

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

STATE COMMITTEE MINUTES

February 9, 2010

**NYS Dept. of Agriculture & Markets, Pride of New York Room
Albany, NY**

Present: G. Proios, D. Stein, D. Brass, C. Colby, Voting Members; M. Latham, Director; B. Steinmuller, N. Lawler, C. Frasier, R. Lewis, G. Albrecht, L. Prezorski, J. Schumacher, SWCC Staff; A. Boozer, NRCS; D. Grantham, Cornell; J. Tierney, J. Lendrum, DEC; K. Smith, DOS; P. Kaczmarczyk, DOH; J. Rusnica, J. Moody-Czub, Ag & Markets; P. Black, SUNYESF; S. Lorraine, President CDEA; J. Littrell, NYACD; S. Fickbohm, Otsego Co. SWCD; B. Silvestri, Schenectady Co. SWCD; E. Hoxsie, Dutchess Co. SWCD; B. Wohnsiedler, Jefferson Co. SWCD; J. Hamilton, Saratoga SWCD; W. Walsh, Tioga SWCD; C. McElwee, Broome Co. SWCD; J. Curatolo, Upper Susquehanna Coalition

Call to Order:

G. Proios, Chairman, called the meeting to order at 10:10 a.m. Chairman Proios welcomed Jim Tierney, Assistant Commissioner of DEC and thanked him for his participation. He noted that it had been a long time since a Commissioner level representative from DEC was present at a SWCC meeting.

Introductions made.

Review and Approval of Minutes

D. Stein moved to approve the November minutes as presented; seconded by D. Brass. Motion passed; carried.

Correspondence

Letters & Memos

Letter to Mike Latham from Astor Boozer, NRCS, dated 12/23/09 requesting review & comments by 2/15/10 of the attached Draft Supplemental Watershed Plan No. 4 & Environmental Assessment for Conewango Creek Flood Control Dam Site 3. M. Latham indicated he had staff reviewing the plan and they would respond by 2/15/10.

Letter to George Proios from Kevin Sumner, Orange SWCD, dated 2/5/10 RE: Ag NPS Abatement and Control Program and rules as they relate to agronomic practices. M. Latham stated the letter addressed the issue of modifying the NPS program to allow for multi-year contracts for agronomic or operational type BMPs, e.g. cover crops, conservation tillage. He stated the TAC has been discussing ways to better encourage the implementation of these types of practices and the topics of the letter will be considered in future recommendations.

Letter to Barbara Silvestri from Gretchen Gary, Allegany SWCD, dated 12/18/09 thanking Barb for the training sessions & to say the training worked and that they received a 30% increase in county appropriations for the next 3 years.

Letter from Michael Holt, P.E., DEC, RE: recently passed legislation requires that all significant water withdrawers in NYS report their usage to the DEC on an annual basis. G. Albrecht stated groups are working on reporting approaches to meet this amendment to Article 15 to provide this information as appropriately, efficiently and properly as possible.

Reports & Newsletters

County SWCD Newsletters from Albany, Broome, Cattaraugus, Cayuga, Columbia, Cortland, Essex, Franklin, Genesee, Hamilton, Lewis, Madison, Onondaga, Ontario, Otsego, Seneca, Tompkins and Wyoming

Westchester County SWCD 2009 Annual Report

NACD The Resource – Winter 2009

Public Works – October & November 2009

Northeastern IPM – Fall 2009

Innovations in Sustainable Agriculture – Fall 2009/Winter 2009 & 2010

Maryland Conservation Partnership Press – Fall 2009

Economic Research Service – November/December 2009

Catskill Forest Association News – Fall 2009

In Motion - The Capital District Transportation Committee – Fall 2009

Cornell Biogas News – October 2009

Oklahoma Conservation – November/December 2009/January 2010

Rural Futures – Fall 2009

Bay Journal – December 2009

Hudson Mohawk RC&D 2009 Annual Report

Nuggets & Nibbles – Fall 2009

NYS Tug Hill Commission Headwaters – 2009 Newsletter – 2008 Annual Report

G. Proios congratulated Cayuga County on receiving a National Association of Conservation District (NACD) award at the NACD Annual National Convention held in Orlando, Florida. Approximately 3,000 conservation districts are members of the NACD.

