

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

State Committee Meeting

State Office Building
207 Genesee Street, Utica, NY
September 1, 2015

Meeting at a Glance:

- The Agricultural Non-Point Source Round 21 ranked list was approved. Award letters should be forthcoming.
- The Climate Resilient Farming RFP was approved. The grant opportunity is currently being built in the Grants Gateway, and should be released within the next several weeks.

Present:

D. Stein, Chair; J. Dickinson, C. Colby, Voting Members; M. Latham, Director; B. Steinmuller, Assistant Director; C. Frasier, B. Brower, V. DiGiacomo, S. Fickbohm, B. Bzduch, G. Spitzer, SWCC; K. Kosinski, DEC; G. Kist, NRCS; V. Green, FSA; PJ Emerick, CDEA; Robert DeClue, Chenango County SWCD; L. Williams, Farm Bureau; S. Wojtowicz, DOS; J. Rusnica, DAM.

Call to Order

D. Stein called the meeting to order. Voting member J. Dickinson was still en-route when the meeting began, and thus quorum was not achieved. The meeting began with partnership reports and other non-essential matters; the items requiring a quorum for decision making began after J. Dickinson arrived (which is noted clearly below).

D. Stein expressed gratitude for the outpouring of support he and his family received from Conservation Districts following the death of his brother.

Partnership Reports

State Committee, B. Bzduch

The Agricultural Non-Point Program manual is nearly complete. More details to follow.

State Committee, G. Spitzer

The SharePoint site seems to be working very well. Districts should continue to use it. Comments and feedback are always welcome. There is also capacity to create folders or pages for Districts who are working together on projects to share documents etc. Any interested Districts should contact G. Spitzer.

CDEA, PJ Emerick

Thank you very much for allowing me to provide a brief report on the NYS CDEA.

The CDEA Division IV Representative position has been filled. Cal Lewis from Steuben County SWCD has accepted the position. Cal was formally approved by the CDEA at our July meeting. Welcome to the CDEA Cal!

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Although I wasn't able to attend, the Operation Manual Update Committee met on July 8th. Work is ongoing, and if anyone is interested in assisting the committee, please let P.J. Emerick or Jennifer Clifford know.

The Level 1 Technical Training was held in SUNY Cobleskill the week of August 3rd. According to the evaluation forms and attendee feedback, the session was a tremendous success. I would like to thank Lauren P for all of her hard work organizing the session and taking the registrations along with the other SWCC staff members like, Mike, Brian, Greg, Cliff, Tim, Scott and Bob who served on the committee and helped provide instruction for the week long session. This was a great partnership between the SWCC and the CDEA and I really appreciate everyone's time and effort which made this event so successful. We look forward to repeating the event next year!

The CDEA Soil and Water Conservation booth is at the NYS Fair. I would like to thank Kristin White and the other members of the State Fair subcommittee for organizing the booth. This year's theme is invasive species, and we have a great example of Giant Hog Weed in the booth for visitors to look at (its artificial of course)! I would encourage everyone to stop by the booth and say hello.

Also, the CDEA Conservation Skills Workshop registration is out. This year's courses are great and offer some new options that haven't been offered in the past. I would encourage everyone to look at the registration form and send it ASAP. I would like to thank all of the conservation partners who served on the committee for their time and hard work to put this training event together.

The next CDEA Board meeting will be September 10-11th in Niagara County. Vice President Jordan Clements is working on finalizing the location at this time. Once the location is chosen, I will send an agenda to everyone.

Please contact me anytime if you have any questions or concerns.

Farm Bureau, L. Williams

The Farm Bureau has been actively working with farmers and others on issues related to manure storages and CAFO permits.

NRCS, G. Kist

NRCS has been working to proactively educate the public about proper management of manure and why manure storages are important and prevent natural resource concerns, in order to get out in front of potential community involvement.

There are a number of end of year close outs that NRCS staff are working to complete. There have also been some violations of WRP easements that require some enforcement and resolution.

There have been soil health workshops that have gone very well, and there are many more planned.

