Steinmuller agreed that there must be a transparent and secure process that meets all applicable accounting and program standards.

R. Montesi made a motion to support the conceptual changes to AEM Base funding; seconded by D. Brass. Motion passed; carried.

B. Steinmuller thanked the Committee for the discussion and noted that further details and a timeline for executing these changes will be brought to the Committee at a future meeting.

Riparian Forest Buffer Establishment Policy, Bethany Bzduch

B. Bzduch presented the final policy recommendation to support RFB establishment costs. The draft requests approval to use the AEM Base Program to provide cost share for the establishment of Riparian Forest Buffers. These costs shall be requested on an annual basis, for a minimum term of three years to allow enough time for establishment. If requesting establishment funds, the District and/or farmer must be committed to implementing a Riparian Forest Buffer Establishment Plan for the three-year duration. These funds are not available for the establishment of Riparian Herbaceous Buffers.

Costs will be based on a combination of the AEM Hourly Rate and flat rates that have been developed through the Natural Resources Conservation Service for individual establishment activities. The total annual cost for establishment will be the sum of the activity costs included on the Establishment Plan for that year. The AEM Hourly rate represents 75% of the actual cost to accomplish contract deliverables. All other rates represent 87.5% of the actual cost to implement the activity.

Riparian Forest Buffer Establishment Plan

The Riparian Forest Buffer Establishment Plan was developed for the AEM Base Program for use in accordance with this policy. The establishment plan template was developed to assist planning, scheduling, and execution of the prescribed maintenance activities. Alternatively, planners may choose to incorporate all the technical aspects of the Establishment Plan into a format of their choosing.

Establishment Certification and Payment Process

The State Committee has authorized that the three-year period after initial application may be used to foster the establishment of the forest buffer. Cost associated with establishment, based on a flat rate per activity, will be eligible for cost share through the AEM Base Program. Contingency funds will not be available for cost-overruns associated with implementation of the Establishment Plan.

Using the Riparian Forest Buffer Establishment Plan (or similar), certification of the establishment activities for reimbursement shall be documented. Payment may only be based on the activities with successful completion dates. In the event of poor buffer establishment, despite compliance with the Establishment Plan, payments may still be made if the District has verified that all planned activities were implemented.

The successful establishment of a Riparian Forest Buffer requires implementation of several establishment activities throughout the year. This commitment involves an effort by the District to provide technical assistance and financial support at various times throughout the year. Accordingly, Soil and

Water Conservation Districts may request establishment costs annually, not to exceed \$50,000.00. Annual funds needed for establishment shall be included in the AEM Annual Action Plan in addition to the amount requested for the AEM Base Program funding option (e.g., Option A, B, or C) used by the District. The District will need to provide a completed Riparian Forest Buffer Establishment Plan for all buffers included in the request.

A District may request 25% of the establishment costs in advance. The final payment will be based on the establishment activities completed during that AEM Base Program Year. In addition to the other annual AEM Base Program close out materials, an as-applied Establishment Plan for that year must be submitted showing the dates each activity was completed. A finalized policy and plan template will be sent to all Districts in advance of the notice for development of the AEM Base Year 15 AAP.

D. Brass made a motion to approve Riparian Forest Buffer Policy; seconded by R. Montesi. Motion passed; carried.

2019 – 2023 Strategic Plan Update, Brian Steinmuller

B. Steinmuller apologized that the 2019 – 2023 Strategic Plan will be slightly late. He noted that the Committee is in a good place to continue under the direction of the current plan and commence the planning process for the 2019-2023 plan shortly after the new year. The Soil and Water Conservation Committee's mission statement was adopted in September of 2013. It is important to take stock in what has been completed and to focus on carrying out the goals within the next five years. A brief overview was presented on the 2013 - 2018 Strategic Plan. The mission statement will remain the same going forward. B. Steinmuller noted an overlap between District operation goals and technical deliver goals in the previous Strategic Plan. In the new plan, these goals could be combined while maintaining a longer set of objectives. Targets and goals for Districts will be more succinct. The overall increase of EPF to \$300 million opened many new opportunities for the Districts over the last five years. The prioritizing of goals will be vital going forward. After much brainstorming and discussion among an advisory committee, there will be a finalized Strategic Plan in place by late winter/early spring of 2019.

J. Clifford noted that past goals have already been achieved and new goals will be focused on within the next five years. Building capacity within Districts will be crucial.

Partnership Reports / Advisory Member Reports / Public Comments

Victor DiGiacomo, SWCC – New District Managers will start their tenures in Western New York in 2019. Genesee County hired a new District Manager, Brad Muldowsky. He has a heavy natural resource conservation background. Victor is also meeting to establish an on-farm demonstration network in the Genesee River Basin. The goal is to get more farms involved in the implementation of conservation systems that focus on soil health and water quality.

Ron Bush, SWCC – The planning department is working on CNMP plans.

