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New York State Soil & Water Conservation Committee

10B Airline Drive, Albany, NY 12235 -- Telephone (518) 457-3738

STATE COMMITTEE MINUTES

April 17, 2012

Produce Room

NYS Department of Agriculture & Markets (DA&M)

Present

G. Proios, D. Stein, D. Brass - Voting Members; M. Latham, Director, B. Steinmuller, B. Silvestri, T. Clark, J. TenEyck - Div. Land & Water Resources; K. Roberts - DEC; P. Kaczmarczyk - DOH; R. Rausch, J. Rusnica - DA&M; D. DeWeese - USDA NRCS; J. Littrell - NYACD; C. Mural - NYFB; L. Rudd - Jefferson Co. Soil & Water Conservation District.

Call to Order: G. Proios, Chairman, called the meeting to order at 10:15 am. Introductions were made around the room. B. Steinmuller introduced new Environmental Engineer Tim Clark, who comes to us from Clough, Harbour & Associates, with substantial experience in stormwater erosion and sediment control. Tim will be working to implement the Technical Advancement Program (TAP) by providing training to Conservation District staff and partners. Steinmuller noted that it has been over 10 years since there has been an engineer on staff. The DA&M and the USDA Natural Resource Conservation Service (NRCS) have a contribution agreement with the first year of funding for the position supported by NRCS, and DA&M obtaining a waiver to continue the position in subsequent years.

Review and Approval of Minutes:

A motion was made by D. Stein to approve the February 2012 Minutes; seconded by D. Brass. Motion passed; carried.

Correspondence:

B. Steinmuller discussed a letter from Dan Conable on behalf of the Biomass Crop Assistance Program requesting support from the State Committee for a grant application and the development of conservation plans if this program becomes successful. It was noted that this willow biomass effort fits into the context of New York State's Conservation Reserve Enhancement Program (NYS CREP) and that there has been work done with the SUNY College of Environmental Science and Forestry in the past.

A motion was made by D. Stein to write a letter of support for the Biomass Crop Assistance Program; seconded by D. Brass; Motion passed; carried.

B. Steinmuller brought up correspondence provided by Conservation District Employees' Association (CDEA) President J. Lieberum regarding changes to hydrologic soil group data, which is expected to include an update on soils groups according to more recent weather patterns. The changes will be researched and the impacts will be discussed at the next meeting. G. Proios suggested having USGS come to a future meeting to provide an update. More information was covered during 'Member and Agency Reports' at the end of the meeting.

NRCS Update:

D. DeWeese reported that Don Pettit has been named the new State Conservationist for NY. He has been the State Conservationist in New Jersey for the past year and a half, and formerly NY's State Conservationist for programs, as well as the Assistant State Conservationist for Operations in NY. Don Pettit is expected to begin his new position on May 21st. D. Stein commented on the high turnover of State Conservationists in NY over the years and noted that having someone in the position with a strong familiarity and roots here will help our state a lot.

D. DeWeese distributed a letter from NRCS Chief David White regarding 'Field Offices of the Future.' The National Association of Conservation Districts (NACD) and NRCS are looking at different ways to proactively streamline and

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improve conservation delivery at field offices. The impacts of budget and staff reductions have resulted in several office closures. NRCS is looking to streamline areas including administration, financial management and leasing with the goal of keeping 90% of the resources in the field to provide technical assistance to landowners. Video conferencing has allowed greater efficiency for meetings and the ability to meet personally with Chief White.

NRCS utilized end of the year funds to help make it possible for the State Committee and DA&M to hire an engineer this year. DeWeese looks forward to the partnership continuing to work together to meet mutual goals by leveraging each other's resources, and NRCS is looking to build agreements with other entities to get more people in the field.

Planning is underway for the Air Quality Task Force, which will meet from July 31 to August 2, 2012. Chief White is the Chair of this Task Force that makes recommendations to USDA. These meetings are open to the public and expected to be held in the Syracuse area. For more information visit:

www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/air/taskforce/?&cid=stelprdb1046282

2012-13 State Budget and Staffing Update:

State Budget - B. Steinmuller reviewed the state Environmental Protection Fund (EPF) budget for conservation programs, explaining that state reimbursement to Districts increased to \$3.5 million for this year. This amounts to just over \$8,000 per District. The New York Association of Conservation Districts (NYACD) is working to make this increase permanent. Grant programs that support the implementation of District-led projects have remained at level funding. A new sub-set of funding under Water Quality Improvement Projects (WQIP) for Maximum Daily Load Study was noted and Steinmuller will look into what this project will involve.

