

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

**State Committee Meeting**

10B Airline Drive  
Albany, NY  
November 10, 2015

**Meeting at a Glance:**

- Round 21 of the Agricultural Non-Point Source program is currently experiencing some delays. The situation should be resolved soon.
- The final version of the AgNPS Procurement Policy was approved, giving Districts the capacity to become "preferred providers" using rates published by the State Committee.
- The Climate Resilient Farming RFP application is due Dec. 14. The first version of questions and answers were reviewed and approved.
- 55 Conservation District Annual Plans of Work were approved.

**Present:**

D. Stein, Chair; J. Dickinson, D. Brass, Voting Members; M. Latham, Director; B. Steinmuller, Assistant Director; C. Frasier, B. Brower, B. Bzduch, G. Spitzer, T. Clark, J. Clifford, G. Albrecht, L. Lyons-Swift, SWCC; S. Latessa, DEC; S. Lorraine, CDEA; S. Richmond, T. Sweeney, D. Smith, DAM; P. Kaczmarczyk, DOH; B. Claypoole, CCE.

**Call to Order**

D. Stein called the meeting to order.

**Review/Approval of Minutes**

**C. Colby moved to approve the October 2015 minutes; seconded by D. Brass. Motion passed; carried.**

**Agricultural Non-Point Source Program,** B. Bzduch

**Amendments for State Committee Consideration**

**Region 4**

Jefferson County SWCD – Manure Storage Priority Watersheds in Jefferson County – Round 21 – AGM01-C00035GG-3000000

Request: Change in Landowner

Reason: The original Landowner completed the proposed BMP system and no longer requires grant funds. A landowner with a similar resource concern in need of the same BMP system was identified in the same watershed.

*Note: Bob Brower, Region 4 AEA, approves the change in landowner.*

Lewis County SWCD – Black River Watershed Agricultural Implementation Project Phase III – Round 16 – C700974

Start Date: 10/1/2010 Current End Date: 9/30/2015

Request: Time Extension to 10/1/2016

Reason: Modifications being made on the farm caused the project to be delayed. The farm has a design for the project completed by an engineer, has completed the quoting process and has a contractor lined up and ready to begin construction provided the time extension is given. This is the last project to be completed on this grant; the other two farms in the grant have completed their projects are in the process of submitting their receipts for reimbursement.

*Note: Bob Brower, Region 4 AEA, refers this amendment to the State Committee.*

*Previous Amendments: 1 Time Extension*

**C. Colby motioned to approve the amendment, seconded by D. Brass. Motion passed; carried.**

### **Procurement Guidelines**

The general outline of the procurement policy was discussed and approved at the April 2015 State Committee meeting, but the final language needed to be reviewed with Counsel, etc. The final language (attached) includes the following changes/adjustments from previous policies:

- Districts interested in doing the work for an AgNPS project will be considered a “preferred provider” and will not need to bid out the jobs if they are using equipment/personnel rates established for each AgNPS round
- If the landowner wants to do their own work, the District should serve as the price solicitation coordinator to collect quotes

**D. Brass motioned to approve the guidelines, seconded by C. Colby. Motion passed; carried.**

### **Round 21/Grants Gateway, D. Smith**

When the Round 21 RFP was being developed within the Grants Gateway last fall, there was a series of discussions regarding how to best include all of the information contained in the SW forms into the system. The Grants Gateway scope and budget is broad, and does not allow for specific, BMP-level information. The system also does not allow distinct attachments for each project (such as the SW forms) into each contract.

The initial plan was to reference—but not attach—the SW forms within the contract document, and the Department was assured this would be considered acceptable by all involved parties. When it became clear that the OSC and AG would not accept this method, the Grants Gateway staff tried to incorporate the SW form information into the contract documents, but thus far their efforts have not yielded a clear contract that incorporates all required details.

As a result, the OSC has not approved the Round 21 AgNPS contracts. The OSC and AG have made it clear that the SW forms are an essential part of the contracts, and that if they cannot be included through the Grants Gateway, the contracts should be completed in paper format. All Round 21 grants will be frozen until this issue is resolved.

Discussion regarding the situation ensued, including the following points:

- This is the first contract round not approved by the OSC in 20 years of this program. The SW forms have worked and will continue to work if we can incorporate them.
- This is not the only program reliant on incorporating external documents into the contracts. Round 21 and all future rounds of the AgNPS program are the primary concern here, but the Climate Resilient Farming Program is also reliant on the same forms, and the Division's Farmland Protection Implementation Grant program is reliant on external forms, etc.
- From the DEC's perspective, the CAFO farms need help. 10 farms awarded in Round 21 are currently in negotiations over consent orders with DEC, and if these projects are not moving forward, this could result in stiffer penalties and a slower timeframe to bring these farms into compliance.
- From the CDEA's perspective, the delay could result in confusion and a lack of clarity regarding budgeting and planning—which could even lead to Districts laying off staff if they believe they will not have adequate funding or the same level of work.
- From the farmers' perspective, farms typically do their financial planning at the end of the fiscal year, and apply for loans in January. If they are unable to be sure that they will receive state funding, there may be delays in getting adequate financing, which would further negatively impact farm operations.

Consensus on this issue was that if the Grants Gateway can meet our programmatic needs, the State Committee would like to work with them, but if they cannot, the needs of the farmers and environment should come first.

## **Round 22**

The discussion on Round 22 was delayed until the Grants Gateway issues have been resolved.

### **AEM Update**, G. Albrecht

Administering and implementing the AEM process requires lots of partners—the partnerships are strong and working well, and AEM is the better for it.

A more complete AEM Base report was distributed (attached). One item to consider this coming year is reviewing and evaluating the AEM program forms and required reports.

There are currently 47 AEM certified planners statewide. 16 of them work for Districts (in 14 Districts). There are 5 more planners currently in process of becoming certified. State Committee staff are now working to rebuild the AEM Planner Quality Assurance/Quality Control program to be able to review the work of certified planners.

The AEM technical tools are growing and expanding. AEM Tier 2 GHG Mitigation worksheet and background sheets, Tier 3A Cover Crop Planning/Implementation/Evaluation tools, and Tier 3A Stream Corridor planning tools are currently in development. Other items to consider for development are a Tier 2 Climate Change Adaptation/Resiliency worksheet, Tier 3A forest management, and possibly a Tier 3A Soil Health planning tool (though there may be national guidance being developed, so this idea is currently on hold for now).

There was some discussion regarding specific conservation practices. Donn E. Branton was very successful this year with air seeding intercropped cover crops 5 weeks after seeding the corn. The corn was only 12-16 inches high, so it did not shadow the cover crop, but it also had a chance to get established. D. Stein also mentioned an idea that has been discussed in national farming magazines that, given better data on the yields of specific fields or acres, there may be areas of the farm that are just never profitable and the farmer would be better served creating conservation refuges out of those areas.

### **Climate Resilient Farming**, G. Spitzer

The Climate Resilient Farming RFP is available online and on the SharePoint site. Applications will be through the Grants Gateway, and Districts are encouraged to apply!

