

## Approved

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

**STATE COMMITTEE MINUTES**  
**DECEMBER 13, 2011**  
**PRIDE OF NEW YORK ROOM**  
**NEW YORK STATE DEPARTMENT OF AGRICULTURE & MARKETS**

### **Present**

G. Proios, D. Stein, D. Brass, Voting Members; M. Latham, Director; B. Steinmuller, G. Albrecht; V. Weston, State Land and Water Resources Staff; D. Tuxill, DEC; P. Kaczmarczyk, DOH; R. Rausch J. Rusnica, M. Moran, NYS Ag & Mkts; D. DeWeese, A. Jones, NRCS; B. Davis, SUNY ESF; C. Watkins, NYSCDEA and Jefferson County SWCD. D. Grantham, CCE; and B. Silvestri, Schenectady County SWCD and NYSSWCC and guest, D. Lombardo, Daily Gazette Newspapers.

**Call to Order:** G. Proios, Chairman, called the meeting to order at 10:10 am.

### **Review and Approval of Minutes:**

**A motion was made by D. Stein to approve the November 2011 Minutes, seconded by D. Brass. G. Proios requested that we amend the minutes as written to include more background information on Peter Black and focus on some of the many achievements that he accomplished in his lifetime.**

We need to thank Peter for his unwavering dedication to the field of soil and water conservation. M. Latham added that when he is feeling up to it, we will give him a proper send-off, either at a future Committee meeting or at the annual NYACD Meeting. A letter of appreciation will be prepared for the Committee members to sign and send.

### **Correspondence:**

The Committee received no correspondence for this month. M. Latham noted that the newsletters and periodicals that were received were placed on the table for review.

### **Budget and Personnel Update**

M. Latham gave a synopsis of the contractual staffing plan proposed to support the Division of Land and Water Resources of the Department of Agriculture and Markets. It is organized under two distinct, yet complimentary, funding mechanisms: those that would be supported solely by the State Environmental Protection Fund and those that would be funded by a collaborative effort through the USDA-NRCS, the State's EPF and the State's General Fund.

### **Positions supported solely by State EPF:**

**AgNPS Regional Program Assistants (Region 3 and Region 5):**

Over the last 10 years the program has grown nearly 300% from an approximate \$4 million allocation to an approximate \$12 million allocation. The state fiscal year 2011-2012 budget demonstrates continued growth with an allocation of \$13 million. Over \$100 million has been allocated over the life of the program. The Department has identified the AgNPS Program as a high risk due to many factors, including financial impacts and risk of failure. Nevertheless, the Department and the State Committee remains committed to the program's sustained growth and successful implementation. If program staff resources are not enhanced, considerable momentum and project completion will be severely impacted.

## Approved

A significant workload exists in Region 3 and Region 5. In Region 3, there are currently 82 active contracts, representing conservation projects on 708 farms, for a value of \$ 26 million. In Region 5, there are currently 94 active contracts, representing conservation projects on 396 farms, for a value of \$22 million. The positions would be primarily responsible for:

- Reviewing and recommending approval of contract plans of work
- Collecting and analyzing program interim report activities
- Making routine farm visits to evaluate project status and conducting District and on-farm field reviews as necessary
- Reviewing program accomplishments to verify payment requests
- Providing technical assistance to Conservation Districts to enhance program accomplishments
- Reviewing technical and cost justifications for recommendation of approval for amendment requests
- Reviewing final report documentation including, project narratives, final SW Forms, bills and invoices, procurement records and project certifications
- Providing technical assistance to ensure accurate recording of program deliverables to help document achievements for compliance with watershed initiatives such as the NYS's Chesapeake Bay Watershed Implementation Plan (WIP), and watershed management plans across the state.

### **Positions cost-shared with NRCS Contribution Agreement Funding**

#### **AEM & AgNPS Program Assistant:**

Increased demand on data collection, management, and reporting has placed additional strain on program management. The position would be primarily responsible for:

- Analyzing program activities
- Collecting, and managing program data
- Providing technical assistance to Conservation Districts to enhance program reporting, and providing program information in the appropriate formats to conservation partners to document shared accomplishments. This includes coordinating data collection and entering into the NRCS datasets such as Protracts, Toolkit and the Performance Results System (PRS)
- This position will assist the Division in providing conservation system data to state partners such as the NYS Department of Environmental Conservation (DEC) for statewide water quality reporting through the EPA's Grants and Reporting Tracking System (GRTS)
- In addition, the AEM & AgNPS Program Assistant will provide program data to help document milestone achievements according to NYS's Chesapeake Bay Watershed Implementation Plan (WIP)
- Position will augment, when possible, Department farm by farm data needs

#### **Conservation District Technical and Financial Aid Coordination:**

Currently, the Division of Soil and Water collects abundant amounts of data and information pursuant to Conservation District accomplishments through the annual State Aid to District solicitation. Currently, the Division lacks the capacity to fully analyze and manage the information to comprehensively document District success in NYS. This activity is also important as it relates to the direct delivery of resources to optimize conservation technical assistance (CTA). CTA provides the foundation for successful execution of natural resource protection through all local, state, and federal programming. The position would be responsible for:

- Soliciting applications and claims for the State Aid to Conservation Districts. This includes collecting, analyzing, and managing conservation project data, and Conservation District financial information.
- This position would coordinate the delivery of state technical assistance funding for conservation work across the state.