NRCS offices statewide have been working on backfilling positions and gaining more staff.

Technical review committees will be meeting sometime before the end of the year.

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The state fair was very successful, and the NRCS booth was well attended and received.

State Committee, S. Fickbohm

Region 2 has five AgNPS projects closing out right now, and several others that are due to close out that will be seeking extensions. There are also AEM plan reviews, etc.

S. Fickbohm has been working with the Upper Susquehanna Coalition on their portion of the Climate Resilient Farming contracts, and those are moving along.

The watershed management exhibit and stream table at the State Fair was well received. Thanks to Chastity Miller of the Franklin County SWCD and Tiffany Pinheiro from the Essex County Soil and Water Conservation District for organizing and staffing the display.

State Committee, V. DiGiacomo

The Genesee River Basin Watershed Coalition is eager to get started. The Conservation Districts think that the Coalition will be effective in addressing resource concerns.

State Committee, B. Brower

There have been some issues with community response to manure storage citing . Matt Brower has plans to go to a community meeting and address some concerns.

There was an incident in which a District employee was driving a District vehicle and got into an accident. It was then discovered that the employee did not have a valid license and should not have been driving at all. All Districts are encouraged to look into the DMV's [License Event Notification System](#) (LENS) program. The District would submit a list of their employees to the DMV and the DMV will notify them if any licenses are revoked, etc. This is a huge potential liability issue, so Districts should take note.

State Committee, C. Frasier

There are 6 close outs being completed right now, and another 3 to go.

DOS, S. Wojtowicz

The CFA grants cycle closed; there were 115 applications for waterfront revitalization grants. They are currently being reviewed.

The Upper Hudson Watershed Plan is currently going to contract.

DEC, K. Kosinski

The Genesee River watershed plan is proceeding. It will be consistent with the EPA 9-Element planning protocols. The DEC now has more freedom to choose watersheds to prioritize, per the EPA's directives. Now projects that occur in watersheds with 9 Element plans or TMDLs will receive bonus points in WQIP applications.

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FSA, V. Green

FSA has been working on buffers in a variety of ways. They are working with the Stroud Water Research Center to conduct trainings on buffers in NY (five field trainings and five classroom trainings). They are also working on a grant application that would allow FSA to increase the rental rate for cropland with buffers. The Biomass Crop Assistance Program's sign up deadline is September 25.

State Committee, M. Latham

The Soil Health mini grant applications have been scored and ranked, and the announcement will be forthcoming. The Hudson Valley Farmland Protection Program and the Southern Tier Agriculture Program are currently in development and going through approval processes. The Hudson Valley RFP should be released soon. The revamp of the Farmland Protection Implementation Grant program, which was designed to dramatically reduce the time from contracting to completion, has been effective and a number of projects are very close to completion.

A judge in North Dakota issued an injunction against enforcement of the EPA's Waters of the United States definition which applies in 13 states. The EPA may be enforcing the rule in other states, but there is a lot of uncertainty.

Staffing Update, B. Steinmuller and M. Latham

The State Committee has been able to backfill and hire certain positions. Bethany Bzduch started her new duties as Program Manager of the Agricultural NonPoint Source program at the beginning of August. Ron Bush started his new duties as CNMP specialist earlier this summer as well. Lauren Prezorski is continuing her work with Ecosystem Based Management, though she is working part-time now. Gabriella Spitzer completed the Excelsior Fellowship and is continuing as Program Manager of the new Climate Resilient Farming program.

In addition, there are a number of positions currently in process of hiring. A new employee in the Farmland Protection Program to work with Dave Behm on the new Hudson Valley and Southern Tier programs will be starting mid-September, and a new CNMP specialist to work with Ron will be filled and start early October. The contract with Cortland County SWCD to provide State Committee staff is ongoing, and Ron's previous position as regional program support may be backfilled.

The Division hopes to have a new round of civil service exams to refresh the list in 2017.