There were a number of questions submitted (attached), and they were available for State Committee review. There was discussion regarding question 6, whether the solid separation component of a manure storage cover and flare system would be considered an eligible component. The solid separation unit is crucial to the overall system. It had been designated as eligible for "in kind match," and it was suggested to change that designation to being fully eligible for cost share funding. Ultimately, however, the State Committee decided to keep the policy as it had been written for the RFP.

**C. Colby moved to designate solid separation as eligible for in kind match for Track 1 of the Climate Resilient Farming Pilot Round, D. Brass seconded; motion passed, carried.**

**C. Colby moved to approve the Climate Resilient Farming Questions and Answers document with the in kind only determination, D. Brass seconded; motion passed, carried.**

### **Conservation Approval Authority Update**, T. Clark

Five engineers/planners statewide have completed courses in the [Conservation Approval Authority series on Udemy](#). There are currently four courses available: Roof Runoff Structure Design, Basic Hydrology, Stream Crossing Design, and Culvert Design. Courses on fencing and trails and walkways are in development. There are currently 2500 students who started the courses from all over the world, but the site hosting the course does not give information about who might be a planner or engineer in New York.

We received a question from Arkansas, where they are facing some of the same pressures in terms of limited federal support, and are interested in developing a program similar to ours.

### **Part C State Aid to Districts/Performance Measures**, J. Clifford

There was a Performance Measures Summit held in September to review the current state of the Part C funding program. Part C is a competitive funding program that allows Districts to receive funding upon completion of a number of Performance Measures.

In 2014, Districts who successfully achieved all the Performance Measures and received full funding for them received \$15,460 (see below for details on each Measure). J. Clifford stressed that Districts **earn** Part C funding by completing the Performance Measures—they are not penalized for failing to complete them.

	<b>PM1</b>	<b>PM2</b>	<b>PM3</b>	<b>PM4</b>	<b>Totals</b>
<b>Percentage</b>	20%	10%	40%	30%	
<b>Amount</b>	\$158,157.92	\$ 79,078.96	\$316,315.83	\$ 237,236.87	\$ 790,789.58
<b>Eligible Districts</b>	39	52	56	56	
<b>Funding/Eligible District</b>	\$ 4,055.32	\$ 1,520.75	\$ 5,648.50	\$ 4,236.37	\$ 15,460.94

Changes for eligible items for Performance Measures for the 2016 round include a number of additions/clarifications to the list of eligible programs or activities. These include adding CDEA general meetings and SWCC subcommittee meetings to PM-1; adding adult education, Earth Day events, Soil Health workshops, Emergency Stream Intervention (ESI) trainings, National Environmental Holiday events, and four hour Erosion and Sediment Control workshops, as well broadening the language regarding internships for PM-2; and adding ESI, Climate Resilient Farming, Ag Emergency Response (to replace ACRF), and Stream Corridor Management (to replace HHM/Streambank).

Starting in 2017, Districts will be required to have a FOIL policy to achieve PM-1, under the “Internal Operational Policies” section.

**D. Brass moved to approve the changes to the Part C State Aid to Districts/Performance Measures program for 2016, and the FOIL policy addition for 2017, C. Colby seconded; motion passed, carried.**

**Annual Plans of Work**, B. Steinmuller

All Districts other than Alleghany, Clinton, and Wayne have successfully submitted their Plans of Work for 2016, which have been reviewed and approved by the regional AEs.

Approved plans of work are important for indemnification of the Districts, should something go wrong. The Plans can easily be changed and approved again by the SWCC if District priorities change in a given year.

**D. Brass moved to approve the 55 Annual Plans of Work presented to the Committee, C. Colby seconded; motion passed, carried.**

## **Partnership Reports**

### **Department of Health, P. Kaczmarczyk**

A registry has been created for the cooling tower components of air conditioning systems in large buildings which can host legionella bacteria. This will allow for regular inspections and hopefully fewer outbreaks of disease.

DOH is working with the NYC DEP to review their watershed rules and regulations.

### **State Committee, L. Lyons-Swift**

L. Lyons-Swift taught three classes at the DEC's becoming an Outdoors Woman retreat. She also did a presentation on the GIS aspects of the AgNPS program at the NYS GIS conference.

### **Cornell Cooperative Extension, B. Claypoole**

The New York Agricultural Society's [Annual Forum](#) (Jan. 7, 2016 in Syracuse) will feature the topic of Climate Change and Agriculture.

### **State Committee, G. Albrecht**

There will be a webinar hosted by DEC on petroleum bulk storage regulations in the near future.

### **State Committee, G. Spitzer**

G Spitzer and M. Sanford created a spreadsheet on the SharePoint site for Districts to update their information for the 2016 Directory. Districts should make appropriate changes and mark that they have.

### **State Committee, T. Clark**

The NRCS Standards Committee has been meeting. The E-FOTG committee is being reassembled. Any interested parties should contact Tim.

### **DEC, S. Latessa**

Round 22 was not discussed at this meeting, but when it is, the DEC recommends adding watersheds with 9 Element Plans to the extra bonus points that areas with TMDLs receive.

### **CDEA, S. Lorraine**

This month's report will be brief and focus mostly on the 2016 Water Quality Symposium.

A conference call with all of the Conservation partners was held on October 8th. The call was very productive and included members from the NYS CDEA and the NYS SWCC. The 2016 course selections were chosen from the previous Water Quality Symposium evaluations forms, suggestions from employees, the Conservation District Technical Development plan and from the SWCC staff.

CDEA Vice President Jordan Clements will have the DRAFT 2016 WQS schedule completed by October 25th and all of the FINAL course descriptions, instructors and times completed by November 23rd. Then, at the December 3rd-4th CDEA meeting the complete registration packet will be formally approved and the full registration packet will be sent out in late December.

I am very excited about the 2016 Water Quality Symposium. There are several cross over courses being offered for Managers and Clerical staff as well as several new courses for District Technicians, and a very exciting Conservation Education track this year also.

At this time, Vice President Jordan and I will be contacting the Crown Plaza to begin scheduling the food, class rooms, and other activities for the 2016 Symposium. The Crowne Plaza was a great partner last year and we are looking forward to incorporating some suggestions from last year's event into the 2016 event. I am confident these changes will make the event even more enjoyable for our partners and guests.

Lastly, the next CDEA Board meeting will be December 3rd and 4th in the Oneonta area. We are finalizing the location at this time. Once the location is chosen, I will send an agenda to everyone.

**State Committee, J. Clifford**

The District Operations Manual revisions are ongoing.

**State Committee, B. Bzduch**

The AgNPS Guidance Manual is a compilation of pre-existing policies. It is now available on SharePoint, and comments are encouraged, especially about how to make the Manual as strong and useful as possible.

**State Committee, B. Steinmuller**

The Managers Meeting will be in Cortland over two days Nov. 17-18. 115 people have registered, from 50 Districts.

B. Steinmuller had a meeting with M. Latham, J. Czub, Senator Ritchie, and others regarding the Tile Loan Revolving Fund Program that was introduced in budget legislation last spring. The State Committee had a number of concerns about the legislation, and Senator Ritchie was very receptive to addressing them.