AEM Program Update

G. Albrecht reported on the AEM program. He stated with the reorganization of regions, Jeff Ten Eyck has been able to conduct AEM training workshops to approximately 100 people covering 3A planning and environmental assessments. New District staff members have taken advantage of this training as well as veteran staff. He stated the Water Quality Symposium will be held in March. Our staff will be conducting sessions on agronomy training, introduction to soil health, concepts of water hydrology and comprehensive nutrient management training, which is one of the steps to become a certified AEM planner. There are currently 43 certified planners.

He stated the AEM Base Year 5 interim reports indicate Districts are earning the funds at a pace ahead of the last two years. AEM Year 6 will begin in May 2010. AEM Year 6 will begin a new five-year contract cycle.

G. Albrecht discussed the achievements of the Vine Balance Program. In coordination with Districts, field staff and Cornell Cooperative Extension, the Vine Balance Program, a quality management program for vineyards, has been established with over 100 growers participating. Eighty-five have worked on conservation plans covering over 32,000 acres.

J. Moody-Czub asked how often the AEM worksheets are reviewed and updated. M. Latham said the second generation AEM worksheets are being updated now. There are currently 17 core worksheets. G. Proios asked if this data is being tracked electronically for the entire state to determine trends, changes, gather information. M. Latham stated each farm has an AEM ID and most of the data is tracked locally at the District level. S. Lorraine indicated in Madison County AEM Tier 2's are tracked and prioritized based on a series of environmental factors and updated as changes occur. He stated if this information is to be collected and tracked

electronically statewide, all districts will need the same reporting program to enable accurate retrieval of data. A. Boozer stated the Upper Susquehanna Coalition uses an efficient data collection system in that region. J. Tierney stated DEC is working on data collection through EPA for Lake Champlain, Great Lakes, and the Chesapeake Bay watersheds. He stated Washington, D.C. desires data collection for "everything by everybody, everywhere". If there is no data, it appears it didn't occur. G. Proios stated former Governor Pataki developed the Office of Technology Assessment to gather data which was to be available and interchanged through all Departments and pondered what has become of the goals of that office. P. Black indicated there is no data available on water quality. While the cost of setting up an electronic collection data system and monitoring this information is very expensive, G. Proios indicated not having this information could cost the state even more. D. Stein indicated even if we have such a data collection system, we need funding for staff to monitor and update the information.

CAFO Compliance

G. Albrecht commended the work of the CAFO partnership committee and named partners/members. Since July 1, 2009, 15 trainings were held and four initial roll out information sessions were held throughout the state with approximately 700 people attending. He stated through the CAFO workshops, two new AEM guidance worksheets were required and developed. In an attempt to gain uniform knowledge, understanding, coordination and cooperation, regional DEC inspectors, Soil & Water personnel, NRCS, and private sector and AEM Certified Planners participated in CAFO farm walks. These walks were conducted at four farms across NYS. J. Lendrum indicated since DEC had no budget for training, these on-site farm inspections created a great opportunity and were very beneficial. She said the CAFO walks were by far a great benefit to all agency people attending and farmers. She thanked everyone who was instrumental and stated what started as a negative not having the training funds available evolved into one of the most productive training sessions in which she has ever attended. The new permit has been in existence since July 2009. J. Lendrum stated there is an influx of NOIs for medium CAFOs mostly. March 31, 2010 is the deadline for un-permitted medium CAFOs to obtain coverage. G. Albrecht stated he hopes the technical support needs will dwindle so he and Bob Brower can concentrate on plan reviews for new planners. Manure applicator training will be needed for large CAFOs and Cornell is helping with a pilot for that training. Funding status will dictate the type of training that will be available. There are about 150 large CAFO's. E. Hoxie stated from a water quality standpoint, more attention needs to be addressed to small acreage agriculture and to take into account small operations.

Agricultural NPS Abatement & Control Grant Program **February 9, 2010 State Committee Meeting**

STATUS OF ROUNDS 1-14

Of 515 contracts, 158 are active and 342 are complete. 15 contracts have been cancelled during the life of the program.