Tile Drainage Revolving Loan, B. Steinmuller and M. Latham

As the State Committee has previously discussed, there are concerns about whether tile drains are a conservation practice or a production practice, and whether the State Committee should support the implementation of tile drainage under a new loan program. Research on the practice is mixed. There have been some results that tilled fields result in less overall phosphorous runoff, but more dissolved or soluble phosphorous becomes available and contributes to more loading.

A Tile Drainage Revolving Loan Fund could be established through a master servicing agreement or

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through a formal rule making process. While the rule making process would be transparent and allow for more outside input, it could also take a year or more. Both approaches would allow the State Committee to create boundaries on the tile drain systems to allow for alleviating conservation concerns, but farmers might not be willing to participate in a loan program if they are required to include conservation practices. State Committee staff are looking into the possibility of amending the law to resolve some of these issues.

October Meeting Plan, B. Steinmuller

The October SWCC meeting is tentatively planned for October 15-16 in Western NY. The meeting will last a day and a half. The first day will discuss the recently formed Genesee Watershed Coalition, and the second day will involve field tours.

Agricultural Non-Point Source Program Discussion, B. Bzduch

Round 21

One concern that came up through rating Round 21 was repeat applicants and “expansion related” practices, particularly manure storages. The TAC meeting (Sept 15) will address this. Round 21 included 99 applications, of which the highest scoring forty are anticipated to be funded. Those 40 applications were submitted on behalf of 149 farms, 60 of which had previously received funding from the AgNPS program. 40 farms (of the 149) planned projects included manure storages, and of those, 8 had previously received funding to build manure storages in the past.

Round 22

The timeline for Round 22 has not yet been established.

Call to Order With Quorum

At this point, J. Dickinson arrived, and D. Stein called the meeting to order for a second time.

Review/Approval of Minutes

C. Colby moved to approve the August 2015 minutes; seconded by J. Dickinson. Motion passed; carried.

Climate Resilient Farming, G. Spitzer

Note: R. DeClue of Chenango County SWCD recused himself from this conversation.

The 2015-2016 Environmental Protection Fund included a \$500,000 appropriation for a new Climate Resilient Farming program. The long term goal for this program is to incorporate climate change concerns into every aspect of the AEM process—in Tier 1 questions, Tier 2 worksheets, Tier 3 planning, Tier 4 implementation, and Tier 5 evaluation. The implementation practices will be able to be creative and innovate to meet new conservation concerns, and new systems, methods, and knowledge will be developed over time.

The State Committee is already working to develop pieces of this vision—\$100,000 of the appropriated \$500,000 will be used in contracts with Cornell University and the Upper Susquehanna Coalition. Cornell is

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working on developing climate related AEM Tier 2 background sheets, and the Upper Susquehanna Coalition will be developing a portion of a Tier 3 water management planning protocol, and a GIS tool for identifying the best flood attenuation locations and conservation practice systems.

We are also working on developing an RFP to release at the end of September, to be due December 7, to help farmers manage the impacts of climate change on their farms. Applications will be accepted for projects fitting into three tracks: manure storage cover and flare systems; on-farm riparian, floodplain, and upland water management systems; and soil health systems. The projects will be ranked based on adaptation/resiliency potential (16 possible points), greenhouse gas mitigation potential (16 points), scope of work/timeframe (8), and cost effectiveness (10).

The program has funding of \$400,000 from the original appropriation. The Technical Advisory committee recommended dividing it up in a 50%/25%/25% fashion. There may be funding from Ecosystem Based Management sources, including \$800,000 designated solely for manure storage projects and \$200,000 to be split among the tracks. The State Committee decided to retain the 50/25/25 structure for the additional \$200,000, resulting in a funding structure of:

	Initial appropriation	EBM additional grant one (potential)	EBM additional grant two (potential)	Total (potential)
Track 1: Manure storage cover and flare systems	\$200,000	\$800,000	\$100,000	\$1,100,000
Track 2: On-farm riparian, floodplain, and upland water management systems	\$100,000	--	\$50,000	\$150,000
Track 3: Soil health systems	\$100,000	--	\$50,000	\$150,000

The cost share ratio for each application will be capped at 75% state funds, 25% local match for all tracks. **J. Dickinson moved to approve the Climate Resilient Farming RFP and associated materials, with the funding levels as recorded above (subject to funding approvals); seconded by C. Colby. Motion passed, carried.**

Agricultural Non-Point Source Program Updates, B. Bzduch

Round 21 Ranked List Approval – Resolution 15-01

The Round 21 Ranked List is attached below. There are \$13.4 million available in funding.