A question was raised as to the progress of the Ecosystem-based Management (EBM) program, which was reduced to \$4.7 Million. M. Latham reported that there has not been a meeting held since the State Committee was officially added to the NY Ocean and Great Lakes Ecosystem Conservation Council. Latham will draft a letter to the Council Co-Chairs who are representatives from the Departments of State (DOS) and Environmental Conservation (DEC). A new District-led EBM pollution prevention program is underway in the Schoharie Creek and Mohawk Valley Watersheds. Project reports on the completed Jefferson County Conservation District EBM Buffer Pilot and Pollution Prevention Pilot can be viewed at: www.nys-soilandwater.org/DisLawPPT/dislaw.html

G. Proios pointed out that funding for the Agricultural Nonpoint Source Pollution Prevention Program (Ag. NPS Grant Program) increased from a \$6 million program to a \$10 million program within one year, and if you add Agricultural Environmental Management (AEM) Base Program funding that is another \$3 million. This shows what the State Committee partnership, particularly the Districts who implement the projects, are capable of delivering when it comes to the protection of New York's water resources.

Staffing - B. Steinmuller reported that the Division of Land and Water Resources (LWR) has a number of positions slated for backfill, but not at this time. Due to the tight staffing situation, the State Committee was able to obtain four contract positions, which have been awarded to the Dutchess and Cortland County Conservation Districts. Two of the positions will assist with regional support to Districts. Two will be located at the Albany office; one to assist with the State Aid to Districts Program and the other to assist with the Ag NPS Grant Program. All positions are employees of the District and fully qualified to fit in the state's Environmental Analyst category with the hope of future transitions into those slots. The DA&M was able to get a state waiver for the Environmental Engineer position due to the resources made available this year by NRCS. M. Latham expressed his thanks to both NRCS and the DA&M for making this possible and highlighted the vital needs of Districts that will be met with an Engineer on board.

M. Latham reported that there was a small cut to non-personnel services at the DA&M, noting that all vehicles formally used by Albany staff are gone. Field staffs were able to retain their vehicles. Mileage allowance has also been lowered, reducing the ability for face to face staff meetings. D. Stein initiated a discussion regarding the ability of field staff to go to Districts in their region. M. Latham explained that there are no restrictions for field staff and that the two new contractual employees will help deploy the coverage strategy to its best ability. Latham and Steinmuller will continue their Regional Manager's Meeting series around the state in June. Latham also reported expected cuts in training resources. D. DeWeese noted that NRCS Conservation Technical Assistance Funds for conservation planning can be

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made available to help leverage DA&M training resources, which together can work to support an on-going training program.

2011 State Aid to Districts Performance Measure Report:

B. Steinmuller reported on his review of the reports submitted and the performance measures necessary for Districts to receive their full state reimbursement. All Districts that participate qualified for three of the four Performance Measures that qualify them for reimbursement. Performance Measure #1, dealing with District Board activities and training, has consistently been the area where the most Districts do not qualify due to deficiencies in Board activities. This year, 40% of Districts were not eligible for this portion of the funding, which is \$2,236 or 10% of the maximum reimbursement. G. Proios asked about the ability to allow greater flexibility on a case by case basis. M. Latham noted that the required District Law Training Module is on the web, regional staff are available to provide the training, and other arrangements for presenting this training to the Board are also possible. Latham explained that the SWCDL 11-A does not allow appeals as it is a competitive process, and budget cycles constraints do not allow for deadline extensions. Latham reported that a workgroup to discuss performance measures and related issues will be convened this summer.

Agricultural NPS Abatement & Control Grant Program:

Status of Rounds 1-17 - B. Steinmuller reported that of 629 contracts, 178 are active, and 425 are complete. 22 contracts have been cancelled during the life of the program. There are 4 Round 17 NPS projects pending. There have been 14 contracts closed out in 2012. He noted that the number of final reports has increased, and the number of amendments has decreased.

