

New York State Soil & Water Conservation Committee
10B Airline Drive, Albany, NY 12235 -- Telephone (518) 457-3738
STATE COMMITTEE MINUTES
July 17, 2013
NY Farm Bureau
159 Wolf Road, Albany, NY

Present:

G. Proios, Chair, D. Stein Vice-Chair, D. Brass, Voting Members; B. Steinmuller, Assistant Director; C. Frasier, SWCC Staff; D. DeWeese, NRCS; K. Roberts, DEC; J. Clifford, Dutchess SWCD; L. Lyons-Swift, Cortland SWCD; P. Kaczmarczyk, DOH; N. Billhardt, NYCDEA; T. Sweeney, DAM; C. Mural, NYFB.

Call to Order

G. Proios called the meeting to order at 10:00 a.m. Introductions made. C. Mural was thanked for hosting the meeting at the NY Farm Bureau office.

Review/Approval of Minutes

D. Stein moved to approve the June 18, 2013 minutes as presented; seconded by D. Brass. Motion passed; carried.

Correspondence

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

B. Steinmuller read a letter from the Department of Agriculture and Markets' First Deputy Commissioner, Jim Bays, to the DEC's First Commissioner, Marc Gerstman, discussing the need to ensure success in the statewide [Post-Flood Stream Intervention Program \(ESI\)](#). This letter was meant to assist the Committee and DEC's efforts to put into place the needed resources to facilitate a District led statewide effort in ESI programs.

Post-Flood ESI is a protocol for immediate post-flood corrective action or triage, working with the stream's natural tendencies and reconnection to the floodplain while protecting aquatic habitat. At the May 2013 SWCC meeting, a resolution was passed to fully endorse and support this protocol for adoption and implementation by Conservation Districts statewide. Concepts noted in the letter in support of Conservation Districts' efforts in carrying-out this essential program include:

- **Permit Issuance** - The DEC should strongly consider linking the rapid issuance of post-flood Protection of Waters Permits to municipalities, and operators that have received the ESI training. There are similar models of this employed under the current Stormwater Phase 2 requirements where contractors are being trained by Conservation Districts in erosion and sediment control techniques. This model could build strong partnerships between DEC, Conservation Districts, and municipalities.
- **General Permits** – Based on a strong working partnership with Regional DEC Offices, a number of Conservation Districts have authority to permit individual sites for stream management efforts. As more Conservation Districts are being trained to provide local ESI programs, consideration should be given to expanding this authority to additional areas to gain capacity to issue post-flood stream disturbance permits.
- **Support of on-going train-the-trainer efforts** – The [Delaware County Conservation District](#) with funding support from the DEC is currently offering a comprehensive train-the-trainer event targeted at Conservation Districts. Representatives from 16 geographically significant Districts received the first of three days of training on May 23, 2013. Two additional hands on field based sessions will be held this summer with the goal of equipping Conservation Districts to offer this training back home. All participants selected for this opportunity will hold at least one three-day

training (pending funding) for local highway superintendents, and other flood responders and participate on a statewide ESI Committee to maintain quality control and consistent delivery. Additional and consistent funding is needed for Conservation Districts to continue to build technical capacity and deliver these comprehensive field based trainings across the state.

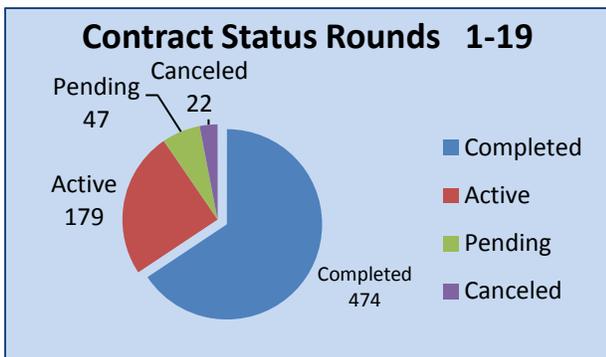
- Consistent and Comprehensive Funding** – The DEC and other partners have provided funding for this initiative in areas across the state as the need and demand for ESI has increased. To this point the piecemeal funding has supported the ongoing deployment of a statewide effort. Competitive grant programs such as the Water Quality Improvement Program (WQIP) and other basin level funding will not be adequate to consistently support a robust statewide ESI Program. A consistent and comprehensive funding source should be identified and dedicated to fully support statewide adoption. Recently the Upper Susquehanna River Coalition of Conservation Districts submitted a wide-ranging proposal to DEC for assistance to other watershed coalitions of Districts in carrying-out ESI trainings across the State. This proposal provides a good basis for documenting the scope and budget for a statewide ESI Program.