Since 1994 the Ag NPS Grant Program has provided over \$73 million to assist farmers plan and implement over 4,400 conservation projects. For their part, farmers contributed more than \$20 million, or nearly 30% toward state sponsored projects. Round 15 awarded an additional \$8 million for implementation of conservation projects, with a farmer contribution of approximately \$4 million raising the local or non-state contribution to 50%. This increase to the average contribution allows the state cost-share dollars to extend further than past rounds.

B. Steinmuller announced Round 15 Plans of Work are currently being processed into contracts. He stated the RFP for Round 16 would be going out by the end of February. He expects the ranked list for Round 16 should be available for the Committee by the June meeting.

Amendments for State Committee Consideration

1. Herkimer SWCD – North Winfield Creek WS Implementation Project – Round 13 – C700844
Request: time extension from 3/31/10 to 11/15/11
Reason: the time extension is requested due to the present economic conditions and the depressed milk prices.

*Note: Cliff Frasier, Region 5 AEA, supports the time extension
Previous amendments: none*

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

2. Rensselaer SWCD – Mapledale Farm Ag Waste System & Greenbelt Project – Round 13 – C700864
Request 1: time extension from 12/31/09 to 12/31/10
Reason 1: the time extension is requested due to poor economy

*Note: Cliff Frasier, Region 5 AEA, supports the time extension
Previous amendments: none*

D. Brass moved to approve the no-cost time extension; seconded by D. Stein. Motion passed; carried.

3. Saratoga SWCD – Upper Alplaus Kill – Round 13 – C700866
Request: time extension from 12/31/09 to 11/15/11
Reason: the time extension is requested due to poor economy

*Note: Cliff Frasier, Region 5 AEA, supports the time extension
Previous amendments: none*

D. Stein moved to approve the no-cost time extension; seconded by D. Brass. Motion passed; carried.

4. Ulster SWCD – Esopus Creek Implementation – Round 13 – C700872
Request: time extension from 12/31/09 to 12/31/10
Reason: new landowner has only been in the grant since May 2009. This landowner will need to complete remaining implementation in 2010 and remains committed to the project.

*Note: Rich Lewis, Region 6 AEA, recommends the approval of time extension
Previous amendments: 2 changes to scope, 1 change of budget*

D. Stein moved to approve the no-cost time extension; seconded by D. Brass. Motion passed; carried

Staff Approved Amendments

1. Rensselaer SWCD – Mapledale Farm Ag Waste System & Greenbelt Project – Round 13 – C700864
Request: change in budget
Reason: moving funds from engineering and contractual services to BMPs

*Note: Cliff Frasier, Region 5 AEA, supports the time extension
Previous amendments: none*

2. Yates SWCD – Vineyard Erosion Reduction in the Central Finger Lakes WS – Round 12 – C700834

Request: change in landowner; same farm

Reason: original landowner retired; his son is now operating the farm. All BMPs, acreage remain exactly the same

*Note: Les Travis, Region 3 AEA, recommends the approval of time extension
Previous amendment: 1 time extension*

Dutchess County SWCD Presentation

Ed Hoxsie, Executive Director of the Dutchess County SWCD, delivered a PowerPoint presentation in which he outlined the diversity of the District.

Highlights include:

- In 1996, Dutchess County SWCD was one of three pilot Districts for the AEM program. They continue to have a strong AEM program. They are using their AEM information jointly in partnership with NRCS for implementation projects and have not applied for a nonpoint source grant in four years.
- They currently have 10 EQIP contracts, 15 CRP contracts covering 54 acres, 2 AMA contracts and WRP is a big program in the county for bog turtle habitat protection.
- The District's AEM pasture management program is available for the growing number of horse operations. Many thoroughbred farms have a nutrient management plan in place which is well managed at the farm level. Most of these farms are on 25-65 acres.
- Through the USDA NRCS Resource Conservation and Development Program (RC&D), they are processing hay into fuel, and have a very successful pellet project in cooperation with Orange and Ulster Counties. They can process a ton and a half of biomass an hour.
- Through the hazard mitigation program, they provide community assistance with stream work, stormwater, dry hydrant education, and have 14 Municipal Separate Storm Sewer Systems (MS4) communities in Dutchess County.
- Their Federal Emergency Management Administration (FEMA) sponsored programs identified hazard programs including: dam failure, fire/wildfire, landslides, terrorism, and floods.
- Dutchess County will remain at level County funding for 2010.

