

**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, NY 12235  
February 18, 2014

**Present:**

G. Proios, Chair; D. Brass, J. Dickinson, Voting Members; M. Latham, Director; B. Steinmuller, Assistant Director; K. Roberts, DEC; J. Clifford, Dutchess SWCD; L. Lyons-Swift, Cortland SWCD; D. DeWeese, NRCS; P. Kaczmarczyk, DOH; K. Smith, S. Wojtowicz, DOS; C. Nellis, Montgomery SWCD; R. Rausch, T. Sweeney, R. Ball, DAM.

**Call to Order**

G. Proios called the meeting to order at 10:00 a.m.

**Review/Approval of Minutes**

**J. Dickinson moved to approve the December 2013 minutes with corrections submitted by G. Proios; seconded by D. Brass. Motion passed; carried.**

**Correspondence**

B. Steinmuller made the correspondence available. Correspondence included a variety of Soil and Water Conservation periodicals, reports and District Newsletters and Reports.

**State Budget / EPF / Division Staffing** – M. Latham

M. Latham updated the State Committee on the Executive Budget Proposal including the proposed increase to the NYS Environmental Protection Fund (EPF). Latham advised the Committee that the Executive Budget Proposal supports AEM at historically high levels. The \$14.2 million proposed in the Executive budget will continue to support robust AEM Base and Ag NPS Programs.

The SFY 2014-2015 Executive Budget Proposal for the Environmental Protection Fund marks a \$4 million increase from the previous SFY level of \$153 million to \$157 million. The Governor recognizes the contribution of Conservation Districts by proposing a nearly 30% increase to the State Aid to Districts line item, raising it \$1 million dollars over last SFY. As proposed, State Aid would rise to \$4.5 million, the highest level since the Program's inception over 30 years ago. The increase to the State Aid to Districts funding line represents 25% of the Governor's total proposed growth to the [SFY 2014-2015 EPF Budget](#), one of only three programs to receive a 7 figure escalation, with another being the Farmland Protection Program that also assists Districts in their broad mission. Most importantly, the \$1 million State Aid increase, if approved by the legislature, will restore Part B (Conservation Project Financial Assistance), and reestablish Part C (Performance Measure Funding) in SFY 2014-2015.

The Division of Land and Water Resources is trying to endure the recent retirement of Nancy Lawler, Administrative Assistant. Nancy served as the Contract Manager for all State Committee and Division Programs. Her duties included processing all contracts, extensions, and renewals; reviewing and processing all payments to Conservation Districts, and other Division vendors, reviewing and preparing final reports for approval, and so much more. Nancy was an extremely hard worker and great friend to all in the Division and many Conservation Districts that she regularly corresponded with. Nancy will be greatly missed. At this point, Brian Steinmuller, Assistant Director is assuming all contract management duties as well as his other acting and regular duties. A hiring freeze waiver has been sought to backfill this position. M. Latham will keep the Committee apprised of developments.