MOTION:

That subject to the availability of funds, the Committee shall award funding, pursuant to Round 21 of the Agricultural Nonpoint Source Abatement and Control Grant Program, for projects 1-99 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 District Law, the 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 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.

Note: R. DeClue was invited to return to the meeting at this time.

J. Dickinson moved to approve Resolution 15-01 as recorded above; seconded by C. Colby. Motion passed, carried.

Amendment Policy

B. Bzduch provided an updated version of the amendment policy. The updates are generally just to bring the policy up to date, but there were two policy decisions made regarding the assignment of unused funds and the five year contract limit.

Currently all funds unused by the Districts when working with farmers must be returned to the State Committee and cannot be spent elsewhere on the farm to address other resource concerns. This policy was revisited, and a new policy to allow an amendment to use excess funds (up to \$20,000, with many other limitations as well) was proposed. After discussion, the State Committee decided that excess funds must be returned back to the Department where they are used by the next round of AgNPS projects.

J. Dickinson moved to approve the updated Amendment Policy, except for the section regarding the assignment of unused BMP funds; seconded by C. Colby. Motion passed, carried.

The State Committee then discussed the portion of the Amendment Policy that requires that no time extension can be in excess of five years from the start date of the contract. The State Committee rejected this provision. Even though the OSC may reject time extensions in excess of five years, the State Committee wants to reserve the right to refer contracts for those extensions.

J. Dickinson moved to approve the updated Amendment Policy, except for the section regarding the assignment of unused BMP funds and the limitation that all contract extensions must be within five years of the start of the contract; seconded by C. Colby. Motion passed, carried.

Amendments for State Committee Consideration

Region 1

Niagara County SWCD – Tonawanda Creek Watershed Protection Project– Round 17 – C701025

Request: Time Extension from 9/1/15 to 9/1/16

Reason: Additional time is needed to complete the remaining project due to family issues the farmer has endured. The proposed BMP system is fully designed and construction is expected to begin in August. The landowner has re-committed to completing the project within the requested time extension.

Note: Victor DiGiacomo, Region 1 AEA, supports the time extension.

Previous Amendments: None

J. Dickinson motioned to approve the amendment, seconded by C. Colby. Motion passed; carried.

Wayne County SWCD – Great Sodus Bay Watershed Agriculture Program: Phase III – Round 16 – C700996
Request: Time Extension from 5/15/2015 to 12/31/2015

Reason: One farm has completed construction of BMP's but due to change in management and several personal health and financial issues has been unable to secure as-built certification, as well as, complete necessary close out documentation. The second landowner has begun construction on a number of BMP's prior to the end of the contract, but was not able to finish. The parties are looking for 6 more months to finish up construction.

Note: Victor DiGiacomo, Region 1 AEA, supports the time extension.

*Previous Amendments: One time extension
One change to scope*

J. Dickinson motioned to approve the amendment, seconded by C. Colby. Motion passed; carried.

Region 2

Chenango County SWCD – Susquehanna River Basin Precision Nutrient Management for Prescribed Grazing Project #2 – Round 16 – C700968

Request: Time Extension from 8/1/2015 to 8/1/2016

Reason: The project has experienced delays due to weather, milk price fluctuation, as well as, District staffing issues. Some of the planned BMP's have been implemented, but more time is needed to focus on the implementation of the remaining practices. Significant investment has been made into the grant and the participating landowners are committed to completing the project by August 2016.

Note: Scott Fickbohm, Region 2 AEA, supports the time extension.