Discussion ensued regarding the support for a statewide ESI Program and barriers to its implementation relating to the most recent flooding in the Mohawk River Watershed.

Agricultural NPS Abatement & Control Grant Program

STATUS OF ROUNDS 1-19: Of 722 contracts, 179 are active, and 474 are complete. 22 contracts have been cancelled during the life of the program. There are 47 Round 18/19 NPS projects pending. 24 NPS projects have been closed out in 2013 to date.

Round #	Completed	Active	Pending
11	30	1	0
12	26	4	0
13	37	3	0
14	35	17	0
15	3	26	0
16	3	34	0
17	0	51	0
18	1	43	2
19	0	0	45
Totals	135	179	47



Staff Approved Amendment

Schoharie SWCD – Grazing BMP's in Schoharie County – Round 17 – C701037

Request: change in BMP's

Reason: original BMP was an access road, change in BMP to animal trail and walkway

Note: Cliff Frasier, Region 5 AEA, approved the change in BMPs

Previous amendments: none

Wyoming SWCD – Lake Erie Drainage Basin AG BMP Imp Project – Round 14 – C700880

Request: change in budget

Reason: District is moving \$15,697 from personal services to engineering services to cover additional cost of engineering. The amendment will not change sponsor or landowner contribution percentages.

Note: Bethany Bzduch/Jeff Ten Eyck, Region 3 AEA, approved the change in budget

Previous amendments: 4 changes in BMPs; 1 time extension

TAC Update and Round 20 RFP Development Recap

The NYS Ethics Commission Opinion 03-09 states that any Conservation District present at the meeting (with the exception of CDEA Representative) or SWCC Voting Members that plan to apply for funding through their Conservation District must recuse themselves from all discussion that pertains to the development of the competitive RFP. The Ethics Commission Opinion 03-09 did not apply to those present.

B. Steinmuller provided a briefing on the TAC meeting that was held on July 9th including a summary of the policy discussion regarding on-farm food processing waste. Steinmuller told the Committee that discussions and research will continue on this policy recommendation and he is not certain that it will be developed prior to Round 20. He advised the Committee that Don Tuxill, DEC representative to the SWCC, is facilitating a meeting with the appropriate staff from the Division of Water and Solid Waste to discuss this issue.

Steinmuller provided a briefing on the updates that are planned for the Round 20 RFP. He stated that the staff continues to work on revising the Ag Practices Catalog and the Agricultural Waste Management Screening Tool. He also reiterated the uncertain administrative changes based on the state's Grants Reform Initiative.

Finally Steinmuller gave the Committee an update on the Covered / Roofed BMP Systems Inventory and Evaluation Project. Steinmuller thanked the staff for advancing this project.

Invasive Species Report – Tim Sweeney, Policy Analyst, Department of Agriculture and Markets

T. Sweeney provided a report to the Committee on the state's rule making process (6NYCRR Part 575) for invasive species. The Department of Environmental Conservation and the Department of Agriculture and Markets are working collaboratively on a list of prohibited and regulated invasive species. Sweeney told the Committee that the proposed rule does not contain any provisions for management or eradication. Sweeney provided a briefing on the status of the new regulations and details on how a species is classified on the proposed list. For more information, please contact Tim Sweeney, at 518-457-9271 or timothy.sweeney@agriculture.ny.gov.

Managers Meeting Recap – B. Steinmuller

B. Steinmuller provided a recap of the Conservation District Managers' Meetings that were held during the last week of June in Millbrook, Cortland, and Ray Brook and Batavia on July 10th. Over 130 people attended the four meetings and B. Steinmuller estimated that over 80% of the Districts sent at least one participant. A number of District Directors were present as well. The meetings were held to disseminate information to all Conservation Districts on current issues, events, and program opportunities. The meetings focused on Conservation District financial concerns, management and contract/grants program administration including:

- District Manager and Board Responsibilities
- Board Communication and Attentiveness
- Staff Resources and Prioritization
- Policies and Procedures

B. Steinmuller concluded that the meetings were well received and successful resulting in excellent discussion and follow-up questions. Although there is no substitution for attending District Board Meetings to broadcast information to each District, the Managers' Meetings have been a successful and welcomed event. The challenge remains trying to incentivise increased District Director attendance and participation at these events.