**Meeting adjourned. Next meeting scheduled for December 15, 2015 in Utica, NY.**

## Agricultural Nonpoint Source Grant Program

### Procurement Guidelines

These guidelines apply to BMP implementation projects. Procurement records must be maintained for all BMPs installed by a contractor, the landowners (or farm operators) or SWCDs. Procurement records should be filled out and updated throughout the course of the project. Once quotes are obtained, they should be entered into the Price Solicitation section of the BMP Procurement Record and signed by the Landowner. Upon project completion, the BMP Certification section of the BMP Procurement Record should be completed and signed by SWCD personnel with appropriate approval authority, NRCS personnel with appropriate job approval authority, or a NYS Licensed Professional Engineer (PE). If a PE is certifying the project an additional Engineer's Certification must be completed and signed. Completing these forms as the project progresses will eliminate the need to back track and will help the close out process be more efficient.

These procurement guidelines do not eliminate the need for appropriate contracts between the landowner and contractor. Districts should ensure that participating landowners are aware of procurement requirements, and contracts between Districts and landowners should have a provision for withholding payment for non-compliance with procurement guidelines. If a project involves multiple SWCDs, the project sponsor must maintain quote records or ensure that other Districts are recording quotes appropriately. See Guidance Manual Appendix\* for the Sample Procurement Record and Engineer's Certification Form.

In order to be eligible for reimbursement, costs must be incurred within the start and end dates of the contract. Project expenditures which occur prior to the approval of the contract by the State Comptroller may not be reimbursed. Therefore, Districts are advised not to incur any expenditure for which State reimbursement will be sought until the contract is approved.

A completed BMP Procurement Record and any receipts or paid invoices shall be furnished upon completion of the project. When the landowners make purchases related to the contract, all invoices (marked paid with date and check number) and/or receipts, and cancelled checks shall be reviewed and filed by the sponsoring District. When paid invoices and/or receipts are submitted to the District by the Landowner, they should be entered into a Farm Expenditure Summary form. This will eliminate the need to do so during the close out process and will help to track project spending. *See Guidance Manual Appendix\* for a sample Farm Expenditure Summary.*

#### **District BMP Implementation**

The New York State Soil & Water Conservation Committee (NYS SWCC) has determined that New York State Soil & Water Conservation Districts (SWCDs) are the Preferred Provider when constructing Best Management Practices (BMPs) funded through the New York State Agricultural Nonpoint Source Abatement & Control Grant Program (AG-NPS). Therefore, a SWCD shall be considered exempt from the procurement quoting process if performing the BMP Implementation work itself. This exception allows a SWCD to perform the work, but does not allow the SWCD to act as a General Contractor and negotiate with subcontractors to do the work. This exemption still requires that SWCDs abide by the documentation requirements set forth in the procurement guidelines. A completed BMP Procurement Record and an invoice from the SWCD shall still be furnished upon completion of the project.

This exemption does not extend to the completion of BMPs by landowners or third party contractors. For example, if an AG-NPS project has funded the construction of six (6) BMPs and the SWCD intendeds to only construct two (2) of those BMPs, the remaining four (4) BMPs would be subject to the procurement guidelines as described in this Guidance Manual.

If a SWCD does not have the necessary in-house expertise and/or equipment to perform the BMP Implementation work, the SWCD is required to follow the general procurement guidelines. It should be noted that the implementation of this exemption policy will be decided by each District Board based on that District's capacity and need to fulfill the role of contractor.

Any purchases made by the SWCD directly should be in compliance with the District procurement policy.

**A District will be able to perform work with the exemption from procurement quoting process for BMPs anticipated to exceed \$20,000 under these conditions:**

1. The NYSSWCC/Department will publish annual equipment/operator rates in the Plan of Work Memo
2. The District proposes to perform work in the Plan of Work at or under the published rates.
3. The NYSSWCC/Department verifies that the District rates are at or under the rates approved by the NYSSWCC/Department.

If the above conditions are not met, the District would have to put the project(s) out for quotes following the general procurement guidelines as described.

**3<sup>rd</sup> Party Contractor BMP Implementation**

SWCDs shall ensure that landowners are keeping expenses reasonable by requiring, for any BMP installed by a 3<sup>rd</sup> party contractor:

- For items estimated at less than \$20,000, collect and record one verbal/written quote
- For items estimated at \$20,000 or over, collect and record three written quotes. If three quotes cannot be obtained, the landowner/District should record which contractors declined to bid and why.
- Additional requirements as the SWCD deems necessary

It is the responsibility of the Landowner to abide by the provisions above and obtain the necessary procurement information. However, the District has the option to assume the responsibility of procuring quotes on the Landowner's behalf.

A procurement that is valued at less than \$20,000 is determined to be a simple purchase and does not require multiple quotes; however, a procurement form must still be completed. This includes projects that will be installed by the landowner or the District. See sections entitled, landowner BMP Implementation and District BMP Implementation for additional guidance.

Any purchases made by the SWCD directly should be in compliance with the District procurement policy. In accordance with the General Municipal Law, Article 5-A, Section 103 "Purchases of commodities, services or technology shall not be artificially divided for the purpose of satisfying the discretionary buying thresholds established by this subdivision." SWCDs shall retain documentation of all quotes and certify on the procurement record that the price solicitation requirements have been met. SWCDs shall retain documentation of all quotes and certify on the procurement record that the price solicitation requirements have been met. Quotes should be retained on all cumulative components associated to each entire BMP and/or system. BMP systems or components should be quoted comprehensively whenever possible. Phasing BMP components or systems with one contractor in order to avoid obtaining three quotes will not be accepted.

If quotes are obtained, the landowner must select the lowest quote unless there is sufficient justification to choose a different quote. The justification must be documented/recorded with the quote records. If there is not sufficient justification, cost share will be based on the lowest quote. Districts are encouraged to notify and work with their Regional AEA when these situations occur to properly document the scenario. Sealed bids may also be obtained. If a District deems it appropriate to utilize a sealed bid process, they must refer to provisions defined in their own approved procurement policy. Once a contractor has been chosen, notification should be sent to other bidding contractors as well.

**Landowner BMP Implementation**

If a landowner is proposing to act as the contractor, the District must assume responsibility of the procurement process. To ensure fair and open competition, it is crucial that the District act as the coordinator of this process and follow their local procurement policy in addition to the guidance provided herein.

Upon receipt of the plans, specifications, and final cost estimate from the project designer, the District shall review the design with the landowner. With the landowner's concurrence to proceed, the District seek quotes from the landowner and two additional contractors. The District shall keep a log of prospective contractors who were contacted to provide a quote, including the landowner.

A site visit should be conducted with the project designer to answer questions and draw attention to site conditions. Contractors, including the landowner, should not be able to alter quotes during or after the quotes are obtained. The SWCD should keep a log of all quotes and assure conformity with the bidding procedures and contract terms. The SWCD shall determine which quote is the responsible low quote, select the quote, and notify the landowner and all contractors of the award decision.

**Agricultural NPS Abatement & Control Grant Program  
Procurement Record**

**Section I: Project Information**

Landowner and /or

Operator: [Redacted]

Address: [Redacted]

Phone Number: [Redacted]

AEM GIS No.: [Redacted]

Funding Agreement No.: [Redacted]

**Section II: BMP Certification**

The design and implementation of the following BMP(s) were completed in accordance with AgNPS Program requirements and meets/exceeds all applicable standards and specifications.

