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

July 19, 2016

**Meeting at a Glance:**

- Districts will now be able to provide clarifications for discrepancies and errors on District Aid Part C (Performance Measure) Reports, during a three day clarification period.
- Certified AEM Planners will now be reviewed periodically as part of the renewed AEM QA/QC initiative.
- The TAC will review the DEC's proposal to add watersheds with completed 9 Element Plans for AgNPS prioritization.

**Present:**

D. Brass, R. Montesi, D. Hickling, State Committee Voting Members; B. Steinmuller, Assistant Director; C. Frasier, G. Spitzer, R. Cunningham, J. Clifford, R. Bush, G. Albrecht, V. DiGiacomo, SWCC; K. Stainbrook, S. Latessa, DEC; L. Williams, NY Farm Bureau; PJ Emerick, CDEA; D. Grantham, Cornell; A. Paice, NYACD; G. Kist, USDA-NRCS; V. Green, USDA-FSA; J. DeHollander, C. Williams, Oswego SWCD.

**Call to Order**

D. Brass called the meeting to order.

**Thoughts to the Stein Family**

State Committee Chair Dale Stein was absent from the meeting due to family obligations stemming from a major illness. The entire Conservation District community sends thoughts and prayers, and a card for Dale and his family was circulated at lunch time.

**Review/Approval of Minutes**

**D. Hickling moved to approve the June 2016 minutes; seconded by R. Montesi. Motion passed; carried.**

**Correspondence and Update,** B. Steinmuller

The usual mailings and periodicals were made available.

The fifth voting member for the State Committee will be Erica Goodman. Erica is currently working at FoodCorps in NYC, previously worked for American Farmland Trust, and her family owned a dairy farm in Washington County that has recently been converted to a hops operation. While she will fill the seat for Urban, Suburban, and Rural Non-Farm Interests, she has a strong agricultural background. She will join the State Committee at the September meeting.

Bethany Bzduch has been out on parental leave since early July. She gave birth to a healthy baby who has been named Lillian Grace. Brian Steinmuller will be covering all Agricultural Non-Point Source matters during Bethany's leave, so address questions to him.

**State Aid,** J. Clifford

Following the presentation about the State Aid program at the June meeting, and the State Committee instruction to go forward with a review policy, J. Clifford presented the following draft policy:

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*Performance Measure Evaluation Summary Reports* are submitted to the NYS Soil and Water Conservation Committee (State Committee) by Soil and Water Conservation Districts (District) to qualify for *Part C - Performance Measure* funding under *State Aid to Districts*. Reports received by the statutory deadline of February 15<sup>th</sup> are reviewed by State Committee staff based on the information provided in the report. If any of the required information is determined to be unclear or insufficient to make a determination the applicant who signed the report certifying its accuracy will be notified by email and provided three (3) business days to provide clarification or more information. If the District does not respond or additional information is not submitted by the designated deadline, the answer will be deemed incomplete and disqualify the District from funding for the Performance Measure from which the question correlates to (*Performance Measures: 1. Board Activity, 2. Reporting and Outreach, 3. Funding and Partnerships, 4. State Conservation Programs*). If the information is received by the designated deadline the report will be reviewed based on the new information provided to determine if the answer adequately qualifies the District for the Performance Standard. Districts will not be permitted to provide information for unanswered questions past the report deadline. Awards are made based on total remaining funds for State Aid to Districts after Parts A and B have been awarded; and the total number of qualifying Districts per each performance measure.

A few key aspects of the policy were discussed:

- only unclear information will be allowed for revision—unanswered questions will be considered complete
- the email will go to the District employee who submitted the Part C form; it will be the only contact with the District; and there will only be three days to submit clarifications, so Districts should be aware of these policies when planning leave in late Feb/early March
- the policy resembles the AgNPS clarification policy, though fewer days are allotted due to the tight turnaround time required

**D. Hickling moved to approve the new policy; R. Montesi seconded the motion. Motion passed; carried.**

**Agricultural NonPoint Source Program Update**, B. Steinmuller

37 of the 39 Round 21 contracts have been fully executed and 2 are pending (see attached charts).

