

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

**DRAFT - STATE COMMITTEE MINUTES**

**January 18, 2011**

Present: G. Proios, D. Brass, D. Stein, C. Colby, Voting Members; M. Latham, Director; B. Steinmuller, R. Lewis, C. Frasier, B. Brower; J. Ten Eyck, L. Travis, SWCC Staff; E. Henry, NRCS; J. Rusnica, Ag & Markets; M. Brower, Ag & Markets; S. Lorraine, NYSCDEA/Madison SWCD; A. Barber, Cortland SWCD and P. Freehafer, NYS DEC.

**Call to Order:**

G. Proios, Chairman, called the meeting to order at 10:15 am.

**Review and Approval of Minutes:**

**D. Stein moved to approve the November minutes as presented; seconded by D. Brass. Motion passed; carried.**

**Correspondence**

M. Latham read a letter from Kevin Summer, Orange County Soil and Water Conservation District (SWCD) Manager, addressed to Chairman G. Proios. The letter addressed disappointment with a ruling that was made by the Committee regarding money that was transferred from one farm that had not completed its BMPs before it was sold, to another farm. Discussion ensued. Although, the State Committee understands how eligible funding guidelines can be misinterpreted, Rich Lewis, Region 6 AEA, acted in accordance with Agricultural Nonpoint Source Abatement and Control (AgNPS) Program guidelines when he instructed the Orange SWCD that the \$20,000 originally allocated for project(s) that were not completed cannot be apportioned to another farm to cover cost overruns. A letter of response will be issued to the Orange County SWCD clarifying AgNPS policies.

**SWCC Region 6 Report, CREP Report and Green Infrastructure** – R. Lewis

R. Lewis currently covers 10 Districts in the southeast portion of the State. R. Lewis discussed in general terms the issues and status of the Districts in his area. R. Lewis went on to discuss issues that impact all Districts across the state. R. Lewis noted that he plans to retire in the near future and before that date he is advancing critical elements of the SWCC Strategic Plan, including providing tools to Districts to develop Long-Range Strategic Plans that can be utilized to create realistic Annual Plans of Work.

The Districts need to be looking ahead because many are struggling financially; they also need to ask themselves what they are doing to show their value to the Legislature and other local decision makers. Rich is developing some training modules for District Directors regarding Strategic and Long-Range Planning. D. Stein added that some Districts are still not getting their messages out, thereby jeopardizing their ability to move forward. R. Lewis pointed out that we cannot fix every problem. All we can do is supply them with the proper tools.

In relation to CREP (Conservation Reserve Enhancement Program), there are some areas of the state that were deficient in this activity right from the start. It is clear that without some type of greater involvement by the state, the Committee cannot accelerate this effort as it had hoped. Discussion ensued regarding CREP.

Rich handed out a flyer developed by the Syracuse University Environmental Finance Center (EFC) titled: What is Green Infrastructure? He noted that in 2006, North Carolina passed a bill establishing a community conservation assistance program with a primary focus to introduce a green infrastructure program. M. Latham added that it is like a block grant to the districts. R. Lewis and M. Latham had the opportunity to sit down with the individual in North Carolina who runs the program.

R. Lewis noted that there will be an introduction to green infrastructure presented by EFC at the 2011 Water Quality Symposium. D. Stein added that we need a game plan to put this in place. A. Barber said that we need to be pro-active but also should be mindful of the District's resource limitations. M. Latham added that the demand is coming – it's just not here yet, but we need to start planning for this opportunity. Discussion continued regarding various Districts that have been working in this arena for some time, including Warren County SWCD.

### **AEM Update** – J. Ten Eyck

J. Ten Eyck updated the Committee on the progress of the AEM Program. The following topics were discussed:

- Ecosystem Based Management Update
- District Employee Training
- Technical Assistance Coordination with NRCS
- AEM Base Program Update
- AEM and the Chesapeake Bay Watershed TMDL

To request a copy of this presentation please contact the State Committee office.