NRCS Conservation Practice Standard No.	BMP System Installed (from Ag BMP Catalog)	Units Completed	Date Approved	Approved by <i>Signature &amp; Title*</i>  <i>*If PE, please complete the Consultant Engineer's Certification form</i>
[Redacted]	[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	[Redacted]	

**Section III: Price Solicitation Certification**

The Department of Agriculture & Markets requires that the following minimum requirements are maintained for any BMP installed by a 3<sup>rd</sup> party contractor. For any component estimated at over \$20,000, an attempt to solicit 3 written quotes is recorded.

The Department of Agriculture & Markets requires that the following minimum requirements are maintained for any BMP installed by a landowner (or farm operator): For any component estimated at over \$20,000, the District must assume responsibility of the procurement process.

The SWCD sponsoring the project must ensure that quotes and/or bids are recorded. The attached form is recommended for capturing this information. Please certify that price solicitation records have been maintained and include record with final report:

SWCD Representative Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Price Solicitation Record**

The Landowner and/or Operator shall seek prices or quotes from capable contractors and log the information in the following table.

- For items estimated at less than \$20,000, at a minimum complete for one contractor.
- For items estimated at \$20,000 or over, at a minimum record three written quotes.

If three quotes are not available, list the contractors who were contacted and declined to provide a quote.

The lowest quote must be selected unless sufficient justification is provided. Please attach justification if applicable.

**BMP System or BMP Component**   written quotes/bids  verbal quotes  simple purchase  SWCD Exemption

	Contractor #1	Contractor #2	Contractor #3
Contractor's Name			
Address			
Telephone			
Price Submitted			

I have reviewed the above submitted price quotes and have selected  as the lowest responsible offer at a price of \$ .

Landowner's and/or Operator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**BMP System or BMP Component**   written quotes/bids  verbal quotes  simple purchase  SWCD Exemption

	Contractor #1	Contractor #2	Contractor #3
Contractor's Name			
Address			
Telephone			
Price Submitted			

I have reviewed the above submitted price quotes and have selected  as the lowest responsible offer at a price of \$ .

Landowner's and/or Operator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**BMP System or BMP Component**   written quotes/bids  verbal quotes  simple purchase  SWCD Exemption

	Contractor #1	Contractor #2	Contractor #3
Contractor's Name			
Address			
Telephone			
Price Submitted			

I have reviewed the above submitted price quotes and have selected  as the lowest responsible offer at a price of \$ .

Landowner's and/or Operator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The SWCD has reviewed the Landowner's and/or Operator's solicitation for prices/quotes and his/her selection of a contractor and the process is

Approved  Disapproved Reason for Rejection  Not Applicable

The SWCD expressed interest in acting as a contractor for the construction of a BMP System or BMP Component above the \$20,000 threshold and invoked their procurement exemption. The SWCD assures that hourly rates used for equipment and operators are at or under the rates approved by the NYSSWCC.

Yes  Not Applicable

The landowner/operator expressed interest in acting as a contractor for the construction of a BMP System or BMP Component above the \$20,000 threshold and the District assumed responsibility of the procurement process.

Yes  Not Applicable

SWCD Representative Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**1. Can I apply for multiple tracks on behalf of the same farm?**

Yes, but you must submit separate applications for each track and the systems must each stand alone and not be dependent on the other.

**2. How long will the contract be?**

The contract term will start as 3 construction seasons plus three months for administration to close out the project, with an additional 24 months possible through no cost time extensions (with consent of all parties), consistent with the Agricultural NonPoint Source program.

**3. Is an educational, publicly owned farm eligible?**

The definition of a farm in the Agriculture and Markets Law (which is the definition that will be used for the Climate Resilient Farming program) is:

"Farm operation" means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise (AGM Article 25-AA §301)

The farm in question here is an educational rather than commercial enterprise, and is therefore ineligible as a farm.

**4. Is a farm that has an easement on it eligible?**

Yes, as long as the easement does not preclude any of the proposed practices.

**5. On the rating sheets under mitigation, the last bullet asks about the commitment by the producer and District to engage in regular testing and/or recording to be able to demonstrate greenhouse gas (GHG) emission savings as a result of practice systems implemented. Could this be clarified as to the type of testing and/or recording expected?**

There are no specific requirements for how to engage in testing and/or recording of GHG emission savings. It is up to the District and the farmer to determine what is the most appropriate plan.

For Track 1, Agricultural Waste Storage Cover and Flare systems, a more basic form of testing/recording could include installing a gas flow gauge on the flare component of the system to determine how much gas is being combusted. A more advanced system might also include regular testing of the gas to determine its composition and/or a gauge on gas overflow valves to determine how much (if any) gas is escaping through overflow.

For Track 2, On-farm Riparian, Floodplain, and Upland Water Management, and Track 3, Soil Health, basic monitoring for GHG emission savings might involve determining how well riparian forest buffers are growing and/or ongoing tracking of fuel savings through reduced tillage systems. A more extensive approach could involve forming partnerships with local universities, extension agents, or others to calculate soil carbon gains or improvements in nitrogen management. While RUSLE2 estimates form a

good basis for modeling soil carbon and other changes, regular soil health testing would add another level of verification and management.

In terms of adaptation/resiliency, testing and recording could involve going out during or immediately following adverse weather conditions (when safe to do so) to determine the performance of specific practice systems.

It is up to the District and the farm to determine what makes the most sense for each project. While the “testing and/or recording” element is only a portion of how projects will be scored, it does give an opportunity to elevate a project. Partnerships with local universities, extension agents, not for profits, or others are encouraged to test and record the impacts of Climate Resilient Farming projects.

**6. With regard to Track 1, Agricultural Waste Storage and Flare, would a solids separator unit to help reduce carbon matter and gas development be an eligible component?**

The solids separation is considered a critical component of the system to reduce solids accumulation in the storage. It is eligible for in-kind match (refer to RFP Appendix A—Guidance Document Track 1).

**7. Does the program have a preference on whether equipment is brand new or refurbished?**

Any District with specific questions about particular equipment etc. is welcome to ask specific questions regarding their situation.

However, a general rule of thumb consistent with the Agricultural Non-Point Source Program, is that equipment that has been professionally refurbished and/or carries a new warranty is likely to satisfy program requirements, and equipment that is being simply reused may not meet requirements.

**8. Is the flare a required component of Track 1, Agricultural Waste Storage Cover and Flare?**

Yes—the methane must be burned and converted to carbon dioxide.

**9. Is there a minimum landowner/operator contribution requirement? Can the sponsor or County provide the whole 25% local match?**

There is no landowner/operator contribution requirement.

The maximum state cost share rate is 75% with a 25% local match, which can be provided through District, federal, or landowner funds (or any combination thereof). State funding cannot match other state funds.

However, one of the metrics for scoring under “Cost Effectiveness” (worth 20% of the overall score) is “Landowner support is documented.” If the landowner is not providing funding for the project, it may be advisable to add some other documentation of landowner commitment to completing the project and eventual upkeep, operations, and maintenance.

**10. Is a CNMP required for Track 1? Are CNMP updates eligible for funding?**

Any farm receiving funding for a manure storage cover and flare system must have a CNMP. Updates to the CNMP are eligible for in-kind match (refer to RFP Appendix A—Guidance Document Track 1).