53 contracts will be expiring by the end of the year. Close outs have been meeting this increased demand, and will continue.

The Round 22 ranked list was updated following the June meeting to reflect bonus points that were not assigned appropriately. There was no need for further motions, because the motion in June approved the list not the rankings. There is currently enough funding through #42 on the list, but there may be more funding available to make additional awards as funds are returned through close outs.

The Round 23 RFP will be published in the winter, following the Climate Resilient Farming RFP.

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## **Amendments for State Committee Consideration**

### **Region 1**

Chautauqua County SWCD – Chautauqua Lake Water Quality Improvement Project – Round 18 – C701060

Start Date: 11/1/2012                      Current End Date: 9/1/2016

Request: Time Extension to 10/31/2017

Reason: Additional time is needed to complete project deliverables due to CAFO compliance related issues. 11 of 12 funded BMPs are complete.

*Note: Victor DiGiacomo, Region 1 AEA, supports this time extension, refers to the State Committee  
Previous Amendments: None*

**D. Hickling motioned to approve the amendment, seconded by R. Montesi. Motion passed; carried.**

Chautauqua County SWCD – French Creek Nutrient Management Project – Round 18 – C701061

Start Date: 11/1/2012                      Current End Date: 9/1/2016

Request: Time Extension to 10/31/2017

Reason: Additional time is needed to complete project deliverables. 12 of the 16 funded projects have been completed.

*Note: Victor DiGiacomo, Region 1 AEA, supports this time extension, refers to the State Committee  
Previous Amendments: None*

**R. Montesi motioned to approve the amendment, seconded by D. Hickling. Motion passed; carried.**

### **DEC 9 Element Plan, K. Stainbrook, S. Latessa**

K. Stainbrook and S. Latessa of the DEC made a presentation (attached) about the 9 Element planning process, with the goal of adding 9 Element planning to the AgNPS proposal rating sheet under preference point consideration. Currently, AgNPS proposals that are located in a watershed that has a TMDL requirement OR that is in a drinking water source area can receive a 4 point bonus. This proposal would add "in a watershed with a 9 Element Plan" to the 4 point bonus options.

The 9 Element Planning protocol has been in existence at the EPA for many years, but hasn't been a requirement, but it is now becoming more important to EPA programs.

K. Stainbrook and S. Latessa argued that the requirements for the TMDL and 9 Element plan are functionally equivalent, and that the 9 Element Plan even has some elements that the TMDL does not, such as a schedule for implementation and funding sources. The biggest differences are that TMDLs are imposed from the government (and therefore can lack community involvement and support, but the scientific basis is paid for) on already polluted areas, while 9 Element Plans are produced by communities (and can therefore lack funding to support the necessary data collection and modeling, and may not be in the highest need areas).

Concerns were raised regarding the difficulty of completing 9 Element Plans and how much Districts will be asked to be involved in the planning. The data collection and modelling pieces in particular were flagged as difficult to complete, especially in larger watersheds where the modeling may be much more complex. The DEC is working on publishing some ready-made tools to reduce the complexity.

The State Committee ultimately decided to refer the proposal of adding AgNPS bonus points in watersheds with 9 element plans to the Technical Advisory Committee (TAC). **R. Montesi moved to refer the proposal to the TAC and ask for the TAC's recommendation before making a decision; D. Hickling seconded. Motion passed; carried.**



There are currently 49 certified planners statewide, and 10 in the process of certification. The process for becoming certified has three steps:

1. Achieve Certified Crop Advisor status, which requires experience as well as a comprehensive written test
2. Complete the 4 day Comprehensive Nutrient Management Planning (CNMP) course at the Water Quality Symposium (currently being offered every other year, on the odd years)
3. Complete three full CNMPs for three different farms, reviewed and approved by the State Committee staff

In order to maintain the certification, planners need to maintain the CCA status, which requires 40 CEUs each year, and complete the QA/QC process. The revised/updated QA/QC process, which is being implemented now, will focus primarily on CAFO planners, though it will eventually expand to all planners. The SWCC AEM Planning review team will visit a certified AEM planner and review their files, work, and data. This will be a broader review than the initial three CNMP reviews that must be completed for the certification, and it will be followed by a farm visit to assess the farm's needs as they exist in the landscape. (Note, this is not to assess the farm's implementation of the plan—that is a regulatory function of the DEC's CAFO reviews, and largely is not in the hands of the planner anyway.) The SWCC AEM Planning review team will document their comments in the QA/QC review sheet, and once any concerns are addressed (which could require a second meeting), the review will result in continued certification. If concerns are not addressed, the planner could be decertified, and would then have to reapply to become recertified.