Steve Lorraine, CDEA – Finalizing planning for the annual Water Quality Symposium. He anticipates having a schedule and registration packet out by early January, so registrations can be completed by the end of January 2019.

Lindsey Gerstenslager, Wayne SWCD – Lindsey is thankful for a great year and to have Victor DiGiacomo as the Associate Environmental Analyst for another year. She has received farm requests for erosion assistance on lakeshore management planning.

Tammy Willis, NRCS – A new State Conservationist has been announced for NRCS, coming from New Mexico. Tammy is the acting State Conservationist following the retirement of Greg Kist. Blake Glover has been announced as the new NY State Conservationist, coming to New York from New Mexico. His first day will be January 22, 2019.

NRCS is transitioning and a new Chief has been hired. He is a fifth-generation farmer. There have been many retirements within NRCS. Tammy asked for patience during this transition period. NRCS programs are still moving forward, including the EQIP (Environmental Quality Incentives Program) and RCPP (Regional Conservation Partnership Program) programs. NRCS is not working with a full budget due to a Continuing Restitution.

The Farm Bill has been passed the House and Senate however there has been no word to NRCS on if they can act on the new laws. There will be some changes and it will be shared with the Committee when the changes are known.

Brian Steinmuller, SWCC – Prior to the next State Committee Meeting, we will be working with a new representative from Cornell University. His name is Brian Rahm and he is the Director of the Water Resources Institute. He will be introduced to the Committee and District work before the next State Committee Meeting.

The Managers Meeting was a great success. There were over 100 attendees from Districts across the state. The venue was great, and the evaluation responses were largely positive. The program updates and panel discussions went very well. B. Steinmuller thanked the SWCC staff for putting on such a great event.

Erica Goodman, Voting Member – A five-year project in Suffolk County with vegetable growers has been completed. A video is being released to share with farms on specific soil health practices. An economic case study will also be released along with the educational video.

Ron Montesi, Voting Member – Dan Farrin has retired as the Chairman of NYACD, effective January 1, 2019. There will be a new President for NYACD, Samuel Casella, Ontario SWCD Board Member. The Warren County SWCD awarded “Conservationist of the Year” to a farmer who owns a high tunnel in Glens Falls and produces fresh produce for local consumption much of the year. The farmer worked organizations supporting children with disabilities to grow successful crops and run a market during the growing season. B. Steinmuller added that he believes the high tunnel was funded by NRCS. Tammy Willis was very interested in hearing more about this project.

Elizabeth Murray, NYFB – The Farm Bill has passed both the Senate and House and awaits signature by the President. There was increases of the acreage cap from 24 million to 27 million acres for CRP (Conservation Reserve Program). EQIP will increase funding to \$2.025 billion by Fiscal Year 2023. CSP

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(Conservation Stewardship Program) has been reduced by \$1.8 billion per year to fund higher priority projects through EQIP. RCPP has increased to \$300 million.

Jennifer Clifford, SWCC – The State Aid reports will be sent out soon and they will all be due on February 15, 2019. The Southeast region has many new positions being filled. Jennifer is also working on some closeouts in her region. In January 2019, the Municipal Subcommittee will be meeting to focus on rural roads management to develop a statewide protocol.

Darrin Hickling, Voting Member – Darrin is attending the American Farm Bureau Federation meeting in January. There is a lot of concern with dairy and commodity prices in New York State. There will be a lot of work ahead for the Farm Bureau. Lobby Day is fast approaching in Albany which will be an educational session for new members of the state legislature. The new Agricultural Assembly Chair is Donna Lupardo. Senator Metzger is the State Senate Agricultural Chair.

Judy Littrell, SWCC – J. Littrell is continuing to work with NYS Grown and Certified on various projects. The Department and Committee website redesign is moving forward. The Round 24 press release received a lot of traction in the media. Roughly nine District Managers received calls from the media. The response was very positive, and this information was tracked by the Public Information Officers within the Department of Agriculture and Markets. J. Littrell displayed the Cover Crop field sign that will be displayed on farms with cover crops participating in the Eastern Finger Lakes Cover Crop Program. The plan is to develop more generic signs and make them available for all of New York State.

Paul Kaczmarczyk, NYSDOH – There was a pilot project within the New York City Watershed to implement cover crops. P. Kaczmarczyk also noted that homeowners in the United Kingdom with knotweed on the property has their property value drop drastically. There are currently studies going on regarding controlling knotweed on a small scale.