### **Cortland County SWCD Presentation** – A. Barber

Amanda Barber, Cortland County SWCD Manager, gave a presentation about the county and the SWCD. *"It is the mission of the Cortland County SWCD to conserve soil, water and other natural resources, improve water quality, control and abate nonpoint sources of pollution, assist in the control of floods, protect the tax base, protect public lands, utilize resources to enhance the quality of life, and protect and promote the health, safety, and general welfare of the people of the county."*

The Cortland County SWCD has three broad Program Areas

- Conservation Education
- Community Environmental Management
- Private Land Conservation

A. Barber told the Committee that a strong and active Board, great staff, and diverse program areas are the important elements attributing to the success of the District.

To request a copy of this presentation please contact the State Committee office.

## **DEC Partnership Funding** – P. Freehafer, M. Latham

P. Freehafer has recently changed roles within the DEC. He is now more involved with fiscal management and partnership funding. P. Freehafer was asked to discuss with the Committee the need to develop a broadly worded MOU to put into place a mechanism that would allow for the sharing of resources with the SWCC to help meet mutual water quality goals. It was stated that the MOU should be worded broadly enough so that future funding for a wide variety of activities can be put into place. M. Latham agreed that it should be very broad and serve as a template for other MOUs. It was noted that the State Committee and the Division of Water will be conducting the second partnership meeting shortly to in part further discuss the MOU.

## **Review of SWCC Policy Development Procedures** – M. Latham

In 1995 the State Committee put some time into preparing a policy manual, but never formally acted on it. However, A Policy Development Plan was drafted to set up a framework for how policies are developed by the Committee. Mike updated some of the terms and involved staff by asking for their input. M. Latham will do some research on the previous documents, determine which ones are relevant today and put something together that Committee members can read and hopefully act on at the February Committee Meeting. It would be a valuable procedural tool to enhance understanding to effect policy development and outcomes.

## **Agricultural NPS Abatement & Control Grant Program** – B. Steinmuller

### **STATUS OF ROUNDS 1-16**

Of 543 contracts, 142 are active, 40 are pending and 380 are complete. 19 contracts have been cancelled during the life of the program.

### **Amendments for State Committee Consideration**

Allegany SWCD – CAFO Environmental Compliance – Round 13 – C700835

Request: time extension from 12/31/10 to 9/1/11

Reason: Due to dairy economy, farm had difficulty securing funding. Implementation is underway.

*Note: Les Travis, Region 3 AEA, supports the time extension*

*Previous amendments: none*

**D. Stein moved to approve the amendment request for a time extension to 9/1/11; seconded by D. Brass. Motion passed; carried.**

Rensselaer SWCD – Mapledale Farm Ag Waste System & Greenbelt Project – Round 13 – C700864

Request: time extension from 12/31/10 to 12/31/11

Reason: Due to financial conditions, District requesting extension to allow NRCS modification application to be completed enabling the entire project to be fully implemented.

*Note: Cliff Frasier, Region 5 AEA, supports the time extension*

*Previous amendments: 1 time extension, 1 change in budget*

**D. Stein moved to approve the amendment request for a time extension to 12/31/11; seconded by C. Colby. Motion passed; carried.**

Washington SWCD – Champlain CAFO Waste Storage Evaluation – Round 13 – C700874

Request: time extension from 12/31/10 to 12/31/11

Reason: Delay in construction due to excessive rainfall. Construction is 90% complete; seeding to be completed during growing season.

*Note: Bob Brower, Region 4 AEA, supports the time extension*

*Previous amendments: 1 time extension*

**D. Brass moved to approve the amendment request for a time extension to 12/31/11; seconded by D. Stein. Motion passed; carried.**

### **Staff Approved Amendments**

Rensselaer SWCD – Eastern Lake Ontario Medium CAFO Compliance – Round 13 – C700864

Request: change in budget

Reason: moving funds from engineering and contractual services to BMPS

*Cliff Frasier, Region 5 AEA, approved the amendment*

*Previous amendments: 1 time extension, 1 change in budget*

Wyoming SWCD – Tonawanda Creek WS Ag BMP Imp Project – Round 13 – C700875

Request: change in BMPs

Reason: Recent DEC inspection noted need for silage leachate collection & treatment system rather than manure storage. Benefits will be at least equal to the storage.

