

Watershed Agricultural Council

Agriculture ♦ Forestry ♦ Conservation Easements ♦ Economic Viability

nycwatershed.org



Minutes of the Watershed Agricultural Council

November 22, 2022

I. Meeting called to order at 10:03 a.m.

Roll Call:

Directors Present, via Zoom:

Dwight Bruno
Dave Cammer, *Vice Chair*
Jim Darling
Paul Gallay
Richard Giles, *Secretary*
Bud Gladstone, *Chair*
Karl Gockel, *Treasurer*
Jennifer Grossman
Jason Helmbold
Fred Huneke
Tom Hutson
Steve Reed
John Verhoeven
Marilyn Wyman
John Vickers, *NYC DEP*

Directors Absent:

None

Others Present, via Zoom:

Ryan Naatz, *Executive Director*
Amy Faulkner, *Director of Operations*
Carol Bishop, *Finance Director*
Nate Townsend, *Whole Farm Planning Coordinator*
Elaine Poulin, *Program Procurement & Contract Coordinator*
Cindy McCarthy, *NM & PFM Coordinator*
Brian LaTourette, *Program Operations Coordinator*
Gibson Durnford, *EoH Agricultural Program Manager*
Tom Pavlesich, *Forestry Program Manager*
Serena Orleski, *Easement Program Manager*
Kayla Atanasoff, *Easement Program Executive Assistant*
Kristan Morley, *Economic Viability Program Manager*
Heather Magnan, *Communications Director*
Michael Vander Werff, *NYC DEP*
Lee Harris, *NYC DOI*
Cynthia Irizarry, *NYC DOI*
Alla Saint-Fleur, *NYC DOI*
Patrick Palmer, *NYS DOH*
Paul Kaczmarczyk, *NYS DOH*
Pauline Wanjugi, *NYS DOH*
Bruce Dolph, *DC SWCD Board*
Katie Lynch, *US EPA*
Elizabeth DeFalco, *The Reporter*

TDD 1-800-662-1220

Watershed protection through partnership.

II. Approval of Minutes

Motion to approve the October 25, 2022 minutes, as presented.

Motion: Fred Huneke

Second: Dave Cammer

Approved

III. Additions/Deletions to Agenda

Motions regarding Nutrient Management Credit awards, presented by the Nutrient Management Sub-Committee, were added under *Program Approvals* for the Agricultural Committee.

IV. Executive Director's Report – Ryan Naatz

A. Operational and Programmatic Updates

1. 44 West Street Lease

Amy presented this update. She explained that WAC's H, H & K attorney recently reviewed another draft lease sent by Kevin Young on behalf of DC SWCD. He drafted a response, which was reviewed by Ryan and herself, and sent it to Kevin for review. Now, WAC is currently waiting for a response from Kevin to finalize the lease agreement.

2. CAT-403 Amendment/Extension

Ryan explained that the final documents for the extension were submitted to DEP, which will subsequently be reviewed and processed by their legal counsel. He will keep everyone up-to-date as the extension is processed and he anticipates that there will **not** be a gap in funding going into the new calendar year.

V. Chair's Report – Bud Gladstone

Bud took a moment to express his gratitude for how far the organization has come since it came close to dissolving two years prior. He expressed his appreciation for the work of WAC staff and Board members, as well as DEP staff for their support for WAC's operation.

VI. Finance Committee – Karl Gockel and Carol Bishop

A. September Financials

Karl gave a synopsis of the September Committee meeting and asked for any questions regarding the meeting minutes of the September financials ahead of the motion. Carol gave an update on the reconciliation of Nutrient Management Credit awards and payments, per John Vickers' request.

Motion to accept the September Financials as presented.