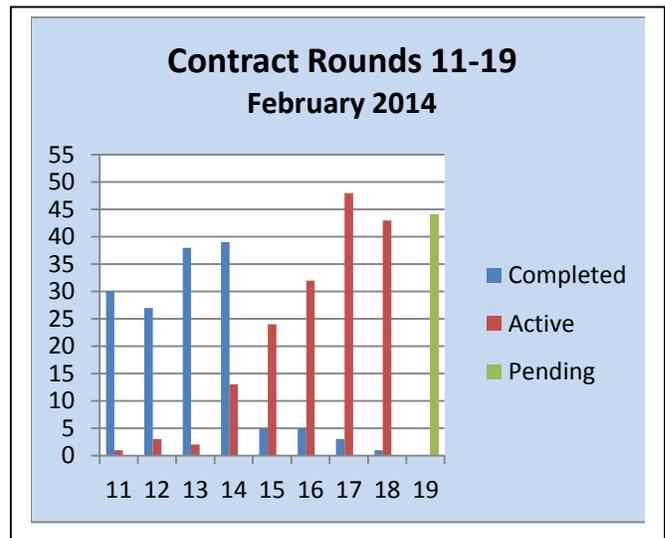
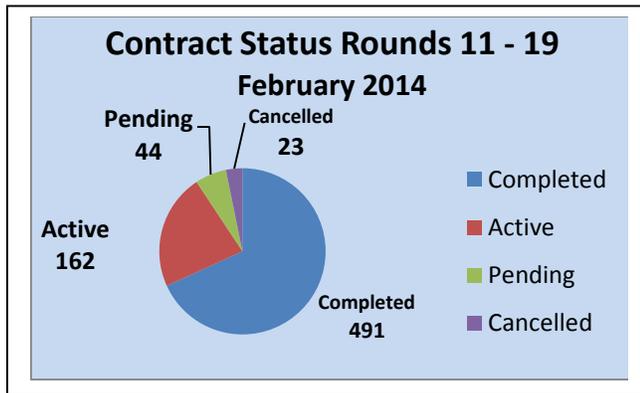
**SWCC 2014-2018 Strategic Plan Approval**– B. Steinmuller

B. Steinmuller advised the group of the additions made to the SWCC Strategy at the request of the Department of Health. The draft was distributed via email prior to the meeting. P. Kaczmarczyk told the Committee that the DOH is satisfied with the additions made to the Cooperative Conservation Section.

**J. Dickinson moved to approve the SWCC 2014-2018 Strategic Plan; seconded by D. Brass. Motion passed; carried.**

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

**STATUS OF ROUNDS 1-19**



**Amendments for State Committee Consideration**

Albany SWCD – La Grange Brothers Dairy CAFO CNMP Tier IV – Round 15 – T700933

Request: time extension from 3/15/2014 to 3/15/2015

Reason: Farm has dropped below CAFO size and had to reevaluate the business plan and environmental footprint. WQIP funds were obtained to address a section of the farmstead and delayed the implementation.

*Note: Cliff Frasier, Region 3 AEA, supports the time extension.*

*Previous amendments: none*

**J. Dickinson moved to approve the time extension; seconded by D. Brass. Motion passed; carried.**

Delaware SWCD –Controlled/Ltd Livestock Acc. Using Riparian Forest Buffers 2010 –Round 16 – C700970

Request: time extension from 5/15/14 to 7/14/15

Reason: One Landowner has passed away. His son is operating the farm now and has committed to completing the project. Severe storms in 2012 and 2013 held up construction on another farm. Unstable streams resulted in modifications to planned buffer areas. Implementation now scheduled for spring 2014.

*Note: Cliff Frasier, Region 3 AEA, supports the time extension*

*Previous amendments: none*

**J. Dickinson moved to approve the time extension; seconded by D. Brass. Motion passed; carried.**

Madison SWCD – Upper Chenango River Ag NPS Reduction Project – Round 15 – C700941

Request: time extension from 12/31/2013 to 12/31/2014

Reason: One farm (CAFO) experienced some economic hardships over the past few years resulting in the delay of implementing this project. Farm is committed to completing the project in 2014.

*Note: Cliff Frasier, Region 3 AEA, support the time extension*

*Previous amendments: none*

**J. Dickinson moved to approve the time extension; seconded by D. Brass. Motion passed; carried.**

Montgomery SWCD –Canajoharie Creek – Round 16 – C700978

Request: time extension from 5/15/2014 to 12/31/2015

Reason: Implementation has begun on one farm. District has reviewed implementation schedule on the other farm. Farmer would like to complete implementation early next year. With a time extension, District will not have any trouble completing all facets of the grant.

*Note: Cliff Frasier, Region 3 AEA, supports the time extension*

*Previous amendments: none*

**J. Dickinson moved to approve the time extension; seconded by D. Brass. Motion passed; carried.**

Montgomery SWCD – Fonda Reservoir – Round 15 – C700944

Request: time extension from 3/15/2014 to 12/31/2014

Reason: All BMPs completed except for laneways. Contractor delays and extremely cold weather has pushed completion of this BMP to spring 2014.