Marcellus Shale Gas Drilling and Production

Wendy Walsh, Tioga SWCD; Scott Fickbohm, Otsego SWCD; John Schumacher, SWCC; Chip McElwee, Broome SWCD and Jim Curatolo, Upper Susquehanna Coalition of Districts (USC) presented the Committee a draft resolution for their consideration to determine the USC and District roles in providing technical assistance in the development of natural gas production in the Upper Susquehanna region. Much discussion ensued concerning what the district's role should be. G. Proios stated there were a number of representatives from the State of

Pennsylvania at the NACD meeting expressing great deal of concern over degradation of farming resources and contamination individual wells brought on by unchecked gas drilling activities.

W. Walsh indicated she had worked closely with John Lacey (who is now retired from the Department of Agriculture and Markets) on agricultural projects and he had providing training to Tioga in pipeline installation projects. Tioga County has a natural gas storage field project currently in which the District is highly involved. W. Walsh is the local contact person and landowners reach out to her with their complaints or concerns. The District provides monitoring for two to three years after installation to be sure crops were back and growing properly. The District looked at many erosion sediment controls problems as well. Tioga SWCD has been seen as a resource to gas companies due to the district's expertise and local knowledge of land resources. J. Schumacher stated landowners are starting to contact Districts first before entering into agreements with the gas companies. Gas drilling companies are now contacting Districts in Pennsylvania trying to remediate ongoing concerns. G. Proios stated the Districts in NYS need to be involved from the start. D. Stein agreed. D. Grantham indicated with the chemicals involved and the greater chance of surface spills, and the fragmentation of landscapes which will occur, Districts should be careful what role they assume. C. McElwee indicated as District Manager, he does not want to be involved with dealing with fracking fluid, spills, etc. His role is to protect and preserve agricultural land and sediment and erosion control from gas drilling and development. He stated some possible positive roles for the District would be reducing construction storm run off and assisting with pipeline and gas pad mitigation. G. Proios stated USGS should be at meetings and involved on a regular basis. K. Smith agreed USGS should be at the table. He has a concern with the chemicals involved, and other energy sources should also be considered. There is no substitute for clean water. J. Schumacher indicated five to six Districts will be involved initially, but other Districts will be involved eventually. C. McElwee stated this industry is here to stay and will have a significant impact on agricultural land and natural resources. J. Rusnica stated the Department has a statutory role under the Public Service Law, Article 7. M. Latham stated the Department is supportive of the Districts having a role in protecting agricultural lands and remediating negative impacts from gas drilling development. The Public Service Commission is a possible revenue source for funding for this purpose. M. Latham stated we would need to formally communicate to DEC with more definition the technical influence the districts could provide. J. Curatolo stated he would welcome an invitation from the Committee to the Upper Susquehanna Coalition to provide a comprehensive list of ways in which the Districts could assist and what roles they would take. S. Fickbohm stated the gas drilling issue could create a major land use change in his county. He supports Districts exploring what their roles should be now to stay ahead of the game and to have a uniform approach. G. Proios stated this should be a high priority for a number of agencies and we should be working in cooperation.

G. Proios moved to request the Upper Susquehanna Coalition provide a list (“white paper”) to the Committee outlining areas where Districts would play a specific role in the Marcellus Shale mining activities and at the same time, the staff will review the proposed Resolution submitted by the Upper Susquehanna Coalition for modifications and enhancements; the goal being to establish a Resolution with an attached list of district role activities; seconded by D. Stein. Motion passed; carried.