Motion: Tom Hutson

Second: Steve Reed

Approved

VII. Easement Committee – Tom Hutson & Serena Orleski

Tom took a moment to say that he was pleased to see the Easement Program almost completely staffed once again. The only programmatic news to report was that Serena recently received a letter from the Watershed Inspector General (WIG) regarding the final determination of what constitutes a material change to the Deed of Conservation Easement. The letter is on the December Committee meeting agenda as a discussion item; the take-aways from that discussion will be presented at the December Council meeting.

VIII. Agricultural Committee – Steve Reed

A. Program Approvals

1. Whole Farm Plan Revisions

Upon the recommendation of the Agricultural Committee, motion to approve the following Whole Farm Plan Revisions:

DEC-074: Revision 5 (adding supplemental) – 2020 Design Workload Cost Update/Landowner

DEC-SF020: Revision 1 – 2022 Design Workload Updates

Motion: Karl Gockel

Second: Bud Gladstone

Approved

2. Whole Farm Plan Funding Increases

Elaine gave some background on the recommendations for funding increases ahead of the presentation of the motion. She explained that the Agricultural program had been unable to bid or receive bids throughout the organization’s financial crisis over the last couple years. Though funding is available once again, it was determined through discrepancies between the program estimates and actual bids that labor rates and overall project costs have since increased. She continued by explaining that through discussions with the East of Hudson engineering team and DEP, a new methodology for cost estimates was applied to the projects outlined in the attached motion. She concluded by saying that given this updated methodology and currently outstanding bids, that Council members are likely to see another motion for funding increases at the December Council meeting.

The Agricultural Committee, on November 8, 2022, has approved and recommends advancing the following WFP project funding increases to the Watershed Agricultural Council for Consideration:

Farm ID	Project BMPs	Engineer Estimate Increase as of 11/8/2022
DEP-120	40,39,4RR1,12aRR1,10bRR1,15dWRE1,15fWRE1,21dWRE1,41c,41d,22b,37	\$0.00
DEP-120	15aWRE1, 21aWRE1, 38, 41b, 19eRR1, 34, 19aR1, 22a	\$17,394.00
DEC-237	12M4 ,13, 15, 14	\$41,119.00
GRS-001	16S, 17S, 18S, 15ER3, 19, 20	\$14,680.00
DEC-281	02ER2, 02PR1, 10, 17cRR1	\$60,664.00
DECSF072	02aRR1, 14, 9, 10, 11, 12, 13,15, 16	\$96,453.00

*****Bud Gladstone abstained from the vote*****

Motion: Dave Cammer

Second: Fred Huneke

Approved

3. Nutrient Management Credit Awards

Motion to approve the 2021/2022 NM Credit award for Darview Farm as reviewed and recommended by the NM Peer Review Committee on November 10, 2022 and as further informed by the November 17, 2022 review of the proposed award summary.

Jim Darling recused himself ahead of the vote

Motion: Fred Huneke
Second: Dave Cammer
Approved

Motion to approve the 2021/2022 NM Credit award for the R. Thomas Hutson farm as reviewed and recommended by the NM Peer Review Committee on November 10, 2022 and as further informed by the November 17, 2022 review of the proposed award summary.

Tom Hutson recused himself ahead of the vote

Motion: Bud Gladstone
Second: Dwight Bruno
Approved

Motion to approve the 2021/2022 NM Credit award for the Karl Gockel farm as reviewed and recommended by the NM Peer Review Committee on November 10, 2022 and as further informed by the November 17, 2022 review of the proposed award summary.

Karl Gockel recused himself ahead of the vote

Motion: Tom Hutson
Second: John Verhoeven
Approved

Motion to approve the 2021/2022 NM Credit award for the Gladstone farm as reviewed and recommended by the NM Peer Review Committee on November 10, 2022 and as further informed by the November 17, 2022 review of the proposed award summary.

Bud Gladstone recused himself ahead of the vote

Motion: Fred Huneke
Second: Jim Darling
Approved

Motion to approve the 2021/2022 NM Credit award for the Steve Reed farm as reviewed and recommended by the NM Peer Review Committee on November 10, 2022 and as further informed by the November 17, 2022 review of the proposed award summary.