The State Committee generally felt that this was a fair and comprehensive process, which should advance State conservation goals. The reviews of AEM planners should begin soon.

A sidebar discussion ensued regarding FSA's requirement for environmental assessments for loans. Some FSA officials expressed that farms should provide their full CNMPs to prove their environmental management, which could open them up to the public through FOIL. The CNMPs are proprietary documents, and farm businesses may not want them to be published. The CAFO annual compliance reports, which are public already, were suggested as a possible solution.

### **Leadership Institute Report**

PJ Emerick reported that the Leadership Institute was fantastic and he learned a lot about his leadership style and techniques to enhance his leadership. CDEA appreciates all the work that the State Committee staff put in to make it possible, and would like to repeat the training every 3-5 years. R. Cunningham concurred, and said that he appreciated getting to know his colleagues better.

### **Partnership Reports:**

#### **FSA, V. Green**

The CREP agreement is all set, and is waiting for a signing event to be arranged. The Upper Susquehanna region will have a pilot program to enhance the rental rate for the lands, up to 15x the normal rental rate for riparian forest buffers.

FSA is hiring a public affairs staff member to work in NYC—the announcement will go out soon!

#### **NRCS, G. Kist**

The new state conservation engineer is Paula Bagley! She started June 27. The new west area engineer will be Eli Ganan, who is just starting. There are still several vacancies to fill, but 38 positions have been filled in 2 years (mostly on the field level). G. Kist reaffirmed his commitment to making sure that NRCS

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field offices are staffed and strong, so that technicians can be in the field and paperwork gets done on a timely basis.

One issue that has come up lately is that there is a rule that all elements of a CNMP are required to be completed by the end of an EQIP contract, even elements that are unrelated to the EQIP work, and if they are not, the farmer could be in violation of the EQIP contract and responsible for all the work completed. One work around is to limit the scope of the CNMP. This clearly reduces the value of the comprehensiveness of the CNMP, and changes the focus from planning for a farm to planning for a program. The rule, while on the books since the 2008 farm bill, has not been enforced; but it will be enforced in NYS from this point onward.

There will be less money for stream restoration in the Upper Susquehanna region this year, but there is funding for riparian forest buffers, even potentially without stabilizing the bank first.

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

Contracts for Round 1 of Climate Resilient Farming are in process. The Round 2 RFP will be released at the end of August or beginning to mid-September, and it will probably not be in the Grants Gateway.

### **NY Farm Bureau, L. Williams**

The Farm Bureau is working on solar power and solar leases on farms (which may take land out of production).

### **CDEA, PJ Emerick**

The CDEA is working on selecting courses for the Water Quality Symposium 2017, including a new course on field safety and first aid. Planning committees will be working to organize classes in the next few weeks. If anyone is interested, contact PJ or Jordan.

The RFP response period for the WQS locations has ended. The July 22<sup>nd</sup> meeting at the Utica Radisson Hotel will pick a location.

CDEA is beginning to work with SWCC and the NYS Civil Service Committee to update the exams for District staff positions. If anyone is interested in being involved, contact PJ.

The Leadership Training at ESF Ranger School was excellent. It was a huge success. Thank you to the Leadership Conference Committee: Mark Burger, Doug Kierst, Bob Brower, Cliff Frasier, Amanda Barber, Amber Paice, Dan Farrand, Judy Littrell, and Greg Kist. Your work made the event excellent. Thank you all.

### **NYACD, A. Paice**

The NYACD annual Administration and Management conference will be held in Syracuse October 18 – 20. In preparation, NYACD is reviewing and revising its mission and by laws. There will also be a complete plan of work and budget presented at the meeting. This is in an effort to increase transparency by NYACD so that Districts know what NYACD is working on.