**11. Is a not for profit farm eligible?**

See question 3 above for the definition of “farm operation.” A farm is eligible as long as it meets the criteria of being a commercial farm, regardless of its 501(c)3 status.

**12. Is a farm that has received previous funding from an AgNPS grant eligible for funding a similar or related practice through CRF? For example, is a farm that is currently in the middle of an AgNPS Soil Health grant eligible for a CRF grant for additional cover crop plantings, to take the cover crop program to the next level by planting mixes of cover crop species? What about a farm that wants to apply for funding to add a cover and flare system to a manure storage that was partially funded by AgNPS?**

There are no restrictions in the Climate Resilient Farming program on farms that have received state, federal, or local grants; current or in the past.

Previous conservation projects can be used to demonstrate landowner commitment to this project (a factor in the “cost effectiveness” portion of the rating).

The Track 1 Cover and Flare retrofit is eligible, regardless of how the initial manure storage was funded. The Track 3 Soil Health cover crop system is eligible, as long as it is on *additional acreage* from the first grant. Climate Resilient Farming funds cannot be used to “extend” an AgNPS cover crop grant on the exact same fields as received the previous grant. It is also advisable for the application to highlight the ways in which this proposal would take the farm’s cover crop program to the next level.

**13. If a farmer is going to do cover cropping or buffers in order to try and get mitigation points in conjunction with a project in track 2, should the cover crop or buffers be close by the main project?**

There is no requirement that the cover crop/buffers be proximal to the main project.

However, a project with systems that are designed to function together in event of extreme weather are more likely to score better than a similar project with discrete systems that function on their own but do not build on each other.

**14. Can fields converted to riparian buffer and thus taken out of production would qualify for the 25% match?**

The fields taken out of production cannot be considered as in kind or cost share match in this round.

We are, however, considering adding some form of conservation easement to eligible practices for future rounds, and any Districts with insights into how to make that work well are welcome to contact Gabriella Spitzer with feedback.

**15. What level of AEM Tier 3 planning must a farm have achieved to be eligible for each track?**

*Minimum* Level of AEM Planning Required for CRF Eligibility:

Track 1: CNMP (see question 10)

Track 2: Tier 3A

Track 3: Tier 3A

# Performance Measure Summit Recap

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JENNIFER CLIFFORD

SWCC MEETING 11/10/15



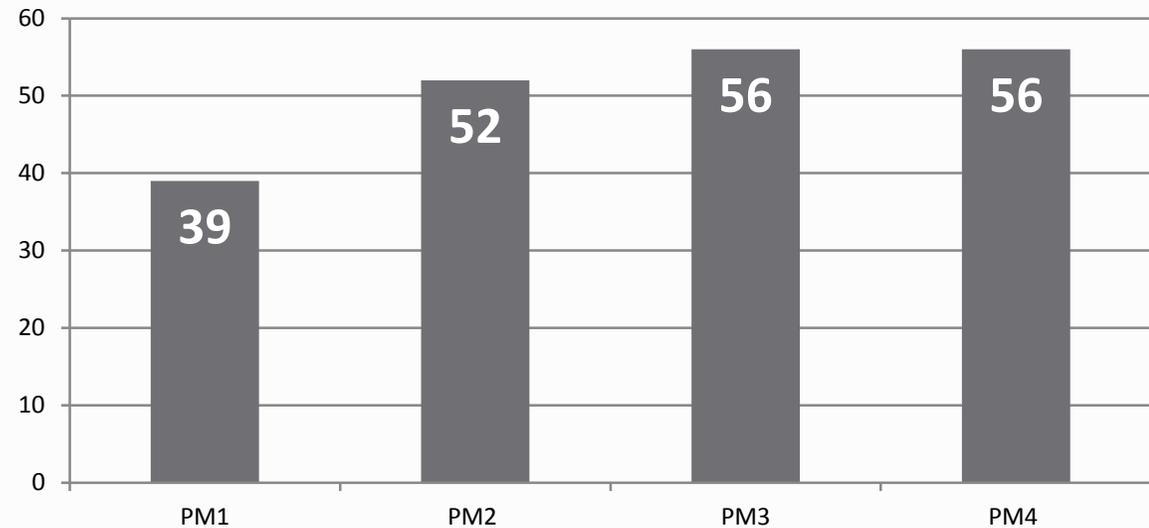
**Soil and Water  
Conservation  
Committee**

# 2014 Performance Measure Summary

**\$790,789** dispersed –  
 \$15,460.94 per District that  
 achieved all four PM

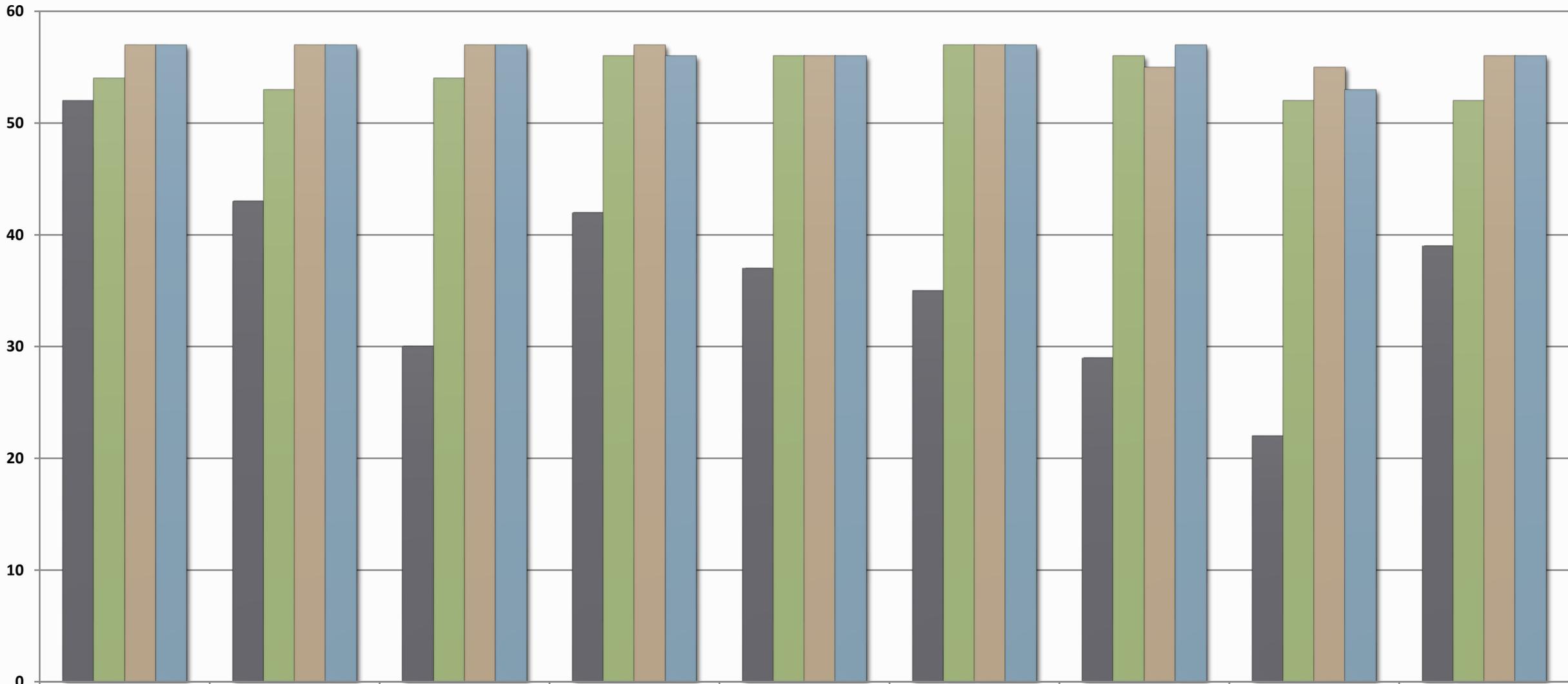
- PM 1 Board Activity
- PM 2 Reporting & Outreach
- PM 3 Funding & Partnerships
- PM 4 State Conservation Prog