Flood Impacts from Recent Storm Events and District Involvement – B. Steinmuller

In Mike's absence, B. Steinmuller provided a brief report on the flood impacts from recent storm events in the Mohawk Valley and North Country. B. Steinmuller discussed the Department's responsibility to staff the Emergency Operations Center (EOC) which was activated for the flooding events. As the Department is responsible for helping to prioritize emergency response through the EOC, it depends greatly on the information that the SWCC can provide from Conservation Districts conducting local assessments. Although the information that the Department requests is primarily focused on agricultural impacts, the Conservation Districts provided information on municipal and public infrastructural damage as well as impacts to agriculture. B. Steinmuller reiterated the importance of being able to rely on Districts as a part of the ground force for the Department, but he also reminds the Department that the Districts' first priority is to assist the local emergency operation for the county prior to providing the state with ground intelligence.

The agricultural impacts were mainly limited to saturated and flooded crop fields. This flooding is mainly as a result of constant above normal rain storms that have overburdened, saturated, and deluged crops. As a result Conservation Districts in the impacted areas have been assisting farmers to report their crop damages to the USDA-Farm Services Agency. Discussion ensued regarding the need to advance the [Post-Flood Emergency Stream Intervention Program](#) in areas hard hit by localized flooding events.

Municipal Subcommittee Meeting Report – C. Frasier

C. Frasier provided a report on the first Municipal Subcommittee meeting that was held yesterday, July 16th. C. Frasier reiterated that the role and function of the Municipal Subcommittee is to discuss what makes a successful municipal program, assist Districts in working with their municipalities on programs/projects, and set a framework of good practices when working with municipalities. During the meeting, discussion was held regarding the Post Flood Emergency Stream Intervention Program; Stormwater Phase II, green infrastructure, invasive species, and new legislation allowing Districts to enter into intermunicipal agreements. Since the subcommittee is mainly a forum for discussion and deliberation, it is important to identify potential action items in order to advance municipally driven conservation programs. The minutes of the first meeting will be drafted to reflect this framework (attached).

Advisory Member / Partnership Reports / Public Comments - ALL

NYACD – J. Littrell reported on [NYACD's](#) Annual Conference to be held October 16th, 17th in Oneonta, NY (Otsego County). The draft agenda is taking shape with many pertinent topics on District operations, current programs and future District programming. Littrell advised that resolutions for the business meeting are due by September 1st. Littrell announced that NYACD is planning to have a speaker on climate change present to the group at the conference.

NYSCDEA – N. Billhardt provided a report on [CDEA](#) efforts. Billhardt noted that the RFP for the 2014 Water Quality Symposium is currently being reviewed. Billhardt gave an update on the planning of the Conservation Skills Workshop to be held September 23rd – 27th.

The CDEA is prioritizing an effort to redevelop and publish the Administrative Manual in concert with the SWCC. Billhardt noted that the CDEA is planning a Managers' Certification track at the NYACD Annual Meeting.

USDA-NRCS – D. DeWeese advised the Committee about a number of items impacting USDA-NRCS. DeWeese noted that Emergency Watershed Protection (EWP) work continues in the areas impacted by Hurricane Irene and Lee. NRCS has approved over \$30 million in funding for EWP sites from the 2011 storms. In addition, DeWeese noted that EWP could be forthcoming for the areas impacted by the recent flooding in the Mohawk Valley and North Country. DeWeese briefed the Committee on USDA's new initiative establishing Regional Climate Hubs. USDA will establish seven "[Regional Climate Hubs](#)" to work in partnership with producers and foresters. Working with other agencies, the hubs will serve as a source of regional data and interpretation of climate change forecasts for hazard and adaptation planning for agriculture and natural resource management. The seven regional hubs will be established for the Northeast, Midwest, Southeast, Northern Plains, Southern Plains, Pacific Northwest, and Southwest. Note that NYS is divided between the Northeast and Midwest regions.