NRCS Chesapeake Bay Strategy and Farm Bill Program Update

A. Boozer stated last fiscal year, NRCS received funding for the Chesapeake Bay in the amount of \$1.1 million and through EQIP, an additional \$1.7 million. This resulted in a backlog of \$6 million. This fiscal year NRCS received \$1.9 million and he estimates \$1.3 million will be put into the program through EQIP. J. Curatolo stated the Chesapeake Bay implementation plan is

due in June. This is a 2-year implementation plan, outlining what is currently in place, what is about to be done, and what they plan on doing. The plan calls for 60% of the work to be done in 2017 and the remaining 40% to be done in 2025. All data collected will be fed into the EPA model.

He stated the sign up deadline has passed for general EQIP. There is a high tunnel practice pilot receiving \$200,000 in funding. High tunnel practice has a protection benefit, but NRCS will evaluate and determine if there is a conservation benefit.

This fiscal year, EPA received \$475 million for the Great Lakes Restoration Initiative. New York is one of eight states receiving this funding. New York is the second State behind Michigan with area in the Great Lakes Basin. A meeting on Great Lakes will be held to establish an implementation plan. This is due March 1, 2010.

A. Boozer met with Jeff Ten Eyck to better coordinate EQIP and AEM programs. They discussed the overall AEM program, and how to best utilize the funding; timing seems the biggest obstacle.

He stated the federal budget is in good shape this year. The President's budget proposed for 2010-2011 looks good for USDA/NRCS, but he believes they will see a cut in the Great Lakes Restoration Initiative funding from \$475 million to about \$300 million. He discussed the funding for contribution agreements of 75% - 25%. M. Latham stated in consideration of resource needs of Districts, A. Boozer provided information to USDA on which Districts need more work to keep their budget solvent. M. Latham appreciated this effort.

G. Proios asked what areas we should look at for Farm Bill items. A. Boozer stated anything in the conservation arena.

Annual Plans of Work

M. Latham announced the following Annual Plans of Work for approval: Annual Plans of Work are to be approved by Region prior to April 1, 2010.

Broome	Columbia	Montgomery	St. Lawrence	Tioga
Cayuga	Cortland	New York City	Schuyler	Warren
Chemung	Essex	Ontario	Seneca	Washington
Chenango	Genesee	Oswego	Steuben	Westchester

D. Stein moved to approve the work plans; seconded by D. Brass. Motion passed and carried.

Partnership / Advisory Reports

B. Steinmuller stated as part of the State Committee Strategy, they are working on annual action plans. He will have those available at a future meeting. He also stated he and G. Albrecht were asked to assist in a technical working group, Agriculture, Forestry and Waste. This group is part of the overall Climate Action Committee for New York State. Thirty comprehensive strategies have been developed in individual states. New York is developing a strategy based on climate change issues and impacts on mitigation, adaptation, transportation, residential, agriculture, forestry and waste. There is an integration panel which collects information from the working groups in an effort to develop the comprehensive strategy. He will report back to the Committee with updates.

P. Black attended the National Conference on Science in the Environment meeting last month in Washington, DC. Gus Speth, retired Dean at Yale Law School, delivered the keynote address. He has written many books and P. Black strongly recommends reading, "The Bridge at the Edge of the World" which is about the intersection of economics, agriculture and climate change.

D. Grantham reported on the CALS Dean search. It is a very confidential process and may possibly be narrowed to ten candidates. The current Dean's term ends in June and there usually is no gap in service. Tom Burr has been reappointed as Director of the New York State Agricultural Geneva Experiment Station effective through 2013. She reported 63-64% of the counties are at level funding for 2010. They are looking at County Cooperative Extension offices and efficiencies in the system and the possible need for regionalizing offices. New York State IPM was cut.

L. Prezorski reported the EPA through the Great Lakes Restoration Initiative was allocated \$475 million. The State Committee in conjunction with the Department submitted a proposal for just under \$8 million. The proposal allows for \$6 million over 3 years to be allocated to the 30 Great Lakes counties for Best Management Practices through the Nonpoint Source Grant Program. It was a high priority of EPA to use existing programs. Additionally, the proposal includes requests for two engineers for that area with additional funding used for technical assistance staff. We partnered with DEC on this effort and should be notified this spring on status. This is the first time we have submitted a GLRI proposal. There may be another opportunity to submit an additional proposal, probably in a similar amount, under the GLRI program later in the spring. L. Prezorski thanked everyone involved for their input in getting this proposal developed.