Staff Approved Amendments -

St. Lawrence SWCD – Willaig to Protect Water Quality – Round 15 – C700950

Request: change in BMP's

Reason: change from covered barnyard to bedded pack barn designed as manure storage instead of heavy use protection

Note: Bob Brower Region 4 AEA, supports the change in BMP's

Previous amendments: none

Washington SWCD – Walker Farms LLC Anaerobic Digester – Round 14 – C700905

Request: change in budget

Reason: moving funds from personal services to BMPs

Note: Bob Brower, Region 4 AEA, approved the change in budget

Previous amendments: none

Round 18 Ranked List Approval (Resolution 12-1) - B. Steinmuller distributed the proposed Round 18 list of ranked projects for State Committee approval. With the new Open Meetings Law in effect, all meeting documents are posted on the web before the meetings. Districts appreciate this as they were able to see the DRAFT list of ranked projects ahead of time; however, even if projects were ranked well, they were cautioned not to move forward until formal awards are made. 77 eligible proposals were received requesting over \$20 million. In the past, the State Committee has appropriated about \$10.5 million, or more than half of the project requests. It was also noted that any un-utilized AEM Base funds are included to go further down the ranked list. M. Latham explained that many of the unfunded project proposals, or parts of them, get resubmitted and approved in subsequent years.

A motion was made by D. Stein that subject to the availability of funds, the Committee shall award funding, pursuant to Round 18 of the Agricultural Nonpoint Source Abatement and Control Grant Program, for projects 1-77 in order ranked and in the amounts recommended by the advisory members of the Committee until funds available for this purpose are exhausted or the scoring threshold is reached, consistent with the Soil and Water Conservation Districts Law, the Request for Proposals (RFP), and any other law applicable to funding of such projects. Consistent with the RFP, the Committee authorizes the Department of Agriculture and Markets to negotiate the terms of the contract

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with the project sponsors and to make minor adjustments to the project description and budget as necessary to achieve project goals, conform to applicable laws and regulations, and to serve the best interests of the State. The motion was seconded by D. Brass; motion passed; carried.

B. Steinmuller noted that awards will be released once authorization is received from the Governor's office.

Round 19 RFP – Having potential conflicts, voting members D. Stein and D. Brass, along with District staff L. Rudd recused themselves during this discussion. B. Steinmuller reported that the State Committee TAC met on March 26th to begin discussions on the Round 19 RFP and Proposal Rating Sheet. A timeline for RFP development was distributed and it was noted that the TAC reviewed and discussed a variety of suggested edits. The next TAC meeting is scheduled for Thursday, May 10, 2012. They hope to have a working draft at the next State Committee Meeting, a RFP released by early fall, and proposal reviews near the end of the year. K. Mural suggested additional considerations regarding the Round 19 timeline.

Annual Plans of Work Approval:

B. Steinmuller reported that 2/3 of the Annual Work plans are complete and the rest are currently under review by State Committee staff.

D. Stein moved to approve the following SWCD Annual Plans of Work; seconded by D. Brass. Motion passed; carried.

Albany County	Allegany County	Broome County	Cattaraugus County
Chautauqua County	Chenango County	Clinton County	Cortland County
Delaware County	Dutchess County	Erie County	Franklin County
Fulton County	Genesee County	Greene County	Herkimer County
Jefferson County	Lewis County	Livingston County	New York City
Niagara County	Oneida County	Onondaga County	Orange County
Orleans County	Otsego County	Putnam County	Rensselaer County
St. Lawrence Co	Saratoga County	Schenectady County	Schoharie County
Schuyler County	Sullivan County	Tompkins County	Ulster County
Warren County	Wayne County	Westchester County	Yates County

Agricultural Environmental Management (AEM) Update

AEM Base Program - J. TenEyck reported that the AEM Base Year 7 program would end on May 6, 2012, and that final reports were due by July 6, 2012. 52 Districts participated with a total of over \$2 million dollars in conservation planning, implementation and evaluation work completed on farms. AEM Base 8 will start on May 7, 2012, and Annual Action Plans and budgets are due on May 1, 2012. TenEyck anticipates that 52 Districts will participate. The analysis for the split of EPF funds from the Ag NPS Grants Program to the AEM Base Year 9 program is completed and will be presented to the State Committee at the May meeting for a decision.

