

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

New York State Soil & Water Conservation Committee
10B Airline Drive, Albany, NY 12235 -- Telephone (518) 457-3738
State Committee Meeting
NYS Department of Agriculture and Markets
10B Airline Drive
Albany, NY 12235
December 17, 2013

Present:

G. Proios, Chair; D. Stein, C. Colby, D. Brass, J. Dickinson, Voting Members; M. Latham, Director; B. Steinmuller, Assistant Director; C. Frasier, G. Albrecht, SWCC Staff; D. Tuxill, DEC; N. Billhardt, NYSCDEA; J. Littrell, NYACD; J. Clifford, L. Prezorski, Dutchess SWCD; L. Lyons-Swift, Cortland SWCD; D. Pettit, D. DeWeese, NRCS; D. Grantham, CU/CCE; P. Kaczmarczyk, DOH.

Call to Order

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

Review/Approval of Minutes

J. Dickinson moved to approve the October 17, 2013 minutes as presented; seconded by D. Stein. 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 took an opportunity to announce the hiring of Victor DiGiacomo as the new Western NY Regional Coordinator for the SWCC. Victor was formerly the Remedial Action Plan (RAP) Coordinator for the Niagara County Soil and Water Conservation District. Victor has been with the Niagara County SWCD for 10 years before joining the staff of the SWCC. Steinmuller told the Committee that Vic has hit the ground running and is currently familiarizing himself with the 11 Districts in the region and attending Board Meetings to meet the BODs in Western NY. Steinmuller distributed a new Regional Staffing Plan Map (see attached). There are currently five SWCC regions and a more manageable ratio of Coordinators to Districts.

SWCC 2014-2018 Strategic Plan Review – Facilitated Discussion led by B. Steinmuller

B. Steinmuller led a discussion on the development of the SWCC 2014-2018 Strategic Plan. The Strategic Plan Subcommittee had two meetings to discuss and recommend various elements of the 2014-2018 Plan. In September 2013 the subcommittee received a review of the Strategic Plan survey of Conservation Districts designed to help the Committee evaluate its effectiveness in implementing the 2009-2013 Plan and to help inform priorities for the 2014-2018 Plan. Also in September 2013 the group redefined the SWCC's Mission, Values, and Vision Statements. Later in the month, the SWCC received the presentation and adopted the Mission, Values, and Vision Statements.

The group met again in October to discuss the format of the plan, and the Strategic Goals. At this meeting, much discussion ensued regarding concepts, formats, and priorities. The group empowered the staff to develop wording that follows their recommendations. The goals are a culmination of the discussion and countless staff hours spent wording targets, condensing and drafting objectives, and developing performance metrics. The four goals all include a general target, specific goal, objectives, and performance metrics. The performance metrics are a list of identifiable results and activities to help gauge the plan's successful implementation.

The four goals are similar to what was developed and approved for the 2009-2013 Plan. However, differences exist including one goal that has been drafted to encompass all natural resources management that include objectives for AEM, EBM, Emergency Management and Community Resiliency, Stormwater, and Watershed Management. Another goal has been drafted for Technical Assistance and Program Delivery. This specific goal encompasses objectives to enhance Conservation District program capacities through training and direct support,

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public participation and outreach, funding, and information technology.

The four Strategic Goals:

- 1. Conservation District Operations**
- 2. Comprehensive Natural Resources Management**
- 3. Technical and Program Delivery**
- 4. Cooperative Conservation**

Steinmuller proceeded to guide the group through a discussion on the detailed elements of the draft plan. Discussion ensued. Edits, omissions, and additions were considered. P. Kaczmarczyk, DOH, raised a concern that the draft plan does not include specific objectives for the protection of drinking water supplies. D. Stein and others advised that the protection of drinking water is implicit within many stated objectives. Kaczmarczyk asked that the Committee consider adding explicit objectives that help meet DOH's goals for the protection of drinking water. ***The Committee agreed and asked P. Kaczmarczyk to work with B. Steinmuller to incorporate objectives into the appropriate sections. The Committee will revisit the draft at the next scheduled meeting to consider adoption of the strategy.***

State Aid to Districts Part A: Eligibility Determination – J. Clifford

J. Clifford provided an update to the Committee on a recent Counsel opinion that costs associated with the payment of unemployment benefits for technical or managerial positions can be calculated with fringe benefits and as a result eligible for Part A reimbursement through the State Aid to District Program. The Division requested Counsel's Office look into due to receiving a question from an inquiring District.