**2014 Eligible Districts**



	PM 1	PM 2	PM 3	PM 4	Total
Percentage	20%	10%	40%	30%	\$790,789
\$ per eligible Dist	\$4,055.32	\$1,520.75	\$5,648.50	\$4,236.37	\$15,460.94

## Eligible District's Per Performance Measure

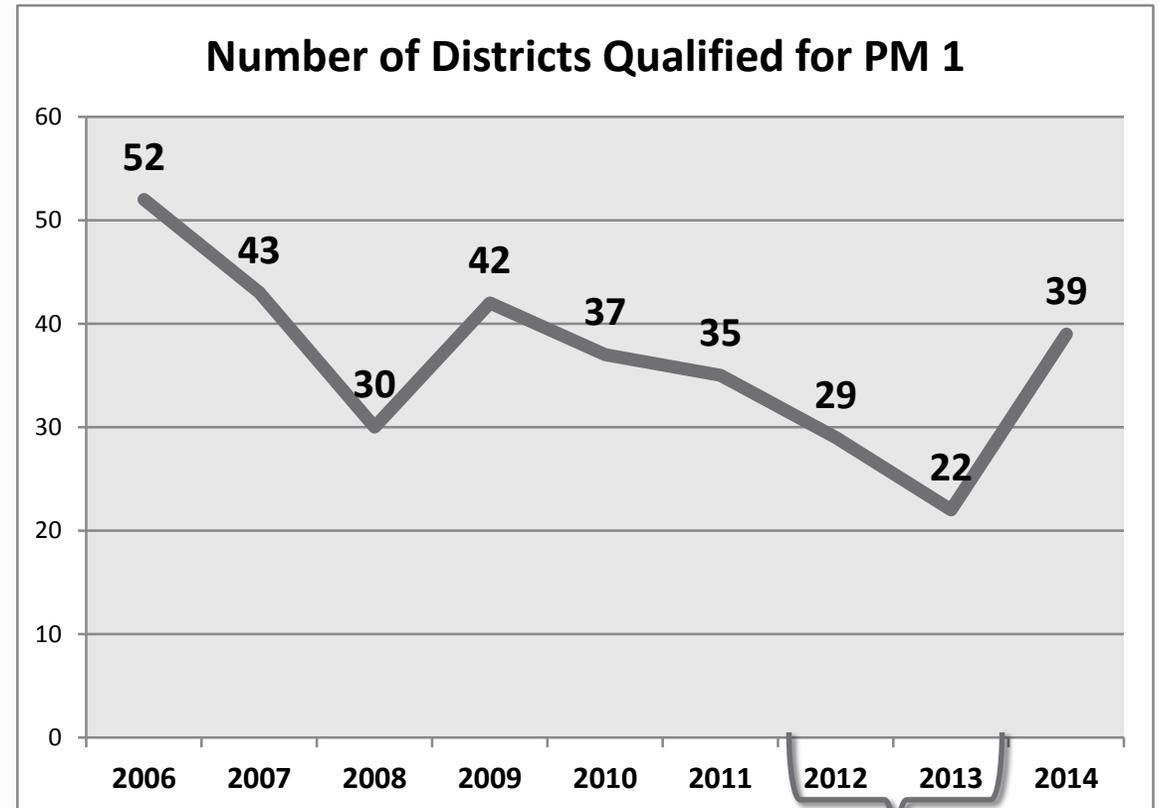


	2006	2007	2008	2009	2010	2011	2012	2013	2014
■ PM1	52	43	30	42	37	35	29	22	39
■ PM2	54	53	54	56	56	57	56	52	52
■ PM3	57	57	57	57	56	57	55	55	56
■ PM4	57	57	57	56	56	57	57	53	56

# PM 1 – Extent & sufficiency of District Board activity

PM 1 has lowest achievement rate

% change 2008 5% to 10%  
% change 2013 10% to 20%

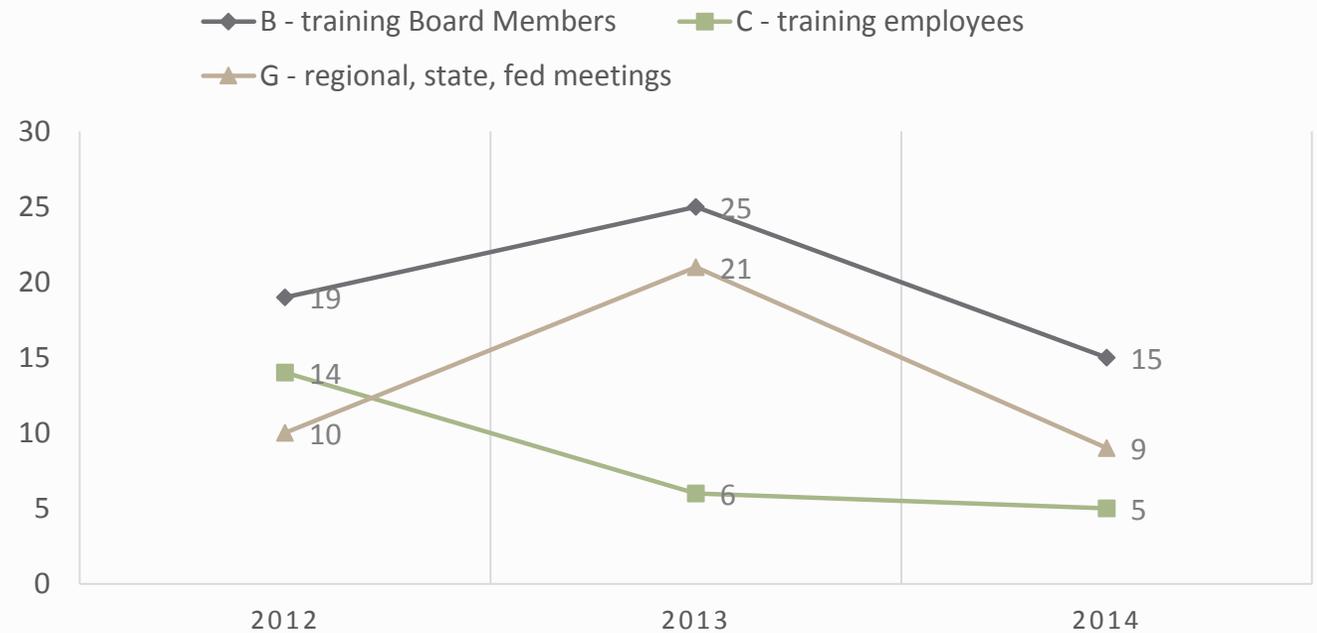


No funds awarded 2012-2013

# PM 1 – Breakdown

Number of Districts that didn't qualify for PM 1				
PM 1	2012	2013	2014	Avg.
# Dist didn't qualify PM1	28	36	18	
A - 8 or more meetings	1	4	2	2
B - training Board Members	19	25	15	20
C - training employees	14	6	5	8
D - annual audit	1	3	0	1
E - operational policies	5	6	1	4
F - organizational meeting	3	1	0	1
G - regional, state, fed meetings	10	21	9	13