## Approved

- This position would coordinate the development and management of annual Conservation District Performance Measures, under State Aid to District (Part C)
- In addition, the Coordinator would be responsible for documenting Conservation District activities in the appropriate formats to conservation partners to document shared accomplishments.
- This includes coordinating data collection and entering into the relevant NRCS datasets such as Protracts, Toolkit and the Performance Results System (PRS). Information gathered through this project could also be used to help NRCS and the State Committee coordinate future opportunities for Districts and local NRCS offices to work together to get more conservation on the land.

### **Agricultural NPS Abatement & Control Grant Program:**

#### **STATUS OF ROUNDS 1-17**

Of 580 contracts, 153 are active, and 407 are complete. 20 contracts have been cancelled during the life of the program. There are 52 Round 17 NPS projects pending and in various stages of review.

Round 17 Plans of Work were due on August 16, 2011. Because of the effects of Hurricane Irene and Tropical Storm Lee, there was a slowdown of the reviewing process. Currently they are in various stages of review. A few have already been submitted to Counsel's Office. B. Steinmuller noted that it is important to complete them before Round 18 projects are submitted.

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

Oneida SWCD – Hudson-Mohawk Watershed BMP Imp. – Round 14 – C700913

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

This is their first extension request. Oneida was hard-hit with storm recovery projects. Two manure storage facilities need to be completed. Cliff Frasier reviewed their justifications and recommend that they be granted a one-year extension.

**D. Stein made a motion to approve the amendment request for a time extension to 12/31/12. D. Brass seconded. Motion was carried.**

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

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: Cliff Frasier, Region 5 AEA, recommends approval of the extension request.*

*Previous amendments: 2 time extensions; 2 changes in budget*

**D. Stein moved to approve the no-cost time extension to 12/31/12. This is a final extension for this contract; seconded by D. Brass. Motion passed; carried.**

**The following Round 14 no-cost time extensions were approved by the November 30, 2009 deadline. They are being resubmitted at this meeting in order for them to be reviewed by the Office of the State Comptroller because it is within six months from the original end date of 12-31-11.**

## Approved

Cayuga SWCD – On Farm Waste Storage for Regional Digester – Round 14 – C700881

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

Reason: landowners cannot front the cost of BMPs, EPF funding delays

Approved by J. Ten Eyck 8/3/09

Cayuga SWCD – Cayuga Lake Watershed Tier IV – Round 14 – C700883

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

Reason: delay in design from private engineer and poor weather conditions

Approved by J. Ten Eyck 8/3/09

### Staff Approved Amendments

Wyoming SWCD – Genesee River Drainage Basin Ag BMP Imp Project – Round 15 – C700958

Request: change in BMPs

Reason: heavy use area protection, roofed feeding area priority over manure storage

Approved by J. Ten Eyck 11/22/11

### Jefferson SWCD

C. Watkins, Jefferson SWCD, asked to present a contract for a time extension to 12/31/12.

This contract is already in its 6<sup>th</sup> year. R. Brower, Region 3 AEA, is aware that they have experienced engineering delays. The landowner has a CCPI Grant through NRCS and is dealing with financial issues. They started with NRCS, but through the summer they experienced delays. Because of poor weather, they are presently unable to complete the project. The project should be completed by the end of 2012.

D. Stein noted that we would revisit this issue at the February meeting when a quorum of the State Committee Members will be present to vote on this extension.

### Round 18

The RFP is out. The proposals have a deadline of 4:30 p.m. on January 9, 2012. Some of the districts have been overwhelmed with the annual work plans. He anticipates this round may be lighter than usual; some districts still have a workload backlog from ACRF.

### ACRF Program Update

M Latham read a letter he received from a farm in Chenango County thanking the Department and Conservation District for the quick response to landowners with storm damage and reported that after three months of work, they are ready for the 2012 growing season. Close to \$4.5 million has been distributed to approximately 350 farms. As of 12/1/11 there were 40% of projects completed, 42 were active, 6 projects withdrawn and 63 not officially started. This number of completed projects continues to increase. About 82% are actively under construction or will be completed by the end of the year. M. Latham thanked the Districts for going beyond the call of duty to help complete some projects before bad weather arrived.

R. Rausch reported that the Commissioner is extremely pleased with the timely response by staff and Conservation Districts in their assessment of damage to the impacted farms and communities. He noted that Commissioner Aubertine is Co-chair, with President Driscoll of the Environmental Facilities Corporation (EFC), of the Upstate Storm and Flooding Recovery Task Force.