*Les Travis, Region 3 AEA, approved the change in BMPs*

*Previous amendments: 1 time extension, 1 change in landowner, 3 changes in BMPs*

Wyoming SWCD – Lake Erie Drainage Basin Ag BMP – Round 14 – C700880

Request: change in BMPs

Reason: Landowner to consolidate operations at three farmsteads into one main operating unit.

Request to combine two smaller ag waste storages into one large centrally located storage.

*Les Travis, Region 3 AEA, approved the change in BMPs*

*Previous amendments: 1 change in BMPs*

### **Partnership and Advisory Reports - All**

G. Proios noted that long-time Suffolk County District Conservationist, Alan Connell, retired. The District also lost one of two legislators on the Board. The problem that Suffolk SWCD is running into is there is no formal training when a new Board Member comes into a District. Discussion ensued regarding the need to better coordinate and offer educational tools and messages that can be easily conveyed and absorbed by new members and legislators.

M. Brower, Ag. And Mkts., briefed the Committee on the Division of Agricultural Protection's involvement reviewing the agricultural impacts related to the Champlain Hudson Power Express, Inc. (CHPEI) permit to construct, operate, maintain, and connect an electric transmission line from Canada to New York City. The proposed alignment follows the Hudson River to the New York City metropolitan area. Brower indicated that if the Public Service Commission does approve the original proposed route, the agricultural impacts would be minimal. However, if the cable cannot be located underwater in some locations, there could be increased impact to agricultural resources.

Les Travis reported that four Districts in his region have recently hired new Managers. The Districts are: Monroe, Wayne, Livingston and Allegany. There is no consistent guide to provide manager orientation to the new employees. Three of them have never been District employees. Travis noted that establishing some type of mentoring program would be helpful to orientate new District Managers.

S. Lorraine, NYSCDEA, announced the details of the 2011 Water Quality Symposium and personally invited the Voting Members to take part in the Awards Ceremony and Banquet.

E. Henry, NRCS, discussed staff changes and temporary assignments within NRCS. Henry noted that Don Pettit will be transferring to New Jersey to become the State Conservationist. Henry also discussed some ongoing initiatives and program details.

M. Latham asked about the status of the Rapid Response Team for Chesapeake Bay. E. Henry responded that currently they are tied up with the budget negotiations. The main question is how those funds would be distributed. The way it operates now, the funds are not made available until the end of the budget year, and if agreements are not in place, they lose the funding. NRCS would like to set up cooperative agreements with state partners and Districts. For the Chesapeake Bay the need is becoming more apparent. The big concern is what happens if people are hired this year and then next year there is no funding. With cooperative agreements in place, the partners may have the opportunity to keep positions in place even if funding is no longer available.

M. Latham added that he and B. Steinmuller spent time in January hosting manager meetings with district managers and staff across the state. At four regional meetings, 80% of the Districts were present. The agenda included information on the EPF, state budget, and District reporting. They presented a training module on the State's Open Meetings Law with the district managers and staff. The agenda also included a round table discussion on county budget processes and appropriations.

M. Latham added that the Department of Ag and Markets has a new Acting Commissioner, Darrel Aubertine of Jefferson County. Pending confirmation, former State Senator Aubertine will become the 27<sup>th</sup> State Agriculture Commissioner. Acting Commissioner Aubertine started work on January 11, 2011. The State Committee will be drafting a letter of congratulations and welcome.

M. Latham briefed the Committee on EPF spending for the year, noting that it appears the Committee will be reaching approximately 80% of the \$17 million goal. Latham also briefed the Committee on the upcoming deadlines for District Annual Reports, Treasurers Reports, and Annual Plans of Work.

M. Latham added that Pro-Dairy reported that they will no longer be provided funding from the State of New York after March 31, 2011. This is a major issue because it is the technical arm of AEM, CNMPs and CAFO training. We have a vested interest in this program. M. Latham will be closely monitoring this issue and the Committee requested that a letter of support for Pro-Dairy be sent to the Commissioner of Agriculture and Markets.

The meeting schedule for the year will be set for the 3<sup>rd</sup> Tuesday of every month, unless otherwise noted.

**Next Meeting** – Monday, February 14, 2011 Location, Department of Agriculture and Markets, Albany.

Meeting adjourned at 2:00 pm.

To access the audio-cast for this meeting please visit:

<http://www.agmkt.state.ny.us/webcasting.html>