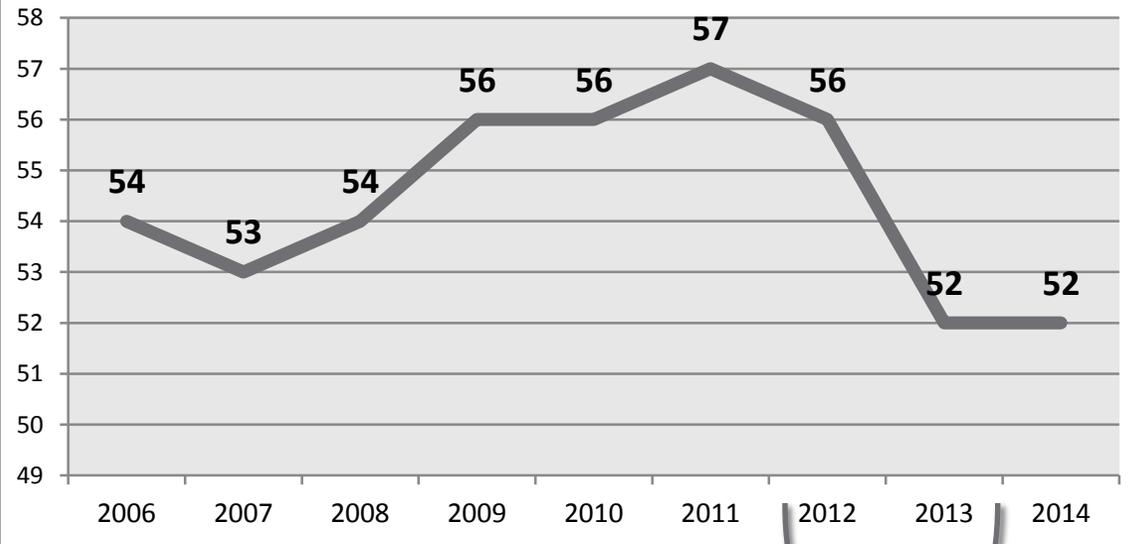
## NUMBER OF DISTRICTS THAT DID NOT QUALIFY FOR PM1



# Performance Measures

## PM 2 District reporting & outreach

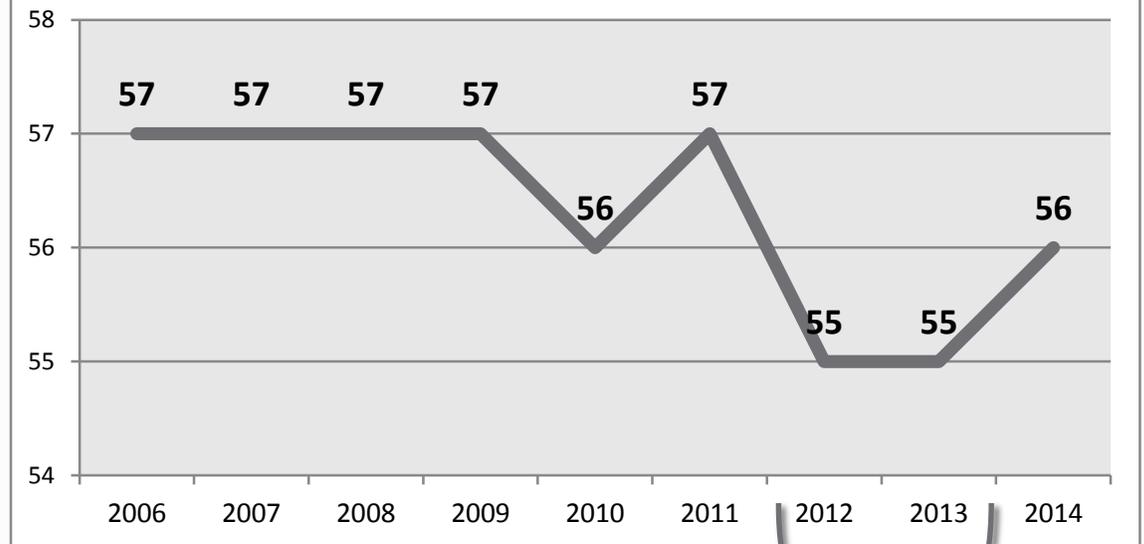
### Number of Districts qualified for PM 2



No funds awarded 2012-2013

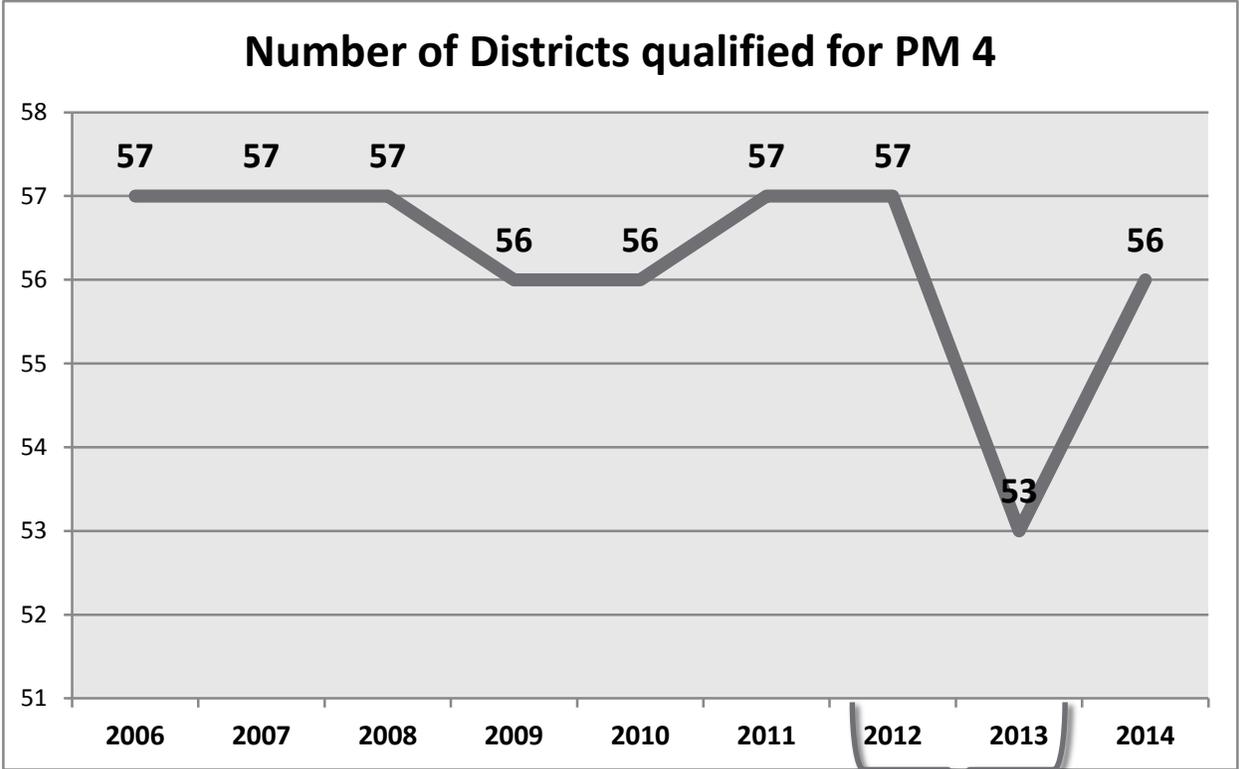
## PM 3 Leveraging funds & fostering partnerships

