

Approved

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

STATE COMMITTEE MINUTES
NOVEMBER 15, 2011
STATE OFFICE BUILDING, CONFERENCE ROOM A
207 GENESEE STREET, UTICA, NY

Present

D. Stein, D. Brass, C. Colby, Voting Members; M. Latham, Director; B. Steinmuller, Virginia Weston, State Soil and Water Staff; Kevin Roberts, DEC; P. Kaczmarczyk, DOH; R. Rausch and J. Rusnica, NYS AgMkt; D. DeWeese, Albert Jones, NRCS; P. Black and B. Davis, SUNY ESF; J. Littrell, NYACD; C. Mural, NY Farm Bureau, J. Lieberum, NYSCDEA. L. Prezorski, Dutchess County SWCD, J. DeHollander, Oswego County SWCD; Brian Wohnsiedler, Jefferson County SWCD; and Lee Telega, Cornell CALS.

Call to Order: D. Stein, Vice-Chairman, called the meeting to order at 10:10 am in the absence of G. Proios, Chairman.

Review and Approval of Minutes:

C. Colby moved to approve the Minutes from the September 20th Committee Meeting, seconded by D. Brass. Motion passed; carried.

Correspondence:

The Committee received two pieces of correspondence. The first was an appreciation letter on behalf of the Food and Health Network of South Central New York thanking for providing technical review of their document that deals with enhancement of community food systems.

The second letter, from the TMDL Chesapeake Bay Upper Susquehanna Coalition, is a request for funding assistance to advance certain practices that would have an important effect on water quality and provide high efficiency while providing pollution control. The funding would be used to develop a pilot program, over approximately a five- year period at a projected cost of about \$1.2 million. If there were some group practices that they would put particular emphasis on in the watershed, The Committee could seek additional resources to help facilitate that particular program. It would be an opportunity to advance the issue and increase compliance with the TMDL as they work towards the goals that are required by the year 2025. For the past two years, at the Division level, legislation was introduced seeking a 25% set-aside. Twice it passed the Senate, but not the Assembly. D. Stein added that the District Association should try to help move this legislation forward.

Conservation District County Budget Outlook – 2012

On M. Latham's and B. Steinmuller's latest visits to the Districts, they determined that a few districts received increased county appropriation for next year, a very small amount remained

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the same and the remainder received decreased funding. B. Steinmuller added that the Committee staff has written letters of support to some County Legislators to demonstrate the value of Districts locally.

Oswego County SWCD Presentation

J. DeHollander, District Manager, gave a power point presentation with some information on the background of Oswego County. Approximately one-third of the county is farmed (about 639 farms); there is still about 2,300 acres of forest land. They participate in AEM, BMP implementation, Great Lakes Restoration Grant, Round 17 Ag Nonpoint Source and provide educational programming on invasive species. The District receives approximately \$20,000 in private funds and they have a contribution agreement with NRCS which provided \$260,000 for Fiscal Year 2011.

A Current dilemma facing the county's farms is drainage of muck lands. Previously no signed formal drainage easement was necessary; vocal landowner permission to maintain the drainage ways sufficed. As new home owners have settled in the area, gaining access to some of the problem sites has developed into a serious problem. On behalf of the effected farmers, J. DeHollander has approached Cornell University, the Farm Bureau and the USDA for assistance. He feels that he needs some direction from the Committee. Members of the Committee suggested that the farms may want to proceed to petition DEC to form a drainage association. It was noted that this could be an expensive proposition and many of the farmers are not yet willing to proceed with this approach. Much discussion ensued. It was noted that if the value of the agricultural production of the farmland is worth the farmer's costs, then they should be encouraged to settle the disputes either directly with the homeowners, petition the DEC for an association, or seek third party mediation. Outside of those options there is little more that that Committee could recommend. It was noted that these types of drainage issues are experienced in Orange County as well. The Committee will continue to monitor and provide guidance on these issues as needed.

Conservation Technical Assistance Program Update

L. Prezorski gave an update on the progress of the Conservation Technical Advancement Program. CDEA and NRCS are also involved in the group. The CTAP encompasses a progressive level curriculum designed to provide a list of training courses for Districts with various program areas and various levels of technical expertise.