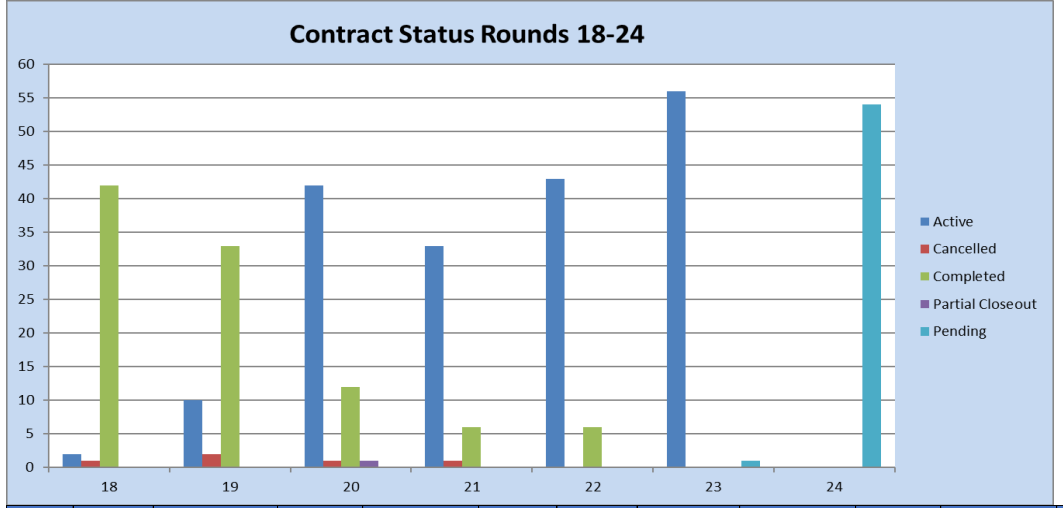
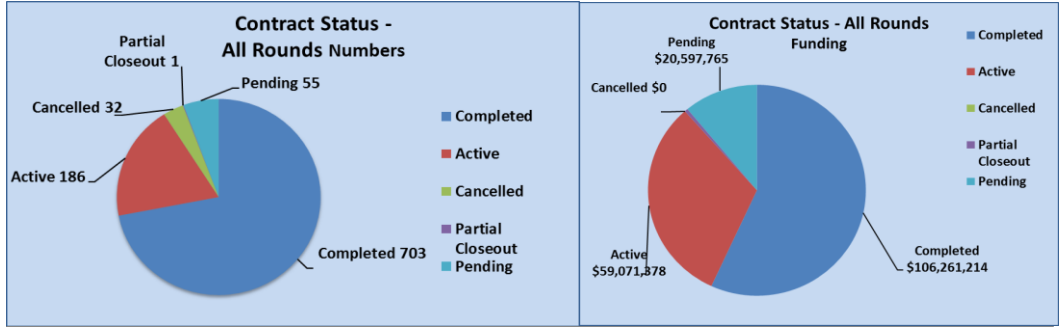
Next meeting: January 15, 2019

Meeting adjourned at 12:20 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.

brian.steinmuller@agriculture.ny.gov, 518-457-0562

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



| Round | Number of Contract | Total Of Contract Amount | Active Contracts | Active Funds | Cancelled Contracts | Cancelled Funds | Completed Contracts | Completed Funds | Pending Contracts | Pending Funds | Partial Closeout Contracts | Partial Closeout Funds |
|---------------|--------------------|--------------------------|------------------|------------------------|---------------------|-----------------|---------------------|------------------------|-------------------|------------------------|----------------------------|------------------------|
| 18 | 45 | \$9,486,855.29 | 2 | \$968,781.10 | 1 | \$0.00 | 42 | \$8,518,074.19 | 0 | \$0.00 | 0 | \$0.00 |
| 19 | 45 | \$12,256,410.70 | 10 | \$3,362,665.84 | 2 | \$0.00 | 33 | \$8,893,744.86 | 0 | \$0.00 | 0 | \$0.00 |
| 20 | 56 | \$13,148,373.84 | 42 | \$10,929,605.91 | 1 | \$0.00 | 12 | \$1,704,154.13 | 0 | \$0.00 | 1 | \$514,613.80 |
| 21 | 40 | \$13,226,398.99 | 33 | \$11,382,893.67 | 1 | \$0.00 | 6 | \$1,843,505.32 | 0 | \$0.00 | 0 | \$0.00 |
| 22 | 49 | \$15,859,410.75 | 43 | \$14,737,725.23 | 0 | \$0.00 | 6 | \$1,121,685.52 | 0 | \$0.00 | 0 | \$0.00 |
| 23 | 57 | \$18,794,090.70 | 56 | \$17,689,706.70 | 0 | \$0.00 | 0 | \$0.00 | 1 | \$1,104,384.00 | 0 | \$0.00 |
| 24 | 54 | \$19,493,381.37 | 0 | \$0.00 | 0 | \$0.00 | 0 | \$0.00 | 54 | \$19,493,381.37 | 0 | \$0.00 |
| Totals | 346 | \$102,264,921.64 | 186 | \$59,071,378.45 | 5 | \$0.00 | 99 | \$22,081,164.02 | 55 | \$20,597,765.37 | 1 | \$514,613.80 |