Previous Amendments: One time extension

J. Dickinson motioned to approve the amendment, seconded by C. Colby. Motion passed; carried.

Schuyler County SWCD – Seneca Lake Watershed Ag. Implementation Phase IV – Round 20 – C701189

Request: Change in Landowner

Reason: The original participant sold the farm and the new owner wants to continue with implementation of the project. The priority has not changed as it is the same farm, location, type of operation, BMP implementation and vineyard acres. The new landowner has committed to completing the project.

Note: Scott Fickbohm, Region 2 AEA, supports the change in landowner.

Previous Amendments: None

J. Dickinson motioned to approve the amendment, seconded by C. Colby. Motion passed; carried.

Tompkins County SWCD – Southern Cayuga Lake Runoff Management Project, Sweyolaken Farms – Round 16 – C700991

Request: Time Extension from 8/1/2015 to 8/1/2016

Reason: The contract for this project was withheld from the District while they were required to close out previous contracts. Because of the contract delay project designs needed to be resubmitted and adjusted. Work has begun on the project but construction has been delayed due to severe rain events. Other projects within the grant have been delayed due to the availability of funds. As a result, these projects will not be completed by the August 1st deadline. The District would like to request a 1 year extension, but do not anticipate that the project will extend much beyond 9/15/2015.

Note: Scott Fickbohm, Region 2 AEA, supports the time extension.

Previous Amendments: One time extension

One change to scope

J. Dickinson motioned to approve the amendment, seconded by C. Colby. Motion passed; carried. Discussion ensued prior to amendment approval regarding the length of the extension. The committee moved to approve a 6 month extension.

Tompkins County SWCD – Ag Waste Facility Implementation, Beck Farms LLC – Round 16 – C700993

Request: Time Extension from 8/1/2015 to 8/1/2016

Reason: The contract for this project was withheld from the District while they were required to lose out previous contracts. Because of the contract delay project designs needed to be resubmitted and adjusted. Work began on the project in the spring of 2015, however, the project experienced delays in permitting. Several components of the Waste Storage System are complete, but the contractors are still working on pouring concrete for the actual storage. As a result, the project will not be complete by 8/1/2015. The District would like to request a 1 year extension, but do not anticipate that the project will extend much beyond 9/15/2015.

Note: Scott Fickbohm, Region 2 AEA, supports the time extension.

Previous Amendments: One time extension

One change to scope

J. Dickinson motioned to approve the amendment, seconded by C. Colby. Motion passed; carried. Discussion ensued prior to amendment approval regarding the length of the extension. The committee moved to approve a 6 month extension.

Region 3

Delaware County SWCD – Controlled and Limited Livestock Access Using Riparian Buffers 2012– Round 18 – C701067

Request: Time Extension from 5/25/16 to 5/25/17

Reason: The farm has been working through management changes. During this time, financial constraints held up the progress of their project and storm events have changed the CRP plan. Survey and design work has begun and construction is expected to start this year, however it is likely that all projects will not be completed this construction season and the full 2016 construction season will be needed to complete all of the implementation. The landowner has re-committed to completing the project within the requested time extension.

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

Previous Amendments: None

C. Colby motioned to approve the amendment, seconded by J. Dickinson. Motion passed; carried.

Madison County SWCD – Cowoselon Creek Pollution Prevention Project– Round 17 – C701019

Request: Time Extension from 5/13/15 to 12/31/15

Reason: Additional time is needed to complete the project. Two small BMP's remain to be implemented on one farm. Plans to complete them this fall are in place. All other BMP's in this grant are installed. The landowner has re-committed to completing the project within the requested time extension.

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

Previous Amendments: None

J. Dickinson motioned to approve the amendment, seconded by C. Colby. Motion passed; carried.

Otsego County SWCD – Fly Creek Headwaters Protection Project – Round 17 – C701032

Request: Time Extension from 9/1/2015 to 9/1/2016

Reason: Due to a longer than expected turnaround time for the engineered designs and the landowner's workload (landowner is a self-employed contractor), the District would like to request a 1 year time extension.