*Note: Cliff Frasier, Region 3 AEA, supports this time extension*

*Previous amendments: none*

**J. Dickinson moved to approve the time extension; seconded by D. Brass. Motion passed; carried.**

### **Staff Approved Amendment**

Ontario SWCD – Canandaigua Lake Watershed Ag Program – Round 15 – C700946

Request: change in budget

Reason: OCSWCD had a personnel change during the contract period (new technician hired). As a result, the District exceeded the available engineering and personnel hours. The request is to move \$986 from the NWNV contractual state requested funds into the personal services state requested funds to offset additional hours worked by the OCSWD to complete the deliverables of the contract.

*Note: Jeff Ten Eyck, Region 2 AEA, approved the change in budget*

*Previous amendments: none*

Covered Heavy Use Area / Bedded Pack Policy Consideration

Background

Soil and Water Conservation Districts have been inquiring with staff on what components are cost-sharable related to Covered Heavy Use Areas and Composted/Bedded Pack Systems. SWCC Staff has provided guidance through open RFP webinars, and on specific case-by-case basis, but the lack of a comprehensive written policy has been identified as a gap needing to be filled. Many Districts have commented on the need for such a document that clearly states what components could be eligible for cost-share through the State AgNPS Program, which components could only be considered as match, and what components, if any, may be added with the farmer's own financial resources, not a part of the required match to the grant.

The attached policy was developed by the staff and was shared for comment with Conservation Districts at regional managers' meetings. Regional Staff have coordinated comments from the Districts and, when appropriate, those comments have been included in the draft for final consideration. The draft was also forwarded in advance to members of the SWCC TAC via email and the Voting Members for an opportunity to review and prepare comments for consideration by the full Committee.

B. Steinmuller distributed a copy of the draft for consideration of approval. Discussion ensued. One change was made allowing electrical services for lighting and overall safety to be eligible for cost share in Bedded Pack Systems.

**J. Dickinson moved to approve the cost-share policies for both the Covered HUA and Bedded Pack Systems; seconded by D. Brass. Motion passed; carried.**

**State Aid to Districts Part B Conservation Financial Assistance and Part C Performance Measures**– J. Clifford

J. Clifford advised the Committee that the SFY 2014-2015 Budget, if approved by the legislature, will allow the Committee to once again fund the Part B, Conservation Project Financial Assistance component of State Aid. Since funding for this component has not been available for two funding cycles, J. Clifford proposed that the project proposals be submitted and funding be made available to Conservation Districts once the appropriation is received in June – July 2014. This would allow an additional 6 months for Districts to plan and implement projects with the \$6,000 award. SFY 2015-2016 funding would resume at the normal timeframe. Discussion ensued.

**J. Dickinson moved to approve the release of the Part B Funding if the budget is approved when the funding appropriation is available; seconded by D. Brass. Motion passed; carried.**

J. Clifford asked for approval of the 2014 Part C Performance Measure matrix. The matrix is proposed with no changes over the approved 2013 Performance Measures.

**J. Dickinson moved to approve the 2014 Performance Measure requirements; seconded by D. Brass. Motion passed; carried.**

More information will be made available to Conservation Districts on these actions at a later date.

**Welcome and Introduction to Acting Commissioner Richard A. Ball**

Newly-appointed Acting Commissioner Richard A. Ball was accompanied by Deputy Commissioner Ron Rausch to introduce himself to the Committee and get acquainted to the members and issues of the Committee. Introductions were made and discussion ensued regarding State Committee and Department priorities, opportunities, and joint missions. Acting Commissioner Ball spoke very highly of the work of Conservation Districts and spoke about the personal relationship he has as a farmer in Schoharie County with the Schoharie County SWCD. Acting Commissioner Ball has spoken about the swift and constant assistance the District provided after Hurricane Irene and Tropical Storm Lee on many occasions. He notes that the District was the first governmental agency to respond in the aftermath of the storms and provided steady assistance to the community in the weeks, months and now

years after the storms.