### Number of Districts qualified for PM 3



No funds awarded 2012-2013

# PM 4 – Delivery of State Natural Resource Conservation Programs



% change 2013 40% to 30%

No funds awarded 2012-2013

# Part C – Project/Activity

**\$15,460.94** per District that achieved all four PM

Must complete conservation project/activity with funds in 2015

## Part C Project/Activity Categories

- Conserve soil and water resources
- Improve water quality
- Control & prevent soil erosion
- Prevent floodwater & sediment damages
- Further the conservation, development, utilization, & disposal of water
- Preserve natural resources
- Control & abate NPS of water pollution
- Assist in the control of floods
- Assist in the drainage & irrigation of agricultural lands
- Prevent impairment of dams & reservoirs
- Assist in maintaining the navigability of rivers & harbors
- Preserve wildlife
- Protect the tax base
- Protect public lands
- Protect and promote the health, safety, and general welfare of the people of this state

Number of Projects completed with Part C funds	
CY	# of Projects
2007	57
2008	57
2009	57
2010	57
2011	57
2012	91
2013	0
2014	0
Total	376

# Performance Measure Summit

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- When: September 18, 2015 (last Summit 2012)
- Where: Onondaga SWCD Office
- Who: SWCC, CDEA, NYACD, & SWCD
- Why: To discuss Performance Measures; trends, District feedback, and propose changes to SWCC

# Performance Measure Summit

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## **Discussion Highlights:**

PM funds are competitive and reports are final

- Solution: Report form available on SharePoint prior to end of year
- Solution: Solicit feedback from Districts & develop template for tracking PM

Districts are awarded funds for achieving PM (start at \$0)

- Solution: Provide training opportunities like Statewide Manager Training

Training topics for Directors and employees sometimes indiscernible as education

- Solution: Description column added to report form to eliminate ambiguity

Make available list of previously approved meetings for PM 1g – participation t regional, state, & federal meeting

**No change to the percentage of funds allowable per category**

# Performance Measure Proposed Changes

Performance Measure	Proposed Changes
<b>PM 1 Extent and sufficiency of District Board activity</b>	
<b>1e - Internal Operational Policies</b>	<ul style="list-style-type: none"><li>• Add FOIL Policy (template available by COOG) (effective 2017)</li></ul>
<b>1g - State, Regional, Nat meeting participation</b>	<ul style="list-style-type: none"><li>• Edit CDEA Division Meeting to include CDEA Meeting</li><li>• Add SWCC Subcommittee Meetings (Operations &amp; Municipal Assistance Subcommittee's)</li></ul>

# Performance Measure Proposed Changes

Performance Measure	Proposed Changes
<b>PM 2 District reporting and outreach activities</b>	
<b>2b - Public Education &amp; Outreach</b>	Add <ul style="list-style-type: none"><li>• Adult Education</li><li>• Earth Day Events</li><li>• Soil Health Workshop</li><li>• ESI Training</li><li>• National Environmental Holidays</li><li>• 4hr Erosion &amp; Sediment Control Training</li><li>• Revise County Participation in Government (Intern) Program to include and/or School sponsored internship</li></ul>

# Performance Measure Proposed Changes

Performance Measure	Proposed Changes
<b>PM 4 Delivery of State Natural Resource Conservation Programs</b>	
<b>4 - State Natural Resource Conservation Programs</b>	Add <ul style="list-style-type: none"><li>• Emergency Stream Intervention (ESI)</li><li>• Climate Resilient Farming (CRF)</li><li>• Ag Emergency Response</li></ul> Remove <ul style="list-style-type: none"><li>• ACRF</li></ul> Revise HHM/Streambank to <ul style="list-style-type: none"><li>• Stream Corridor Management</li></ul>

# 2015/2016 State Aid to Districts

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Total State Aid  
\$5.275 M

Climate Resilient Farming	\$ 500,000	
Part A - est. based on 2014	\$ 3,562,210	
Part B - fully funded	\$ 372,000	Est. Per District
Part C – est. based on balance	\$ 840,790	\$ 14,496.37
Total	\$ 5,275,000	\$ 80,496.37

# Part B – Conservation Project Financial Assistance

Conservation Project Financial Assistance			
SFY Year	# of Projects	Total Funding	# of Districts
2006	80	\$ 344,603.00	57
2007	68	\$ 332,141.75	56
2008	69	\$ 361,676.26	58
2009	65	\$ 372,000.00	58
2010	63	\$ 349,150.00	58
2011	61	\$ 369,770.80	58
2012	0	\$ -	0
2013	0	\$ -	0
2014	60	\$ 372,000.00	58
2015	62	\$ 372,000.00	58
Totals	528	\$ 2,874,571.01	

**\$6,000** per District to complete conservation project

**62** Proposed Projects to be completed in 2016

**\$372,000** dispersed

# Regulation 363

**Section 363.8. Performance based conservation financial assistance.** The State shall provide financial assistance to districts, within available funding, annually and on a **competitive basis**, for the purposes of carrying out projects for the conservation of the soil and water resources of the State, and for the improvement of water quality, and for the control and prevention of soil erosion and for the prevention of floodwater and sediment damages, and for furthering the conservation, development, utilization and disposal of water, and thereby to preserve natural resources, control and abate nonpoint sources of water pollution, assist in the control of floods, assist in the drainage and irrigation of agricultural lands, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety and general welfare of the people of the State, pursuant to the provisions of section 11-a(1)(c) of the New York State Soil and Water Conservation Districts Law. For the purposes of this section the soil and water conservation district of New York City shall be considered the equivalent of one district.

Section 363.9. Qualifying for performance based conservation financial assistance standards.

(a) The committee shall establish annually, within funds appropriated, the percentage of the total performance based conservation financial assistance funds available which shall be allocated to each of the performance standards, as described in this section. **The funds allocated to each of the performance standards shall be distributed equally to the qualifying districts within each performance standard.** In establishing the percentage of funds to be allocated to each performance standard for any year, **the committee shall consider the performance of districts under this section, as a whole, in the previous year and the extent to which they have met or failed to meet the following performance standards.**