AEM Base Program Discussion – G. Albrecht, B. Steinmuller

Background

AEM Base was initiated in 2005 to enhance the quality of [Agricultural Nonpoint Source Abatement and Control Program \(ANSACP\) proposals](#), and provide a funding mechanism to Districts to follow up with farmers who have completed ANSACP projects. Prior to [AEM Base](#) Districts had to rely on competitive funding or County allocations to advance AEM; which was inefficient and unpredictable. AEM Base has also yielded additional benefits by providing technical assistance funding to Districts to support USDA Farm Bill Programs, such as EQIP.

In 2005, Districts could earn up to \$20,000 at a rate of \$32/hour to inventory, assess, and plan (AEM Tiers 1-3) conservation issues and opportunities on farms. The next year (2006), the cap was raised to \$40,000 at a rate of \$32/hour, and the eligible activities were expanded to include implementation (where no ANSACP funding is involved), and evaluation. In 2008, Districts that had AEM or NRCS Certified Planners on staff had their cap raised to \$75,000 as an incentive to have a highly trained agricultural conservation planner on staff. Seven Districts took advantage of this "enhanced" cap in the first year. All other Districts maintained the \$40,000 cap, and the earning rate for all Districts was still \$32/hour. The \$40,000 and \$75,000 caps remain in effect today with 11 Districts participating in the "enhanced" program, and approximately 40 Districts at the \$40,000 cap. All eleven of the "enhanced" Districts have an AEM Certified Planner, and there currently no participants with an NRCS Certified Planner.

Although the earning caps have not gone up since 2006 (except for the 11 "enhanced" Districts) the hourly rate that started at \$32/hour now stands at \$39/hour, and is expected to go up for AEM Base 10 (2014 – 2015). This hourly rate is determined by the average Planner/Technician salaries submitted in the Annual Report to the State Committee by the Districts. The increasing hourly payment matched with no increase in the earning cap means there has been a loss of approximately 20% of the hours available to conduct in a District AEM over a year.

In addition, in year 8 of the Base Program 16 Districts exceeded their caps although they were not compensated for the work. Another 11 Districts reached their cap and might have done more work if we were able to pay

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them. Twenty-four (24) did not reach their cap. This indicates that at least half of the Districts are able to exceed the current caps.

Proposal

Staff recommends a raise of \$10,000 to the existing caps (\$40,000 and \$75,000) to \$50,000 and \$85,000 respectively. This will restore the 20% loss in hours for the bulk of Districts. In addition we propose the creation of a third earning level for Districts with an NRCS Certified Planner on staff at \$65,000. Currently, NRCS Certified Planners are capped at the same level as AEM Certified Planners, but there currently are no Districts earning the "enhanced" funding level with an NRCS Certified Planner so it is an excellent time to institute the new funding level. The third funding level is recommended in recognition of the fact NRCS Certification has lesser requirements than AEM Certification, but still should be encouraged and rewarded. Raising the caps by \$10,000 each and establishing the third funding level would require approximately \$400,000; making the total needed for AEM Base 10 to be \$2,910,000 instead of the previously allocated \$2,530,000.

G. Proios expressed concern that the members of the State Committee did not have sufficient advance notice of the proposal.

D. Stein moved to approve the proposal to raise the existing caps and to create a third earning level for Districts with an NRCS Certified Planner on staff; seconded by J. Dickinson. Motion passed; carried; with G. Proios abstaining.

Agricultural NPS Abatement & Control Grant Program – B. Steinmuller

STATUS OF ROUNDS 1-19

Of 720 contracts, 168 are active, and 485 are complete. 23 contracts have been cancelled during the life of the program. There are 44 Round 19 NPS projects pending. 31 NPS projects have been closed out in 2013 to date.

Amendments for State Committee Consideration

Albany SWCD – Hilltop Farm CNMP Tier IV Imp Project – Round 14 – C700930

Request: time extension from 10/31/13 to 10/31/14

Reason: Due to contractor availability and the farm implementing practices in a current NRCS EQUIP contract, the project has been delayed.

Note: Cliff Frasier, Region 5 AEA, supports the time extension

Previous amendments: one time extension

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

Madison SWCD – Oriskany Creek WS Ag NPS Elimination Project – Round 15 – C700943

Request: time extension from 12/31/13 to 12/31/14

Reason: The farm was added late in 2012 when they purchased the farm from original landowner. Most BMPs are completed, but they were unable to complete the manure storage.

Note: Cliff Frasier, Region 5 AEA, supports the time extension

Previous amendments: one change in landowner

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

Steuben SWCD – Canisteo River Watershed CAFO Ag Imp – Round 15 – C700953

Request: time extension from 12/31/13 to 10/20/14

Reason: Construction of manure storage is underway. With inclement weather approaching, District is asking for time extension in case of weather delays.