G. Proios asked Acting Commissioner Ball about state priorities for agriculture. A good discussion ensued about the vision for agriculture and the roles and opportunities of Conservation Districts to meet statewide challenges and goals.

**Emergency Stream Intervention Update** – B. Steinmuller

B. Steinmuller provided an update to the Committee on the efforts to take the [ESI Program statewide](#). B. Steinmuller spoke about the recent ESI Steering Committee meeting held in Albany with most of the participants of the ESI Train-the-Trainer Program along with Tom Snow of DEC, Rick Weidenbach and Graydon Dutcher of Delaware County SWCD and Mike Lovegreen of the Upper Susquehanna River Coalition. The meeting went well and many action items were discussed and agreed upon by the group. The SWCC will be reproducing the 90 minute and 4-hour presentation and videos for all certified District trainers once discussed changes are made to the presentation for statewide use. The SWCC will also be securing quotes for the cost and looking into the feasibility of reproducing the training manuals for the Districts. Discussions with DEC will be on-going about the certification and credential considerations with participation in the various course elements. Draft plans will also be developed that outline a mechanism and potential compensation for Conservation Districts to cooperate across District boundaries in the event of future local, regional, or statewide emergencies.

**Advisory Members / Partnership Reports** – All

**NRCS** – D. DeWeese spoke about the federal budget. DeWeese and B. Steinmuller advised the Committee that the three-way Cooperative Working Agreement between the SWCC/NRCS/SWCDs has gone through the legal reviews by both the Department of Agriculture and Markets, which provide legal services to the Committee, and NRCS. DeWeese provided an overview of the agreement and a background on the cooperation between the 4-way Conservation Partnership in its development. B. Steinmuller told the Committee that he will forward the recently legally-vetted agreement to the Voting Members for review and comment following the meeting. The CWA will then start to be introduced to Districts at various forums including the 2014 Water Quality Symposium in March.

DeWeese also spoke about the Soil Health Campaign alerting the Committee of a national forum on the issue being held this very day. DeWeese advised the Committee that the Federal Farm Bill has passed and the Conservation Title has been streamlined from 23 identified programs to 13. Finally, DeWeese announced to the Committee that D. Pettit will be retiring effective May 2, 2014 and a search for his replacement will commence soon. The Committee asked DeWeese to extend its deepest congratulations and appreciation to Don Pettit for his years of service to Conservation Districts in NY and to the NY State Committee.

**DOS** – K. Smith provided an update to the Committee on DOS programs and on-going efforts related to Community recovery and renewal, including the [NY Rising Program](#).

**DOH** – P. Kaczmarczyk was asked about the State Bill that has passed the Assembly that would lower the tolerable nitrogen standards in drinking water from 10 mg/l to 2 mg/l in special groundwater and surface water protection areas, specifically Long Island. To his knowledge, the DOH has not been asked to support the legislation but in his professional opinion, it would not support the bill since the standard appears arbitrary and lacks scientific basis and justification.

**DEC** – K. Roberts advised the SWCC that the Nonpoint Source Coordinating Committee (NPSCC) plans to meet in April 2014.

**Voting Member and Staff Report** – G. Proios and J. Clifford both reported on the National Association of Conservation Districts (NACD) Annual Conference that they and many Conservation District personnel in NYS recently attended. The AEM Framework was presented by G. Proios, District Aid and Green Infrastructure in NYS

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was presented by J. Clifford. The presentations were all very well-received and NYS was well represented. G. Proios provided a bit of bad news to the Committee, noting that the North American Envirothon is cancelled for 2014. Funding issues and logistics by the host state, Georgia, were contributing factors in the decision to cancel the event. This means that NYS will not be able to defend its title.

**Next Meeting – March 18, 2014, NYS Office Building, Conference Room A, Utica.**

**The Meeting adjourned at 2:30 pm.**

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