



## New York Association Conservation Districts

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### Testimony to Legislature on Joint Public Hearings for the 2011-2012 Budget: Environmental Conservation February 8, 2011

Good afternoon, my name is Judy Littrell, Executive Director of the New York Association of Conservation Districts, or NYACD. Thank you Chairman DeFrancisco and Chairman Farrell you for allowing me the opportunity to present to you today and represent the Directors of the Soil and Water Conservation Districts.

NYACD is a nongovernmental, nonpartisan, volunteer organization which represents NYS's 58 Soil and Water Conservation Districts (SWCDs), including the 5 boroughs of New York City. The SWCDs are authorized under state law as local natural resource management entities, are implementation based, and non-regulatory. SWCDs serve urban, suburban, and rural landowners and their communities from the eastern tip of Long Island, north to the St. Lawrence River Valley, all the way to the shores of Lake Erie.

NYACD appreciates the opportunity to address issues regarding the funding of the Environmental Protection Fund (EPF), as the funding for most of the core programs, both agricultural and nonagricultural, implemented by the Districts, comes from EPF funding categories.

#### **The EPF**

Soil and Water Conservation Districts depend on the EPF as a means for funding the multitude of projects that they implement to improve water quality, conserve natural resources that are abundant in this state. Under such strenuous budget conditions here in New York, NYACD is very appreciative of the Executive Budget proposal to fund the EPF and the line items within the EPF, that pertain to Districts, at levels equal to Fiscal Year 2010-2011.

#### **Reimbursements to Districts**

In 2009, SWCDs provided over \$11 million in reimbursable technical services to NYS. This figure is expected to increase this year as SWCDs have become the primary local service provider for many state natural resource conservation programs, for local governments, agriculture and nonagricultural landowners, and public infrastructure, especially in light of DEC staffing cuts in the DEC region offices. As with last year, the proposed funding for Districts is \$3 million, which will be distributed to the 58 Districts from throughout the state.

At the \$3 million level, each District will receive approximately \$48,000, and be reimbursed by the state under SWCD Law Section 11a.b & c. NYACD asks that the Legislature continues to fund the Districts at no less than \$3 million. Level and increased funding is needed now and in the future, to allow Districts to continue to maintain and build capacity as implementers. Each Conservation District meeting the eligibility requirements could receive up to \$100,000 in funding annually, if funded at a \$6 million funding level. Increased funding for District reimbursement would allow growth for District capacity, to be able to meet the demand and deliver the \$11 million in technical support and assistance requested by municipalities and landowners.

This capacity is needed in light of mandated programs that are becoming a reality, such as the Chesapeake Bay TMDL, where, if EPA water quality standards cannot be met, EPA will with a heavy hand, regulate environmental issues in NYS. One of the key ingredients to meeting the TMDL water quality standards, is the SWCDs, and their ability and expertise to efficiently and effectively implement water quality improvements throughout the 17 county Susquehanna River Basin.

Ultimately, EPF dollars invested into Districts, will serve as economic drivers for local economies in all parts of the state.

- **SWCDs are workforce multipliers** – investment in the Districts allow them to not only maintain the current supply of the 300 technically trained employees, it would also create additional job opportunities to address the growing needs of water quality and natural resource projects. SWCDs work with more than 600 local businesses such as

contractors, engineers, hardware supply stores, and many other businesses in their local communities, to fulfill project needs.

- **SWCDs funding attracts numerous outside funding sources**, such as federal Farm Bill monies, and targeted watershed programs such as Chesapeake Bay, Great Lakes Initiative, Lake Champlain, and the Hudson River, which multiplies the impact of the original investment. In most instances, outside funding sources require a match of funds, and without investment in SWCDs and specifically the Ag Non Point Source program, these matching funds will not come to New York State. If Districts cannot maintain their capacity in terms of staff and infrastructure, these projects will not be able to be implemented.
- **SWCDs also depend on their counties.** County appropriations, an additional source of funding for Districts, continues to decrease each year, as county budgets are squeezed tighter and tighter, which puts additional funding pressure on SWCDs.

### **Agricultural Non Point Source Grants**

The Executive Budget has proposed to continue to fund the Ag Non Point Source program at a level of \$13.2 million. Applications for Round XVII (FY 09-10) of the Agricultural NPS Abatement and Control Grants program closed in December. Demand remains high, with 81 projects submitted for a total of \$20 million. Historically, requests have always exceeded available funds, with last year's request reaching the \$24 million mark. Requests are predicted to remain high as many CAFO sized operations continue to require resources to implement Best Management Practices (BMPs), and as medium sized farms are now mandated to become CAFO compliant under the State's mandated CAFO regulations. Currently, 138 contracts are active in the Ag Non Point Source program. This number of contracts represents 1,036 individual farm projects across the state.