Note: Jeff Ten Eyck, Region 3 AEA, supports the time extension

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Previous amendments: none

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

Wyoming SWCD – Genesee River Drainage Basin Ag BMP Imp Project – Round 15 – C700958

Request: time extension from 12/31/13 to 10/20/14

Reason: Due to landowner indecisiveness, the construction was delayed. This led to an increase in implementation costs above what was originally approved. The District is seeking additional funds to offset the overages.

Note: Jeff Ten Eyck and Bethany Bzduch, Region 3 AEA, support the time extension

Previous amendments: one change in BMP

D. Stein moved to table this amendment pending additional information; seconded by D. Brass. Motion passed; carried.

D. Stein moved to bring the amendment back to the floor; seconded by J. Dickinson. Motion passed; carried.

D. Stein moved to approve the time extension having received additional information and that this would be the final extension granted to this contract; seconded by D. Brass. Motion passed; carried.

Staff Approved Amendment

Erie SWCD – Cattaraugus Creek Watershed/Clear Lake Drinking Water Source – Round 17 – C701015

Request: change in BMPs

Reason: landowner requests changing from a waste storage facility to a silage leachate control whereas a greater water quality benefit will be realized.

Note: Jeff Ten Eyck, Region 3 AEA, supports the change in BMP

Previous amendments: none

Orange SWCD – Nutrient & Ag Waste Mgt in the Wallkill River WS – Round 15 – C700960

Request: change in budget

Reason: Contractual services and direct expenses less than anticipated at time of original plan of work and BMP installation costs expected to be greater. District is moving funds from contractual services and direct expenses to BMP implementation.

Note: Brian Steinmuller, Region 6 AEA, approved the change in budget

Previous amendments: one change in budget

Municipal Assistance Subcommittee Meeting Report – C. Frasier

C. Frasier provided a report to the SWCC on the progress made at the last Municipal Assistance Subcommittee meeting. The subcommittee was convened in order to meet with DEC on the [Erosion and Sediment Control Training Program](#). District trainers have identified a number of areas where the training presentation could be updated based on experience providing the training and feedback from the contractors receiving the training. DEC was complimentary of the suggested changes and will work with the subcommittee to develop coordinate and update the training presentation and delivery.

Advisory Members / Partnership Reports – All

NYACD – J. Littrell provided an update on [NYACD](#) efforts underway regarding the State Budget, and legislation.

NYSCDEA – N. Billhardt updated the SWCC on [CDEA](#) priorities and the planning for the 2014 Water Quality

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Symposium to be held in Binghamton on March 11-14th. Billhardt made a plea for the [NYS Envirothon](#) stating that fund raising is at a low spot and the program is in jeopardy if funding levels remain stagnant. Discussion ensued.

NRCS – D. Pettit spoke about the federal budget. He noted that Congress is expected to pass a Continuing Resolution (CR) by January 15th, to keep the Federal Government funded while a more permanent budget is agreed to. Pettit also advised the Committee on the status of the pending [Farm Bill](#). Pettit noted that discussions should resume on the Farm Bill in January. Pettit went on to further explain the NRCS budget outlook for 2014. Pettit explained that it will not be a fat budget: nationwide it is expected that Technical Assistance (TA) will be \$170 million less than 2013. Pettit discussed the administrative transformation noting that it is mainly complete. Pettit spoke about the [Conservation Effects Assessment Program \(CEAP\)](#), advising the Committee that based on water quality modeling in the Chesapeake Bay Watershed; nitrogen was reduced 26%, phosphorus reduced 46% and sediment by 60%. The CEAP indicates that 97% of the cropland in the Basin has some level of erosion control implemented. Pettit noted that the implementation of cover crops in the Basin rose from 12% to 52%. Pettit noted that this is a point of measurement meaning reductions is what is leaving the farmstead, not reductions in Bay measurements.

Pettit advised the Committee that there is a new Assistant State Conservationist for Field Operations in Batavia, Ben Smith.

Pettit told the Committee that they are working on developing a schedule for 2014 to conduct field office reviews. As in the past, the SWCC Staff is invited to take part in these reviews.

DOH – P. Kaczmarczyk talked about the [Filtration Avoidance Determination \(FAD\) in the NYC Watershed](#). Kaczmarczyk spoke about particular components of the CREP as a benefit for flood protection.

CCE - D. Grantham briefed the Committee on the search to fill the [Cornell Cooperative Extension Directorship](#) that was recently vacated due to the retirement of Hellene Dillard. She noted that there is no news at this point.

DEC – D. Tuxill advised the SWCC that the Nonpoint Source Coordinating Committee (NPSCC) plans to meet in February 2014.

Due to the snowstorm the meeting was adjourned early and the remaining Advisory Members were asked to submit reports to B. Steinmuller for inclusion in the minutes. No additional reports were received.

Next Meeting – February 18, 2014, NYS Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235

The Meeting adjourned at 2:30 pm.

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