TenEyck explained how the value of the AEM Base Program has been demonstrated over the years in several ways. The trend has been that the number of Ag. NPS Grant Proposals has increased and that the proposals and projects are much stronger as a result of the AEM Base Program. AEM Base funds also allow for follow-up on the efficiency and effectiveness of completed projects. There is increasing collaboration underway at the county level utilizing AEM Base funds in partnership with Cornell Cooperative Extension to provide training and education programs. There has been progress in shared services between counties. For example, the Chemung County Conservation District provides the stormwater services and the Schuyler County District provides the AEM services for both counties. In addition, AEM Base Program funding is key to having Districts continue to provide technical assistance for the Ag. NPS Grant Program, because without it some Districts out of necessity would transition to other paid services.

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The State Committee was asked to consider rescinding the policy established last year allowing a District that was receiving AEM Base "Enhanced" funding, and lost their AEM Certified planner, to continue to receive the funding for up to two years while they worked to get their new planner AEM Certification. A discussion ensued.

A motion was made by D. Stein that the policy offered to Districts when they lose an AEM Certified Planner will no longer be offered to Districts from this point forward, and that administrative leeway will take place in these situations. The motion was seconded by D. Brass; motion passed; carried.

Training - TenEyck reported that AEM staff work with the Certified Crop Advisor (CCA) program to promote the training required and provide the AEM Certification. The certification program is seeing less private sector individuals and more District staff becoming certified with roughly 20-25 individuals trained each year. The goal of the certification program has always been to get more District employees certified, thus enhancing the capacity of Districts to meet the technical needs of farmers and guide them in making difficult decisions.

B. Steinmuller explained that part of the NRCS funding agreement discussed earlier was to work with universities to review their curriculums in order to coordinate courses they currently offer in a way that combined could be considered a "minor" and provide the skill set needed in the field. This would be greatly beneficial to Districts and others looking to employ graduates with the needed skills, and to the universities when they are looking to place their graduates. The initial meeting with SUNY Cobleskill was met with great enthusiasm and they have begun the process of looking at their curriculum in a much more defined way to best coordinate the identified skill set.

D. DeWeese noted that NRCS also funded six interns at SUNY Cobleskill, and is funding one intern to work with the State Committee this summer to help with a data base to quantify the benefits of AEM and AEM Base programs.

AEM Worksheets - TenEyck discussed the progress of the AEM Tier 2 Worksheet revisions reporting that 20 core worksheets are currently under development. G. Proios asked if an air quality worksheet was being developed and TenEyck explained that they are building air quality into every worksheet where pertinent. SWAPAH is the NRCS approach for including soil (S), water (W), air (A), plants (P), animals (A), and human (H) considerations. In accordance with New York's EBM approach, energy (E) is also being considered, and "SWAPAH+E" is now being incorporated into the AEM framework. Though the additional considerations are being built into the worksheets, there is currently no funding for practices beyond water quality. However, several conservation practices have benefits beyond water quality, such as conservation tillage, which has environmental, economic and energy reducing benefits.

Advisory Member and Other Reports:

DA&M/State Committee, B. Steinmuller – A Memorandum of Understanding (MOU) between DA&M, the State Committee and DEC has undergone legal review in both Departments and will be routed for signature in the near future. The MOU provides support to meet joint missions and goals. It has a five year term and is capped at \$5 million, which is subject to the development and approval of individual workplans.

State Committee, B. Silvestri – *2011 District Annual Report*: Condensing data from annual reports submitted by Districts is underway in order to develop the 2011 publication. Since this was the first year utilizing the new Survey Monkey format to collect report information, it was met with mixed reviews by Districts. There were glitches that caused problems in data reporting for some, yet others found it streamlined and straight forward. Resolving glitches and incorporating District suggestions are key priorities for next year's report format. The District Annual reports are provided to all State legislators and to Districts for local distribution. Initial observations indicate that District accomplishment numbers are up in many categories, demonstrating the ability of Districts to continue the advancement of critical water quality protection goals even amidst austere budgets and disastrous storms that impacted operations. B. Steinmuller also noted the accomplishments of the State Committee and Division staff who worked to advance critical goals of Districts and the Department related to disaster recovery efforts during a time with reduced staffing, budget constraints, and a Division merge with Farmland Protection.