District boards with proposed resolutions for the meeting should submit them in advance. Resolutions can result in lobbying actions at the state level, but they can also be forwarded to the National Association of Conservation Districts to lobby on the federal level, parallel to Farm Bureau.

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**D. Brass**

Best regards to Dale and his family.

**Meeting adjourned.**

**Next Meeting – September 20, 2016 at the NYS Department of Agriculture and Markets, 10B Airline Drive, Albany.**



**Department of  
Environmental  
Conservation**

# **9E Plans, TMDLs & planning**

**July 19, 2016**

**State Committee Meeting**



# Background

- 1987- Section 319 Nonpoint Source Management Program was added to Clean Water Act
- Watershed-based plans part of program goals
- EPA & states re-envisioned Clean Water Act programs
  - 319 – Nonpoint Source
  - 303(d) – Impaired Waterbodies
- Program integration
- Water quality priorities
- Restoration & protection plans



## Clean water plans

- Watershed-based approach to that outlines a strategy to improve water quality.
- TMDLs, 9E Plans
- These plans document the:
  - Pollutant sources and loads
  - Allowable pollutant level
  - Actions will improve water quality



# How are waterbodies prioritized—303(d) & beyond?

DEC developed a strategy to prioritize waterbodies listed on the 303(d):

1. Identified pollutants of concern—nutrients & pathogens
2. Identified priority uses (impaired or unimpaired)--public
3. Scored & ranked waterbodies based on water quality data, public health & access, public interest, ecological importance
4. Developed list of waterbodies for TMDL or alternative plans

## Old model v. new strategy



Name	Class	T or TS	Access	Multiple Pollutants	Multiple Use Impairments	Proximity	BAP Score	Ecological Importance	Score
Saw Mill River	A	-	Public	DO, Path, Nut	Bath, Rec, Aquatic Life	5	3.57	TBD	
Steele Creek	A	TS	None/Private	Nut, Slt, Alg	Water supply	1	Need Data	TBD	



Name	Class	T or TS	Access	Multiple Pollutants	Multiple Use Impairments	Proximity	BAP Score	Ecological Importance	Score
Saw Mill River	1	0	1	0.75	0.75	0.5	0.5	0	4.5
Steel Creek	1	2	0	0.75	0.25	0.25	0	0	4.25