Lauren has set up a Statewide Training Calendar that encompasses all of the classes being offered by Districts and for Districts around the State. She has set up an on-line calendar that all district employees can access. It will be completely up and running in January. Discussion about a mentoring program for Districts to share their valuable expertise with others

P. Black -- A word of Thanks

Peter Black announced that he will be stepping down as the SUNY Environmental Science and Forestry (ESF) representative to the State Committee due to health reasons. He introduced Bob

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Davis, who is currently the Director of Forest Properties for ESF, and added that Bob would be attending meetings in his absence.

Peter gave a short history of how he developed an interest in conservation as a high school student and evolved into the well-respected conservation specialist that he is today. He was one of the trailblazers responsible for helping to identify wetlands across New York State. Peter was one of the trailblazers that set a fine example of what a true "conservationist" is. He will be missed by colleagues on the State Committee. Peter thanked everyone for their friendship, education and dedication to the preservation of New York's natural resources and promised to drop by from time to time and "keep us on our toes".

Ag NPS Abatement and Control Program

STATUS OF ROUNDS 1-16

Of 543 contracts, 140 are active, 3 are pending and 381 are complete. 19 contracts have been cancelled during the life of the program.

Amendments for State Committee Consideration

Orange SWCD – Nutrient & Agricultural Waste Management in the Wallkill River – Round 13 – C700861

Request: time extension from 11/15/11 to 12/31/12

Reason: extension needed due to Hurricane Irene / Tropical Storm Lee impacting the entire county and demanding nearly 100% of the District Manager and Technicians time

Note: Brian Steinmuller, Assistant Director, recommends approval of the extension request.

Orange SWCD – Nutrient & Agricultural Waste Management in the Wallkill River – Round 14 – C700922

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

Reason: extension needed due to Hurricane Irene / Tropical Storm Lee impacting the entire county and demanding nearly 100% of the District Manager and Technicians time

Note: Brian Steinmuller, Assistant Director, recommends approval of the extension request.

Questions and Answers

D. Stein asked about the number of time extensions that are allowed per contract. B. Steinmuller replied that there is no set number, but these were clearly due to the aftermath of the storms. They still have commitments from the farmers. D. Stein said that he would like it noted that these extensions are approved only because they are storm-related. He added that no other extensions should be granted for these contracts. B. Steinmuller agreed.

D. Brass moved to approve the amendment requests for a time extension to

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12/31/12; seconded by C. Colby. Motion passed and carried.

The following Round 14 no-cost time extension was approved by the November 30, 2009 deadline. It is being resubmitted at this meeting so it can now be reviewed by the Office of the State Comptroller because it is within six months from the original end date 12-31-11.

Staff Approved Amendments

Cayuga SWCD – Prescribed Grazing – Round 14 – C700884

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

Reason: extension needed due to poor economy and EPF payments delayed

Approved by J. TenEyck 8/3/09

Staff Approved Amendments

Cortland SWCD – Tioughnioga River Watershed 2007 – Round 14 – C700906

Request: change in budget

Reason: all engineering services expenses are moved to contractual services; landowner, sponsor and state contribution percentages will be unchanged.

Note: C. Frasier, Region 5 AEA, approved the change in budget

Erie SWCD – Buffalo River Watershed – Round 16 – C700971

Request: change in BMPs

Reason: Technically, this is a BMP change, but landowner will be doing the same practice; the barnyard water management system and associated standards better fit the situation as opposed to the original ag waste storage system.

Note: Jeff Ten Eyck, Region 3 AEA, approved the change in BMPs

Round 17 Update

The submission of Round 17 Plans of Work were due to the AEAs On August 26, 2011 B. Steinmuller reported that he received them on August 28th. Then the storms hit and flood response took center stage. B. Steinmuller said that he will be busy prioritizing the Plans of Work and processing contracts by the end of the year in order to get advanced funding for those districts by next spring.