2011 Districts in the News Awards: A display set up in the meeting room showcased the press submitted by Districts for the news awards program in 2011. DA&M Commissioner Darrel Aubertine presented the awards to the winning

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Districts at the NYACD Annual Conference last fall. Over 400 news articles, television news stories and radio interviews were generated by just the 1/3 of Districts that submitted their press for the awards program. The results of media training, communications workshops and ongoing communications support over the past 6 years has resulted in doubling the number of news stories submitted each year, with the messaging steadily growing stronger and more consistent. By monitoring District press daily on the internet it is also evident that statewide numbers, which include press beyond what is submitted for the awards, are also showing a significant annual increase. This statewide communications effort is vital to keeping elected officials and the public informed about the value of Districts programs and services in order to obtain continued support, particularly during these times of tough fiscal decision-making.

Department of Health (DOH), P. Kaczmarczyk – DOH will be moving to Corning Towers in the near future.

DEC, Kevin Roberts – EPA at the national level is pushing states to update their NPS Management Plan and working to develop recommendations that go national in June. EPA will then develop criteria for states to update their plans that will have a November 2013 deadline. It appears the goal is to re-invigorate the 319 program and it is expected to have similar criteria as in the past. If NY hopes to be one of the states approved in one year, it will be necessary to start working on the plan this summer. NY's established system for awarding grants is working. However, though NY has made phenomenal progress in preventing NPS pollution over the past 10 years with the priorities of animal waste management and stormwater management, these accomplishments are no longer considered as 'NPS' progress. EPA considers the removal of waterbodies from the '303-d Impaired Waterbodies List' as criteria for success, yet much of the work done across NYS is vital to maintaining and protecting water quality so it doesn't wind up on the impaired list to begin with. Though EPA would like more of an evaluation system in place, there is no funding component coming down federally to accomplish it.

NYACD, J. Littrell – District reimbursements were temporarily raised this year. The Bill to permanently raise the reimbursement cap passed the Environmental Conservation Committee of the Senate, but at this time has not gone to the Assembly Environmental Conservation Committee. Other issues underway include meetings and discussions on the Farm Bill, the Invasive Species Bill and Waterfront Revitalization Grants. The Northeast NACD Meeting involving 12 states will be held in NY this year at the Radisson Hotel in Corning. Planning for the NYACD Annual Meeting/Administrative Conference has begun with the location expected to be in the central part of the state.

NY Farm Bureau (NYFB), C. Mural – The state budget passed on time with agriculture and conservation recognized as a priority. Numerous calls are being received from farmers in disaster areas that need assistance with recovery. As farmstead needs are addressed, Districts have been a great help in educating farmers and guiding them toward their paperwork needs, including farm appraisals. NYFB is working to support CDEA's Bills, TMDL issues and other agency activities. EPA has been drumming for accomplishments, yet what is acceptable to their WHIP is unrealistic. Work is underway to see that funding for the Farm Bill is not cut at all. Farmers need the Farm Bill to move this year; farmers can't wait for a new election. The EPF is under more pressure; the 'Friends of EPF Coalition' is working to increase EPF funding and restore bottle return funds. The child labor regulations are being monitored very closely and a lot of noise is being made in the press on this issue.

Voting Member, D. Brass – New State Grange member J.W. Allen, President of FFA, will be a State Grange Delegate this fall.

DA&M, Director M. Latham – In late February, NRCS issued a notice regarding changes to Hydrologic Soil Groups. The comment period ended on March 30, 2012. Currently the same soils in neighboring counties may be characterized differently, which would cause different designs in different counties on the same soils. Changes will also reflect rainfall increases, which in turn will increase conservation costs. More details will be presented at the next meeting.

Voting Member/Chair, G. Proios – The Suffolk County Conservation District's new Ag Plastics Baler is allowing farmers to dispose of their waste plastics at no charge, cutting costs on landfill fees, and saving towns time and money by not having these plastics filling up their landfills. The plastics, which are mostly clean coming from greenhouses, are stored on county property and sold in bulk, bringing funds into the county. Encouraging the recycling of plastics from marinas is now being explored.

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Next Meeting:

The next meeting was scheduled for 10:00 a.m. on May, 15, 2012 at the State Office in Utica.

The meeting adjourned at 2:15 p.m.

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