Rausch noted that at the end of November, a multi-agency team was brought together to assess stream damage in Greene County, and determine what could be done in the short term with the hopes that longer term solutions can be made and duplicated in other counties. The first meeting was well attended, including representatives from federal, state and local agencies and organizations. The following day they visited the highest priority sites to see where permits would be required and where money could be stretched to have the greatest impact. A lot of good discussion and opportunities for

## **Approved**

action came out of this initial meeting. Rausch noted that Conservation District involvement has been and will continue to be effective in the stream damage assessment and recovery efforts. Discussion ensued regarding the NRCS Emergency Watershed Program (EWP). Discussion was held regarding matching fund requirements for EWP.

### **Approval of SWCD Annual Work Plans**

**D. Brass made a motion to approve the Annual Plan of Work for Schuyler County, which was reviewed by Jeff Ten Eyck, AEA; seconded by D. Stein. Motion carried.**

### **New 590 Nutrient Management Standards**

Greg Albrecht, SWCC AEA, advised the Committee that the new NRCS National 590 Nutrient Management Standard was issued on the morning of the Committee meeting. The standards are reviewed every five years. There was a proposed ruling regarding the prohibition of winter spreading that stakeholders in NYS were heavily engaged in. After a review of the new national NRCS 590 standard, G. Albrecht advised the Committee that there should be flexibility for NYS to meet the goals of the standard without a blanket prohibition on winter spreading. It was stated that NYS has always had a good 590 Standard that already meets and/or exceeds that national requirements. The next steps would be for key stakeholders to meet to discuss the potential impacts that the national standard will have on NY. The revised NYS 590 Standard will be developed by the NRCS Standards Committee.

### **CAFO Program Update**

G. Albrecht updated the group on the progress on the new AEM Tier 2 Worksheets. Albrecht also gave the Committee an update on the CAFO program. There are 507 medium sized CAFO farms and 158 large CAFO farms. There are 290 medium sized farms presently under the Environmental Conservation Law (ECL) permit. There are 10 large CAFO farms under the ECL permit; 218 medium farms and 147 large farms are under the Clean Water Act permit.

It is anticipated that, for the next year, 20% of the medium and 40% of the large farms are due to be inspected in the NY portion of the Chesapeake Bay Watershed.

A summary of implementation progress by the CAFOs was done for 2010. Of 500 medium CAFOs, 75 are fully implemented, 285 plan to be implemented by the end of March 2012 (which is the implementation deadline). In the ECL permit, 60 medium farms said they would not make that deadline. A good number of farms will need to have a time extension. The workgroup worked on a form for the extension. The owner/operator is the only one that needs to sign the form. However, the implementation plan would need to be signed off by the farmer and the planner. It is a fairly straight-forward procedure; input was vital in working through the process. The fillable form will be on the web on Friday, December 16<sup>th</sup>. M. Latham added that the information should be sent to the list of permit holders and be put on the website.

Albrecht also advised the Committee on work underway by the Upper Susquehanna Coalition in response to the Chesapeake Bay TMDL and Watershed Implementation Plan.

### **Advisory Member Reports**

P. Kaczmarczyk, DOH, said that it was just announced last week that New York City Watershed will be receiving another \$5 million in funds. \$2.5 million will be for stream clean-up. Expectations are that there will be additional funds from DEP. He has been working on the issue of filtration avoidance coordination and the topic of precision feed management is a focus area for nutrient balance in the watershed.

## Approved

B. Silvestri introduced a visiting reporter from the Daily Gazette Newspaper, David Lombardo, who was gathering information on the progress that has been made as a result of the Agricultural Community Recovery Fund. Silvestri is working to help districts recognize the importance of establishing a communication action plan for county budget presentations. She touched on the training that will be done at the Water Symposium.

C. Watkins, NYSCDEA representative, reminded everyone to save the date of March 13 – 16<sup>th</sup>, 2012 for the Water Quality Symposium. The packets will go out after the first of the year.

G. Proios announced that the NYACD Legislative days are February 6<sup>th</sup> and 7<sup>th</sup>. It was suggested that any requests or information be forwarded to Judy Littrell's attention.

M. Latham noted that National Association of Conservation Agencies (NASCA) is offering scholarships (through a grant) to attend the national meeting saving over \$1,000. B. Steinmuller has the notices if anyone is interested. On the district front, he is continuing to work with the Office of the State Comptroller on the Treasurer's Report. There will be some updates to be made. He added that the Part B State Aid Program vouchers were due in early November and we are still missing some vouchers. Payments will start to go out beginning in mid-December. Mike also thanked the in-house and field staff for their dedicated work on the ACRF this past fall and their help with budget matters.

A. Jones reported that there is a movement with some of the Chesapeake Bay states, in terms of a certainty program, tied to a Resource Management System level plan in place on a farm, being implemented and providing mitigation against the TMDL and its impact in New York. The USDA has emphasized their interest in this concept, but he stated that he wants to review more information on the complexities of the partnership between the USDA and the EPA before making any decisions regarding this. He participated in a teleconference with the Chesapeake Bay states recently. M. Latham noted that the Commissioner is very supportive of such a program but is cognizant of fact that we cannot run two programs at the same time.

Everyone shared their wishes for a Merry Christmas and Happy Holiday season.

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**, February 14, 2011 beginning at 10:00 am.

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](http://www.agriculture.ny.gov).