EPF Status Update

Since the Division merged with the Agricultural Protection Unit, all EPF funding for the Department goes through the Division of Land and Water Resources. M. Latham, as Division Director, orchestrates what goes out, what gets paid and when. If the Districts do have farmers that are willing to start working, the Districts need to submit their plans of work as

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soon as possible. The Division of Budget has been working much faster in trying to streamline the approval process and make funds available as quickly as possible. The Governor announced that the mid-year cash projections are down, so we are working in a deficit reduction type of scenario. M. Latham added that we need to see what that means for our operations budget and other potential cuts. The EPF Plan is in place. It is solid through April 1st and we are on target with cash projections.

J. Lieberum, CDEA President, asked what the earliest round is that has not been closed out yet. B. Steinmuller replied that there are still some contracts in Rounds 11 and 12 that have not been closed out. M. Latham added that approximately one-half of all the program's contracts are still active. J. Lieberum, noted that he has had calls from some districts regarding AgNPS Program delays. B. Steinmuller added that he is confident that we will be able concentrate on AgNPS Program work and all close-outs and Round 17 plans of work will be reviewed before the start of the New Year. M. Latham added that time is still ticking on Round 17. The majority of the Plans of Work have not been submitted yet. There were one or two early birds that have submitted them, but we may have to hold them for a period of time.

Round 18 RFP Update

B. Steinmuller announced that the Round 18 RFP went out in mid-September. They are due by 4:30 pm on January 9, 2012. He and M. Latham discussed the topic, with a summary of changes, at the Manager's Meetings. The list will be ranked in February 2012. They anticipate a strong response for the coming year. They pushed the timeline forward as much as possible because of Hurricane Irene and Tropical Storm Lee.

NRCS Contribution Agreement Update

M. Latham provided an update on the staffing plan. The proposed Consultant Program Assistants will be both based in the field and in the Albany office. NRCS and EPF contributions together will be funding the Consultant Program Assistant positions, as we had hoped. The positions will be bid through the districts (as was done with Dutchess and Schenectady). He would like to have these positions in place by the end of this year. The positions will help with the AEM, Ag NPS Program, and State Aid to Districts Program and aid our State and federal partners as well. M. Latham thanked NRCS for their help in this endeavor.

Advancing the Environmental Engineer position was been a tough catalyst to fund and get off the ground. Thanks again to NRCS. They are now waiting for exemption approval from the Division of the Budget to move forward. They will be advertising this as state engineer position. M. Latham has been working with Human Resources on wording that will hopefully result in interest from potential engineers who have conservation field experience. M. Latham said that this would be a permanent position for someone who has active experience in stormwater management and it would be funded partly with Federal dollars.

Advisory Member Reports

M. Latham explained how the Division of Soil and Water and Agricultural Protection Services Unit combined forces to become the Division of Land and Water Resources. Soil and Water Conservation Committee business with districts will remain the same. They have started the

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process of integrating the two units together. The strategy is to get the RFPs off the ground again so that EPF cash flow is not a burden to either unit. The Soil and Water Conservation Committee name will remain the same.

D. Brass attended the Grange Agricultural event and all the resolutions that were proposed were approved. He would like to see the Farm Bureau and the Grange have a better working relationship. C. Mural noted that she will touch base with him about this.

A. Jones, acting State Conservationist, said that he was looking forward to working with everyone and is hopeful that the Farm Bill program will be rolled out this year.

D. DeWeese said that NRCS is now operating on a continuing resolution until the 18th of this month. That means that they are operating on last year's budget, less 10%, but it will not interfere with the roll-out of this year's Farm Bill Programs. He noted that he appreciates all of L. Prezorski's work on technical training initiative. He noted that M. Stevenson is now the liaison working with FEMA on disaster response. M. Latham added that he recently gave her all the information she requested on the ACRF Program.

L. Telega noted that the county appropriations for Cornell Cooperative Extension have been the same for the past two years. He has been busy working to secure seed money from the Federal government. There has been a dramatic reduction in staff. Program-wise, since 2007 they have lost about \$1.5 million per year and are on track to lose approximately another \$1.5 this year. They are waiting to see how county appropriations go. Lee noted that it is too soon to tell if the recently-implemented "shared business management system" is working.