## 9E Plans v. TMDLs

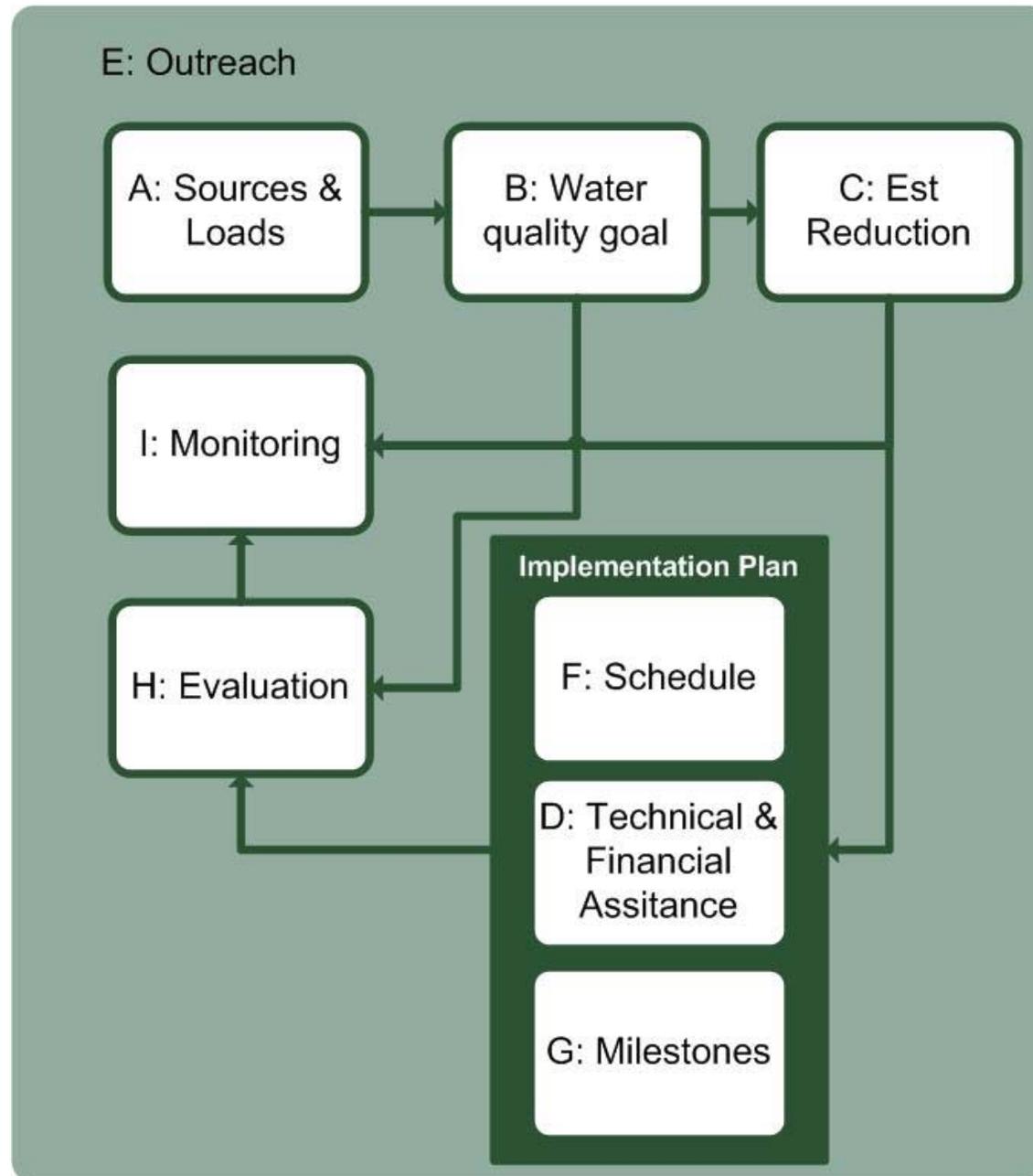
Feature	9E Plan	TMDL
Pollutant sources	Better for Nonpoint	Better for Point (regulatory)
Implementation	Required	Optional
Public comment period	No (public participation throughout)	Yes
Agency approval	NYS DEC	EPA
Funding eligibility	Eligible for state & federal	Eligible for state & federal

## 9E Plan v. Department of State watershed plans

- Watershed- based approach (point and nonpoint sources)
- May or may not quantify pollutant loads or estimate reductions
- Great starting point for completion of 9E plan
- Funded by Department of State
- Public participation through plan
- No agency approval process

## The 9 elements

- A. pollution loads sources identified & quantified in watershed
- B. identify target or goal to reduce pollutant load to reach water quality goal(s)
- C. BMPs to get reductions (estimated load reduction/BMP to achieve total reduction needed to improve WQ)
- D. how to pay for and implement BMPs identified in C
- E. Stakeholder input & getting help at local level to implement plan
- F. schedule to implement C
- G. progress on implementation of BMPs
- H. criteria to assess water quality improvement due to implementation of BMPs
- I. monitoring plan to collect water quality data to measure water quality improvement against criteria in H



## Element E—outreach

- Identify potential programs and activities relevant to your watershed
  - DEC monitoring programs stream & lake monitoring
  - DEC volunteer programs—CSLAP, WAVE, PEER
- Existing plans or activities/accomplishments
  - Completed state funded projects
  - Agricultural Environmental Management (AEM)
  - Technical reports
  - Existing watershed plans
  - USDA programs