DeWeese provided an update to the Committee on the [USDA-NRCS Soil Health Initiative](#). DeWeese told the Committee that demonstrations are being planned for [Empire State Farm Days](#) in August to show farmers the importance and value of soil health. DeWeese advised the Committee that an employee meeting on soil health is being planned for August. Experts from the National Soil Health and Sustainability Team at Greensboro NC will be on hand to instruct NRCS employees on Soil Health. In addition on August 21st a train-the-trainer event will be held with a smaller group of NRCS, Conservation Districts, and Cornell Cooperative Extension. D. Stein suggested that a Soil Health demonstration and presentation could be planned for the 2014 Corn Congress event as well. This would have the potential to reach out to a large contingent of farmers and have a great outcome.

Finally, DeWeese noted that NRCS would like to convene a 4-Way Partnership Meeting to review agreements with Districts and follow-up on the Field Office of the Future discussions.

NY Farm Bureau – C. Mural provided a report to the Committee on NY Farm Bureau efforts. A discussion on the Farm Bill was raised. NYFB continues to lean on NY congressional delegation to conference the recently approved Senate and House versions of the bill. The effects of not having a Farm Bill on NY farmers will continue to be worsened as a result of inaction by Congress. Mural also advised the Committee on other pressing issues for NYFB including immigration reform, labor policies, animal welfare, budget and research issues.

Finally, Mural announced to the Committee that the recent bill impacting Conservation Districts including making them eligible to participate in [Farmland Protection Programs](#), and allowing Districts to enter into municipally led intermunicipal agreements was just signed into law by Governor Cuomo.

NYSSWCC Staff Update – L. Lyons-Swift advised the Committee that she continues to move ahead with data collection and management. Lyons-Swift has been identifying needs to enhance the data management systems for AEM and AgNPS in order to more efficiently gather data, develop reports and conduct needed analysis on programmatic accomplishments.

NYS DEC – K. Roberts provided an update to the Committee about the U.S. EPA's Nonpoint Source Guidelines to the States that are currently out. DEC is working in response to the guidelines with partner agencies. Roberts told the Committee that the NPSCC will be meeting by September 2013. Roberts also told the Committee that the NPS Section has recently been transferred to the [Bureau of Water Resource Management](#) under Angus Eaton in the Division of Water. The NPS Section was previously under the [Bureau of Water Permits](#) led by Koon Tang.

NYS DOH – P. Kaczmarczyk advised the Committee on the Filtration Avoidance Determination (FAD) in the NYC Watershed. Kaczmarczyk also told the Committee that the Lower Esopus Creek workgroup have been meeting to tackle the turbidity issues in the lower section of the creek. Kaczmarczyk noted that TMDL has been developed for sediment for the Lower Esopus.

NYSSWCC Voting Member Update – D. Stein advised the Committee of a current combined sewer overflows (CSOs) report in Rochester that indicates a higher event frequency and resulting negative effects on Lake Ontario water quality. [Combined sewer systems](#) (CSS) are sewer systems that are designed to collect storm water runoff, domestic sewage, and industrial wastewater in the same pipe and bring it to the publicly owned treatment works (POTW) facilities. During rain events, when storm water enters the sewers, the capacity of the sewer system may be exceeded and the excess water will be discharged directly to a waterbody (rivers, streams, estuaries, and coastal waters).

The report Stein cited points out that combined sewer overflows (CSOs) in the Rochester area convey pollutants to waterways during wet-weather periods and have been occurring with increasing regularity. Stein is of the opinion that CSO and other urban runoff issues may be posing such serious challenges to the water quality of the lake that farming activities higher in the watershed may become more marginal in efforts to restore and protect the water quality of Lake Ontario and in other areas of the state. It was noted that CSO and other urban runoff and stormwater challenges continue to be a problem in many areas of the state and Conservation Districts have made serious inroads with municipalities on green infrastructure and other stormwater controls to in-part reduce the frequency of combined sewer overflows.

NYSSWCC Voting Member Update – G. Proios reported that a key state legislator from Long Island, Caesar Trunzo, has passed away at the age of 87. Proios reported that Mr. Trunzo was a key state leader in the protection of environmental resources during his tenure in the State Senate.

Next Meeting – September 17, 2013 Location TBD.

The Meeting adjourned at 2:00 pm.

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