K. Smith mentioned that the Department has applied to the U.S. Environmental Protection Agency for over **\$4 million** in funding under the GLRI to assist municipalities and Soil and Water Conservation Districts in preparing and implementing intermunicipal watershed management plans for tributaries and embayments of the Great Lakes and St. Lawrence River.

J. Lendrum reported all proposals for WQIP have gone through the first round of scoring. They have been reviewed by agencies such as DEC, DOS, EPA and ranked primarily by water body effectiveness and project readiness. Round 2 scoring is about to take place. It is possible announcements could be in late 2010 with contracts being executed in 2011.

M. Latham stated J. Schumacher has delayed his retirement and has resumed his field work with Region 2 counties allowing Jeff Ten Eyck more time to work and advance the AEM program.

M. Latham announced B. Silvestri has been looking into District budgets for 2010. Most Districts are at level funding or minor increases. About one-fifth of districts have a decrease in their budgets. He stated the budget at Agriculture and Markets indicates the Department may lose 39 positions. He indicated there are restrictions on equipment purchases, training, travel and out-of-state travel is extremely limited.

M. Latham asked if any SWCC voting members would like to attend the Water Quality Symposium in March so he can proceed with approvals.

M. Latham stated he has worked with the Office of the State Comptroller to streamline and have one Treasurer's Report rather than two separate. There are a couple minor issues they are working out, but this should not directly affect the ability to deliver State aid.

M. Latham announced he has been asked to become Northeast Regional Director of the National Association of State Conservation Agencies (NASCA). Thirteen states are represented in the Northeast. As such, he will be attending national events. NASCA developed a District Official Training Program Review Checklist for which the State Committee is modeling the development of training modules. He circulated the agenda for the National NACD meeting held in Orlando. A motion to allow M. Latham to become the Northeast Regional Director of the NASCA was not necessary. The Committee was in general consensus to allow M. Latham to serve in this role.

C. Frasier stated DOS has awarded \$370,000 to Montgomery County to offset the total cost of \$787,000 for the Mohawk River Watershed Management Plan. The Coalition will look at areas to revitalize their waterfront properly and update their zoning laws and stormwater controls. Fourteen counties are members of the coalition. S. Fickbohm announced they now have a coordinator for the Coalition and are in the process of gathering information from all Districts on flooding, stormwater, etc. The Coalition expects the project to take about three years to complete. Two years for research and data collection and one year for writing and publication of that data.

B. Silvestri reported on several news articles including one of the Mohawk River Watershed Coalition. She stated there has been a great increase in column inches and the quality of the articles. The winter issue of Small Farms Quarterly featured Dutchess County SWCD. The spring issue will feature Jefferson County SWCD.

J. Lendrum stated on March 4, 2010 a pilot training program will be held on dam removal projects. Target audiences are local agencies, non-governmental organizations and people interested in managing dam removal projects. Folks who are eligible are those in the Hudson River Estuary area. If anyone would like more information, they can contact Fran Zagorski at DEC.

K. Smith mentioned in addition to a grant to Montgomery County to prepare a watershed management plan in partnership with the 14 SWCDs in the Mohawk River Coalition, the Department of State has recently awarded EPF LWRP grants for preparation of watershed management plans for several other watersheds where SWCDs have partnered with municipalities on applications; Salmon River Watershed - Village of Malone in partnership with Franklin County SWCD; Otisco Lake Watershed - Onondaga County in partnership with Onondaga County SWCD; Quassaick Creek Watershed - Orange County Planning, in partnership with Orange County SWCD, Quassaick Watershed Alliance, Orange County Land Trust, and Ulster County Planning.

D. Stein mentioned people have been talking about a food shortage for 50 years. He indicated corn and soy bean yields have exploded. He stated we will not be short on food due to population, but due to political and economic reasons.

Next Meeting – Tuesday, March 16, 2010 – Utica State Office Building.

Meeting adjourned at 3:15 p.m.

This web cast may be viewed in its entirety at:

<http://www.webcasting.com/soil-water/02.09.2010soil-board-part1.html> and
<http://www.webcasting.com/soil-water/02.09.2010soil-board-part2.html>