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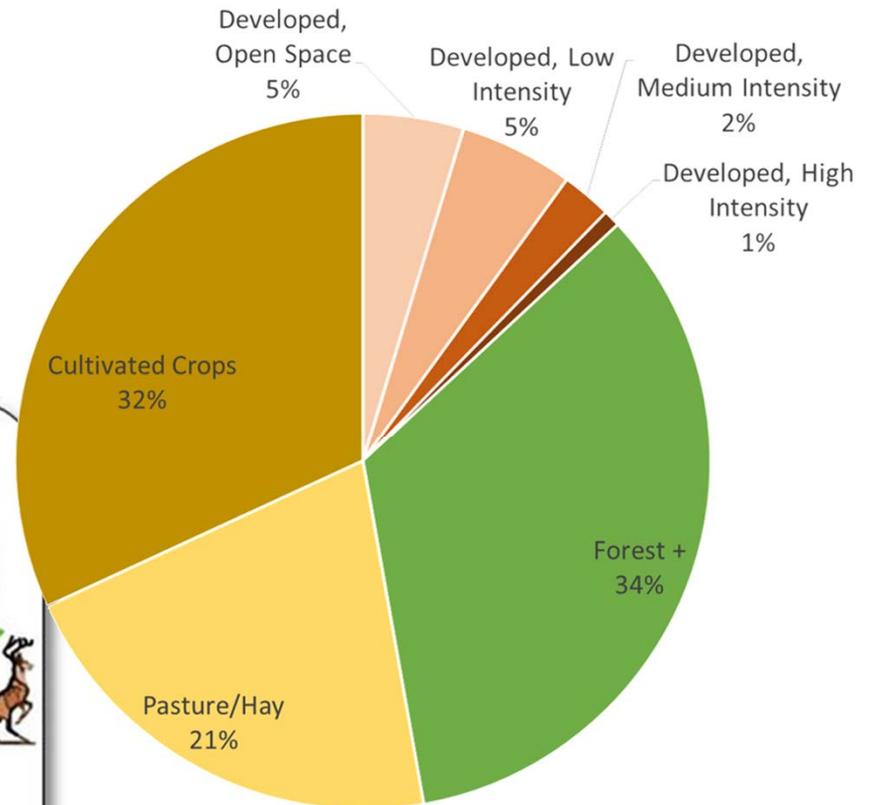
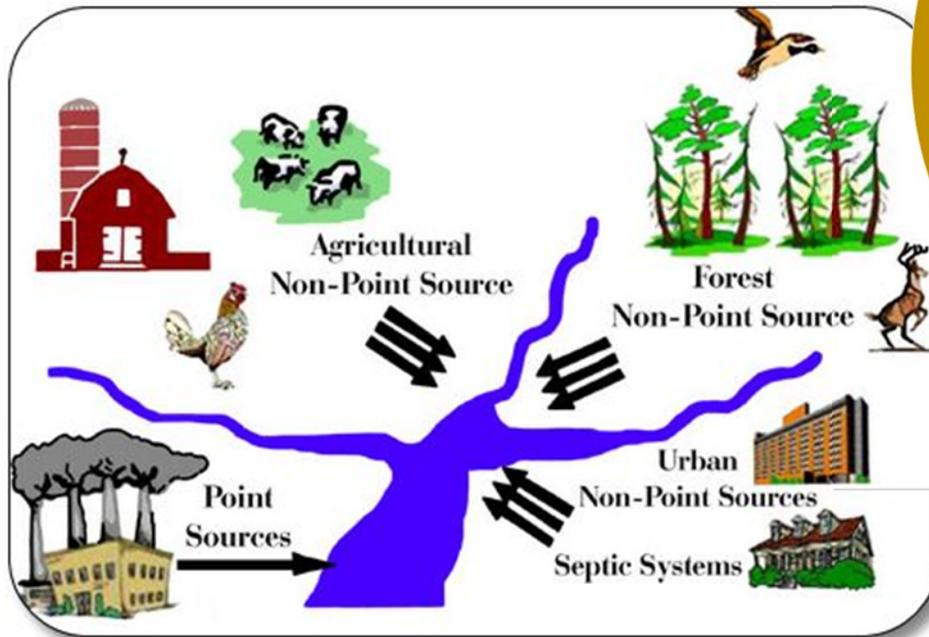