### **The Ag Environmental Management program (AEM)**

A critically important starting point of implementing ag non point source programs, is the Ag Environmental Management program. Using a competitive selection process, Ag Non Point Source funding also provides necessary resources to Conservation Districts to assist the agricultural community with development of comprehensive farm plans and implementation of Best Management Practices or, BMP's, as prescribed through the AEM Program, which promotes a proactive and voluntary approach to whole farm conservation efforts. Additional components of this program include non-competitive AEM planning grants, which is referred to as AEM Base and provides Districts with 75% of the cost of doing AEM Planning and Technical Assistance on farms in priority watersheds. Loss of a Federal Earmark support has required greater inputs from EPF, to meet the demands of conservation planning and technical assistance which will continue in FY 2011-2012.

In regards to the Chesapeake Bay TMDL, EPA's acceptance of the Watershed Implementation Plan for NYS, relied heavily upon the integrity of the AEM program and the history it has for implementing proactive BMPs, on farms to improve water quality. Once again, without infrastructure and capacity of Districts, and without adequate funding of the Ag Non Point Source program, the Ag Environmental Management Program, would not be proactively effective without District personnel available to work in partnership with the agriculture community to implement this nationally recognized program.

NYACD is asking for at least continued level funding of \$13.2 million for the Ag Non Point Source program.

- The program must continue to meet the needs of farm businesses who are mandated to implement water quality projects on their farms. Without such funding, the burden of these mandates will fall 100% upon the farmers, who already face financially tight margins with low prices received for their product under high costs of production, and yet still depended upon to produce a source of locally produced food.
- The Ag NPS program has a NYS Health and Safety designation and as such, should be given a high priority for funding.
- Another area of concern is the loss of the NYS's ProDairy program where SWCDs work with professional partners developing and implementing farm nutrient management programs, and the AEM program. SWCDs will assume added responsibilities and delivery of technical services with the loss of the ProDairy Program, which further jeopardizes natural resource protection.

New Yorkers are increasing their demand for locally produced food, and farms are yet another major economic driver of the rural communities throughout our state. NYACD feels that is imperative to keep conservation programs viable and strong, so as to be able to serve landowners in being environmentally compliant, and for farmers to continue to be the responsible stewards of the land.

While SWCDs started out 70 years ago serving only agriculture, they have evolved into serving all landowners, municipalities at all levels, and serve as educators to school children, town and county DPW employees, and contractors. Another words, Districts work in partnership with numerous entities.

One of those partnerships is the SWCD Stormwater Technical Assistance program in partnership with state and local governments, and businesses. This partnership with SWCDs, provides an economical delivery vehicle to help New York meet water quality and public safety goals.

SWCDs provide direct services to aid in voluntary compliance for municipalities, contractors and engineers. On behalf of NYSDEC Division of Water, SWCDs handle numerous complaint investigations, water pollution prevention plan reviews, construction site inspections, and contractor certification. Because of the stormwater contractor training offered by Districts, there is an 80% compliance rate among the thousands of contractors that have been trained by this District program. This compliance rate has decreased violations that normally would have to be dealt with by DEC staff.

Reimbursement to SWCDs for their services and funding Stormwater Control Specialists, funded by permit fees associated with the Stormwater Permit, is vital to program success and continued public health and safety.

SWCDs provide technical assistance on many other issues. In terms of natural gas exploration in NYS, there is a need for monitoring and agricultural mitigation expertise at the local level to respond to citizen concerns. SWCDs historically have been the local contact for landowners and agricultural producers, and have already been involved in the field with pipeline issues and agricultural mediation as well as erosion and sediment control review.

Invasive Species is another technical program that Districts are involved in, protecting our waterbodies and forests. These are just some examples of the broad scope of work SWCDs are involved in. However, without continued and increased funding of the overall EPF, Soil and Water Conservation Districts programs will continue to be threatened, which in turns, threatens the natural resources that our state is abundantly blessed with.

NYACD is asking that overall EPF budget be funded at no less than the \$134 million, the level at which it was funded last year. The fund has been cut disproportionately in the past, and is down 50% since 2008. Any additional decreases to the funding is a detriment to the programs and resources that depend on it. In 2007, there was a legislative intent for the EPF to be funded at \$300 million in 2011-2012. In looking to the future, we hope and ask that the funding reach that level.

NYACD is also asking that no additional sweeps or offloads are included in the final EPF budget. Approximately \$500 million has been swept from the EPF since 2001, which has stymied resource protection programs, and not allowed them to grow. NYACD supports the continuation of funding of by the RETT, and opposed to reductions in the amount of RETT revenue deposited into the EPF.

In conclusion, level and increased funding of the EPF, and water and natural resource protection programs within the EPF, benefits all New Yorkers in terms of health and safety, and being able to utilize the beautiful natural resources of our land and waterbodies throughout the state. Funding EPF programs such as the SWCDs, serves as an economic engine to all of our local economies in terms of supporting local businesses, employing educated, technically trained people, and also an economic engine in terms of supporting our farms to be environmentally sound so that ultimately, the ag industry will continue to thrive. Our municipalities, and all landowners, depend on SWCDs and the services and programs they provide. These programs serve as a proactive approach to having clean water and environmentally sound natural resources which serves as an economic engine to all of New York State.

Thank you once again for the opportunity to submit testimony and look forward to working with the Legislature as the budget process continues.