*****Steve Reed and Jim Darling recused themselves ahead of the vote - Dwight Bruno called for the motion*****

Motion: Bud Gladstone

Second: John Vickers

Approved

Motion to approve the 2021/2022 NM Credit award for the JFarber Farm as reviewed and recommended by the NM Peer Review Committee on November 10, 2022 and as further informed by the November 17, 2022 review of the proposed award summary.

*****John Verhoeven recused himself ahead of the vote*****

Motion: Jim Darling

Second: Dave Cammer

Approved

Motion to approve conditionally the 2021/2022 NM Credit award for the Snyder farm as reviewed and recommended by the NM Peer Review Committee on November 10, 2022 and as further informed by the November 17, 2022 review of the proposed award summary. This farm will have access to their award once they meet with their Whole Farm Planner and complete their 2022 ASR.

Motion: Bud Gladstone

Second: John Vickers

Approved

Motion to approve conditionally the 2021/2022 NM Credit award for the Alan VanBuren farm as reviewed and recommended by the NM Peer Review

Committee on November 10, 2022 and as further informed by the November 17, 2022 review of the proposed award summary. This farm will have access to their award if they spread their manure pile by December 31, 2022.

Motion: Fred Huneke

Second: Tom Hutson

Approved

Motion to approve conditionally the 2021/2022 NM Credit award for the Robert Wickham farm as reviewed and recommended by the NM Peer Review Committee on November 10, 2022 and as further informed by the November 17, 2022 review of the proposed award summary. This farm has full access to their award, but the award can only be used toward manure application expenses.

Motion: Jim Darling

Second: John Verhoeven

Approved

Motion to approve the 2021/2022 NM Credit award for the remaining 112 NM Credit participants as reviewed and recommended by the NM Peer Review Committee on November 10, 2022 and as further informed by the November 17, 2022 review of the proposed award summary.

*****Fred Huneke and Bud Gladstone recused themselves ahead of the vote*****

Motion: John Vickers

Second: Karl Gockel

Approved

B. Backlog/Component BMPs Discussion – Nate Townsend

Nate presented an overview of the Agricultural Program’s metrics for Backlog BMPs; specifically addressing (1) how the current metrics came to be, (2) the status of the metrics, and (3) what Component BMPs are.

He started by explaining the historic programmatic goals established by the Filtration Avoidance Determination (FAD) over the past 20 years. Starting with the 2002 FAD,

which set a goal of 85% participation of large farms within the West of Hudson watershed, and the establishment of the Small Farm and East of Hudson Programs. The 2007 FAD sought the continued expansion of participants, the development of Whole Farm Plans (WFPs) on 10 small farms annually, and the maintenance of 90% 'substantially implemented' WFPs of large farms in the West of Hudson watershed. By 2016, the program had established 90% participation of large farms and developed 140 WFPs on small farms. The development of such a large portfolio of participating farms is what eventually led to a backlog of BMP implementation.

Subsequently, an internal review was conducted to determine the validity of identified BMPs outlined in WFPs. A Strategic Plan was developed to outline and address programmatic challenges, and following further deliberation, it was determined that additional funding was needed to address the backlog and maintain participation.

Details for required funding were submitted to DEP, and the Agricultural Program has been working since then to design and implement the backlogged BMPs. As of the previous quarter:

- (1) Designs for backlogged *existing* BMPs that were in need of repair or replacement have been completed; 68% have been implemented and 11% are in workload.
- (2) Designs for newly identified BMPs have been completed; 21% have been implemented, and 32% are in workload.

note that the remaining portion of existing and new BMPs were deleted, primarily due to farms that have since gone out of business

December 31, 2022 was the original timeframe established for completion of the metrics. However, given the financial crisis and COVID-19, that time timeframe was extended an additional year. With that said, the program anticipates complete implementation by the mid-point of the 2023 calendar year.