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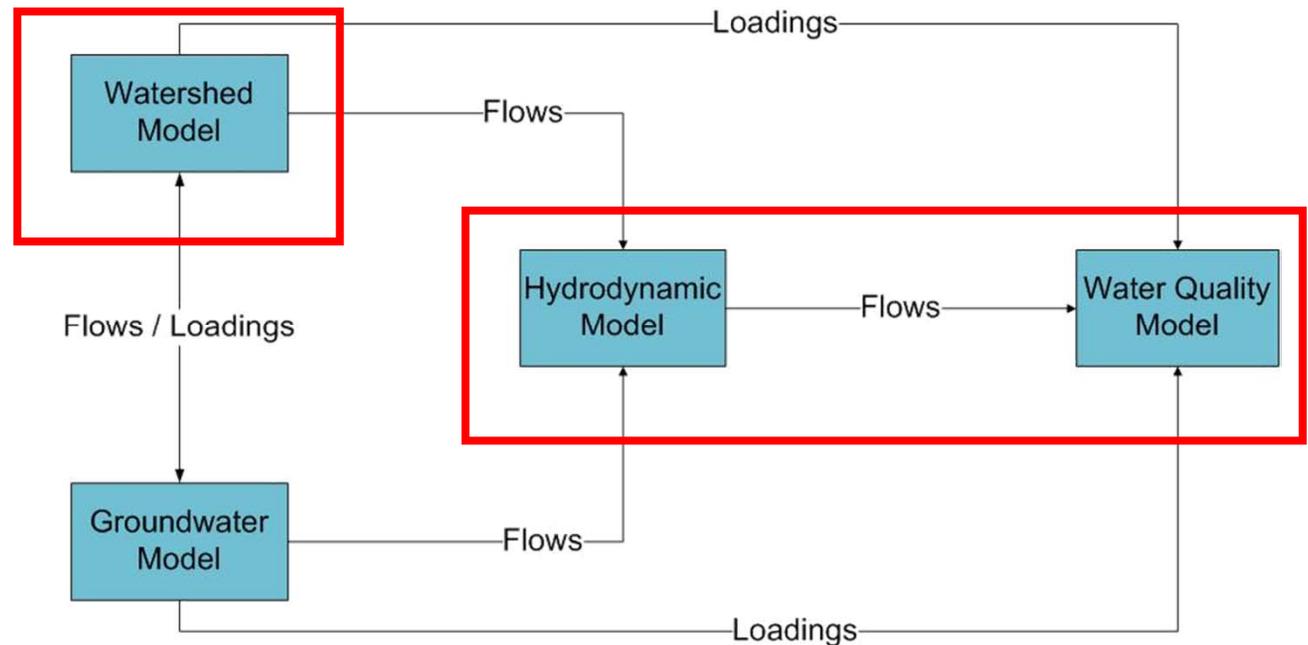
# Element A—quantify pollutant loads

- Identify point and nonpoint sources
- Assign loads from each source



# Types of models for a TMDL and 9E plan

- Watershed
- Hydraulic / Hydrodynamic
- Water quality
- Groundwater



Models estimate:

- Pollutant loads,
- Loading capacity of a waterbody, and
- Reductions needed to meet a target, goal, or water quality standard

# Modeling – pollution reductions

Accepted Best Management Practice Efficiencies

Management Practice	Land Use	Average Nitrogen Efficiency (%)	Average Phosphorus Efficiency (%)	Average Sediment Efficiency (%)
Barnyard runoff control (roofs and covers)	Agriculture	20%	20%	40%
Bioretention/raingarden with underdrain	Urban	40%	40%	80%
Bioretention/raingarden without underdrain	Urban	100%	100%	100%
Bioswale with underdrain	Urban	40%	40%	80%
Bioswale without underdrain	Urban	100%	100%	100%
Cover crop	Agriculture	25%	11%	15%
Dirt and gravel road erosion and sediment control	Agriculture	---	---	2.77 lbs/ft
Ditch/channel stabilization	Urban	40%	40%	80%
Dry ponds	Urban	40%	40%	80%
Infiltration trench	Urban	100%	100%	100%
Permeable pavement with underdrain	Urban	40%	40%	80%
Permeable pavement without underdrain	Urban	100%	100%	100%
Prescribed grazing/rotational grazing	Agriculture	10%	24%	30%
Riparian buffer/filter strip	Urban	40%	40%	80%
Riparian forest buffer	Agriculture	42%	38%	50%
Riparian grass buffer	Agriculture	30%	38%	50%
Rooftop runoff disconnection	Urban	40%	40%	80%