Previous Amendments: None

J. Dickinson motioned to approve the amendment, seconded by C. Colby. Motion passed; carried.

Rensselaer County SWCD – Implementation of an Ag Nonpoint Source Pollution Control Grant – Evergreen Farm – Round 17 – C701033

Request: Time Extension from 9/1/15 to 9/1/16

Reason: When the project began in 2011, the NYS DEC CAFO inspector said the bunk silo effluent had no dead zone and high-flow water from the bunks was not of concern to the inspector as the flow path from the bunk area was adequate in its natural state. In 2013, the CAFO Inspector said regardless, the bunk had to have a low-flow collector and a VTA. While the project is progressing, the District would like to request a time extension as a precaution and do not expect that the project will extend much beyond the original end date of 9/1/2015.

Previous Amendments: None

J. Dickinson motioned to approve the amendment, seconded by C. Colby. Motion passed; carried.

Rensselaer County SWCD – Implementation of an Ag Nonpoint Source Pollution Control Grant – Wagner Farms – Round 17 – C701034

Request: Time Extension from 9/1/15 to 9/1/16

Reason: Issues have arisen regarding NRCS funding availability for the project, as well as, design criteria for the project. NRCS is requiring a modification in the design. The District would like to seek a time extension to allow more time for design modifications to be completed and NRCS funding to become available.

Previous Amendments: None

J. Dickinson motioned to approve the amendment, seconded by C. Colby. Motion passed; carried.

Region 4

St. Lawrence County SWCD – Acres, Dori B, & Kelly – Round 18 – C701086

Request: Time Extension from 5/25/16 to 5/25/17

Reason: Two of the three VTAs have not been completed, but are in progress. The District needs

to have them well vegetated before the systems can be connected and certified. This will not happen before the expiration date. Systems should be completed by fall and ready to use by next summer.

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

Previous Amendments: None

J. Dickinson motioned to approve the amendment, seconded by C. Colby. Motion passed; carried.

Washington County SWCD – Hoosic-Walloomsac Farmstead Source Control – Round 17 – C701045

Request: Time Extension from 9/1/2015 to 9/1/2016

Reason: A contractor has been selected on one farm and construction will begin soon, but will likely not be complete by the current end of the contract. A second landowner is in the process of selecting a contractor and the third landowner has stated financial issues as a reason for delay. The extra year would allow the landowners the extra time they need to complete their projects.

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

Previous Amendments: None

Tabled until the October Meeting due to lack of quorum. J. Dickinson abstained from voting as he is a Washington County SWCD board member.

Washington County SWCD – Southern Champlain Basin Farmstead Source Control – Round 19 – C701138

Request: Change in BMP's

Reason: The farm will be substituting the previously planned Composting Facility (and associated practices) with a Waste Storage Facility and Roof/Cover. The landowner has decided that his management level and style does not fit the needs of the composting facility, and therefore would like to implement a temporary manure storage. The new BMP's will address the water quality issues identified in the AEM process and CNMP plan. District personnel, as well as, Cornell Cooperative Extension personnel support this change.

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

Previous Amendments: None

Region 5

Ulster County SWCD – Implementation of Agricultural Best Management Practices in the Lower Esopus Creek Watershed– Round 16 – C700995

Request: Time Extension from 8/1/15 to 10/1/15

Reason: The farm has undergone an ownership change during the course of design development. The new owners have affirmed their support for implementing the design, which is now completed. A contractor has been retained by the landowners and the contractor is now in the process of ordering the roof trusses. Additional time is needed which would allow the landowners, who remain committed to the project, to complete the remaining implementation within the requested time extension.

Note: Jennifer Clifford, Region 5 AEA, supports the time extension.

Previous Amendments: One time extension

Subject to inquiry regarding landowner change. J. Dickinson motioned to approve the amendment, seconded by C. Colby. Motion passed; carried.

Note: Upon inquiry it was determined that the farm has undergone a change in business model. The operator listed on the original contract maintains the authority to sign off on all farm projects.

Meeting adjourned. Next meeting scheduled for October 15-16, 2015 in Batavia, NY.