Nate concluded by explaining that *component BMPs* are tied to backlog BMPs originally identified in 2016; in other words, they are BMPs that have since been identified and are required to complete the implementation of a backlog BMP. Currently, 80 component BMPs have been completed and 206 component BMPs are in a prioritized workload.

IX. Forestry Committee – Dave Cammer & Tom Pavlesich

Dave and Tom gave a brief synopsis of the November Committee meeting – Tyler gave a presentation on the 2022 Watershed Forestry Institute for Teachers (WFIT), and there were discussions regarding Forestry Handbook modifications.

X. East of Hudson Committee – Fred Huneke & Gibson Durnford

Gibson presented programmatic updates – he discussed the progress of new projects and the most recent *East of Hudson Agricultural Tour*.

XI. Economic Viability Committee – Richard Giles

A. EV Grants Overview – Kristan Morley

Kristan started by giving a brief history of the Economic Viability Micro-Grants program. In 2017, the CAT-433 contract language established a deliverable for the development of at least five business plans a year, and detailed the launch of the micro-grant pilot program to assist farm and forestry businesses within the watershed to further enhance their economic viability. She presented a timeline that outlined the number of completed business plans and awarded micro-grants since then. She continued by explaining how the scope of work for the program has changed under the CAT-487 contract and added that, under this new contract, East of Hudson farm and forest business were no longer eligible to participate. She detailed more specific eligibility requirements, and the application and award processes. The program currently reimburses businesses under four categories: (1) Training, (2) Marketing, (3) Event/Mileage, and (4) Staffing. A new round of grant opportunities will be available in January. She concluded by saying that the program has the opportunity to expand in the future, and she welcomed any ideas or suggestions.

XII. Human Resources Committee – Marilyn Wyman

Marilyn gave a synopsis of the October Committee meeting – there were discussions regarding the 2023 Committee Work Plan, the remaining staff vacancies, and updating the WAC Employee Manual (a draft should be available in February).

A. Position Modification Request – Motion

Upon the recommendation of the Human Resources Committee, motion to approve the significant modification of the position of Land Conservation Acquisition Specialist to Senior Stewardship Specialist.

Motion: Paul Gallay

Second: Tom Hutson

Approved

XIII. Governance Committee – John Verhoeven

John had nothing to report because Committee did not meet in November. He will have more to report regarding potential new Board members at the next Council meeting.

XIV. NYC DEP Report – John Vickers

A. CAT-403 Contract Amendment/Extension Update

John explained that since the last meeting, he had met with the new *Agency Chief Contracting Officer* and the *Director of Engineering Audits* to discuss approval of the January through March 2023 advance payment, which would have been submitted by the November 15th deadline if not for amendments to the contract extension. He reported that both were receptive to approving the advance under the circumstances. The *Director of Engineering Audits* agreed to sign-off on the advance given the assurance that there is sufficient money remaining for the existing contract (which there is), and he would do so once the contract extension is approved by the *Agency Chief Contracting Officer* and sent to the *Comptroller* for registration. He briefly explained the next steps in processing the advance.

B. Climate Smart Commodities Collaboration

John reported that he attended a meeting with the *Mayor's Office of Food Policy*, among other organizations, regarding climate smart commodities in an effort to advance city-wide policies on food, energy, climate and urban agriculture. Jennifer and Gibson were also in attendance; Jennifer took a moment to explain how the meeting came to be and potential opportunities in the future. There will be more to report at subsequent Council meetings.

XV. NYS DOH, US EPA Reports

Patrick reported that the Filtration Avoidance Determination (FAD) continues to move through it's review process with DOH management, and he is hopeful that it will be completed by the end of December.

XVI. Other

XVII. Adjournment

Motion to adjourn the meeting at 11:47 a.m.

Motion: Marilyn Wyman

Second: Steve Reed

Approved

The next meeting will be held on **Tuesday, December 20, 2022** at 10:00 a.m., via Zoom