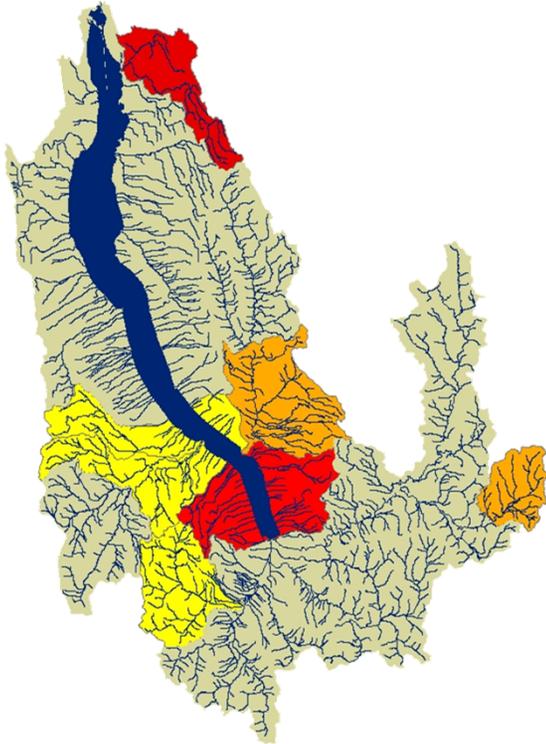
## Element B—water quality goal

- Identify water quality target or goal
  - Meet water quality standards or best uses
- Determine pollutant reductions needed to reach water quality goal(s)
  - How much of the pollutant needs to be reduced from the sources



## Element C—how to meet the goal

- Identify best management practices (BMPs)
- Determine priority areas
- Rationale for selection



## Element C—how to meet the goal

- Existing plans documents?
- What practices are already being implemented and are working?
- Are there practices that have really worked, but you don't have funding source?

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## **Element D—identify needs to support implementation plan (\$\$) (part of implementation plan)**

- Estimate of technical & financial assistance
- Describe potential funding sources, options for leveraging and opportunities for collaboration
- State & federal funding opportunities
  - Water Quality Improvement Program (WQIP)
  - Agricultural Nonpoint Source Abatement and Control Program
  - EPA Great Lakes Restoration Initiative (GLRI)
  - USDA programs

## Element F—schedule (part of implementation plan)

Includes:

- Management practices and associated technical and financial assistance needed to complete
- Short-term (3 yrs), mid-term (3-5 yrs) and long-term (5-10 yrs) activities
- For experienced watershed groups, implementation schedules could be estimated based on past experience.
- Milestones identified to evaluate progress
- Updates & review of plan

## Element G—track progress of implementation (part of implementation plan)

- Identify measurable milestones
  - Measurable and quantifiable
  - Appropriate measure goal/target for plan

### Examples

- Completion of projects in critical areas
- Acres or miles of practices installed
- Indirect (number of beach closures, frequency of blue-green algae blooms)

**“If you can’t measure it, you can’t manage it”**

## Element I—monitoring

Describe monitoring plan to collect data that will be used to assess water quality improvement over time

- water quality trend analysis,
  - paired watershed designs, or
  - frequency of blue-green algae blooms (HABs)
  - tracking beach and shellfishing closures.
- Requires sampling QAPP
  - Recommend use of DEC monitoring programs

*QAPP's ensure that the data collected are of known quality and quantity to meet project objects.*

Element	9E Plan	TMDL
A—pollutant loads	✓	✓
B—water quality target & needed reductions	✓	✓
C—Identify BMPs	✓	✓
D—Resources needed to implement (\$)	✓	/
E—Outreach	✓	✓
F—Implementation schedule	✓	/
G—Milestones to implement plan	✓	/
H—Criteria to assess water quality improvement	✓	✓
I—Monitoring	✓	✓

# Questions?

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