Lee added that DEC is putting the final touches on a permit that will be required for water use for farms that use an average of more than 100,000 gallons of water per day (in an average 30 day period). Pro Dairy is developing a spreadsheet to help dairy producers who presently do reporting. If farmers are registered by February 15th, they would be grandfathered in and would not be required to pay a registration fee but there will be a fee for the permit. M. Latham added that under the Great Lakes Compact, the State came out with this agreement to consolidate all the watersheds under one law. C. Mural noted that the Farm Bureau did a mailing about this and also listed more information on this program on their website.

K. Roberts, DEC, reported that DEC is working to develop this year's EPA 319 Program is a success stories. He expressed his thanks to Ed Hoxsie; for his involvement providing information on watershed activities in Dutchess County.

K. Roberts talked about the Federal Court requirement, starting October 31st of this year, that discharge permits be developed for aquatic pesticide application. The Federal permit applies only to tribal lands in NY State. The NY State permit is more flexible and, at the same time, more demanding than the Federal permit and applies everywhere else in the state. The new permit applies to everybody who is currently required to submit a "Notice of Intent" in New York State. It pertains to any product that is directly applied to waters in New York State that is labeled for aquatic use. Any aquatic area that requires an Article 15 permit and is used for public water supply will require this permit. DEC is just starting to provide outreach on this. There seems to be a lot of confusion about it. B. Steinmuller added if DEC is comfortable with the language and its practicality, they should send the information to the Committee to be

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distributed to all Districts.

J. Lieberum announced that the CDEA Board meeting is scheduled in Beacon, NY on December 6th and 7th. He brought up the possibility of adding funds to Part C for a special section labeled Storm Disaster Relief to help districts recover from storm damage. M. Latham said that he could look into an emergency category for this type of damage. B. Steinmuller talked about changing the Part B application or the possibility of applying Part C funds for disaster relief work. Creating a separate category would involve statutory changes.

C. Mural added that NY Farm Bureau is in the middle of the policy development process, including talks about expanding statutory authority. She noted that the Federal Farm Bill is being put together with minimal input. They will be meeting on December 6th, 7th and 8th in Binghamton.

J. Littrell said that they recently held their annual meeting. There were 153 people registered, an increase over last year. Legislative days are scheduled for February 6th and 7th. The next Board meeting is scheduled for December 2nd and they will be finalizing goals for the coming year. The Northeast National Association of Conservation Districts 2012 Annual Meeting will be held in Corning, NY in the third week of August.

R. Rausch announced that the second component of the ACRF ended on November 7th. The farm product matching component is still going through the eligibility phase. There were 196 applications and they will be meeting with the Department of Housing and Community Renewal on November 16th. No dollar amount has been determined yet. The period that this fund covers is for damage incurred between August 28th and October 31st.

P. Kaczmarczyk noted that there have been numerous retirements in the DOH. They toured some facilities to assess storm damage. There was only slight damage at the Gilboa Dam where some of the equipment was washed away. One water treatment plant had issues and there were some washed-out roads. Their unit will be moving the first of the year to the NYS Corning Tower building in Albany

B. Steinmuller reported that he received a final draft of the Memo of Agreement establishing the Mohawk River Watershed Advisory Committee. This body approved the coalition of Mohawk River Districts two years ago. Since then, the Coalition has been very actively working with the Department of State on a watershed management plan. This Watershed Advisory Committee would be established to facilitate the drafting of that plan. It will be chaired by the Secretary of State, or his designee and all proposed stakeholders are being asked to sign the MOA.

A motion was made by D. Brass, seconded by C. Colby, to approve the Memo of Agreement to sign on to the Mohawk River Watershed Committee. Motion approved.

The next meeting of the Committee will be held at Department of Agriculture and Markets Offices, at 10-B Airline Drive, in Albany on *Tuesday*, December 13, 2011 beginning at 10:00 am.

The following meeting is scheduled for, *Tuesday*, February 14, 2012. Site to be determined.

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The meeting adjourned at 2:15 pm.

To access the audio-cast of this meeting, please visit the New York State Department of Agriculture website at: www.agriculture.ny.gov.

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