

State Specific Training Module for New York

Purpose of this Module

This module will provide awareness level information about applicable State Laws and Regulations that may be applicable when providing NRCS conservation planning assistance in New York. Partner State agencies and their potential applicability to NRCS conservation planning assistance are outlined. TSPs are responsible for researching further details and determining applicability based on the specific project they are involved with.

This module also provides a brief overview of potential natural resource issues and land uses a TSP may encounter when planning in New York.

Disclaimer

NRCS planning criteria and assessment tools remain the standard to determine treatment of a resource concern.

NRCS policies and Federal Laws & Regulations are not covered in this module.

This module is designed to provide only a general overview of state laws and regulations that may come into play when providing NRCS conservation planning assistance. It is the responsibility of the individual TSP to further identify, research, and obtain training on all state and local laws and regulations that will pertain to any services provided as an NRCS registered and certified TSP in New York.

Communication

Conservation Planning requires effective communication with all stakeholders.

First and foremost, the planner needs to be engaged with the landowner/decision maker during all phases of conservation planning. TSPs need to communicate with local NRCS staff at the pre-plan, mid-plan, and final plan phase of a specific planning project as a minimum.

Communication with other stake-holders such as local SWCD staff, AEM planners, private planners, private engineers, other specialized TSPs, state agency staff etc. as applicable is essential.

Common Acronyms and Terms

NY NRCS-USDA/Natural Resources Conservation Service.

SWCD-Soil and Water Conservation District.

SWCC-Soil and Water Conservation Committee.

NY-CPS-NRCS Conservation Practice Standard specific to NY.

CAFO-Concentrated Animal Feeding Operation.

AFO-Animal Feeding Operation.

NY-DEC-NY Department of Environmental Conservation.

SHPO-State Historic Preservation Office.

NPPH-National Planning Procedures Handbook.

ECS-Ecological Science.

CNMP-Comprehensive Nutrient Management Plan.

E and T-Endangered and Threatened

ECL-Environmental Conservation Law (NY)

Overview of NY State Partner Agencies with Responsibility for Administering Laws, Regulations and Guidance Applicable to NRCS Conservation Assistance*

- New York State Department of Agriculture and Markets
- New York State Department of Environmental Conservation
- New York State Department of Health
- New York State Department of Education
- New York State Office of Parks and Recreation
- New York State Department of Public Service
- Cornell University with funding from New York State

*Other agencies not listed and not covered in this training may have limited roles administering certain laws and regulations pertaining to aspects of conservation activities.

New York State Department Of Agriculture and Markets

Division Of Plant Industry (Includes New York State Seed Testing Laboratory)-Laws and regulations applicable to certain NRCS conservation planning projects-Agricultural Input Quality:

- Regulates the sale of seed and fertilizers including the potential transfer and sale of seed from farm to farm. Ensures that seed is tested and properly labeled to ensure high quality, viable, weed free seed supplies.
- Regulates proper labeling of agricultural commodities, such as commercial fertilizers, agricultural liming materials, composts, seed and soil, and plant inoculants. It also monitors the sales and security of ammonium nitrate within the state.

New York State Department Of Agriculture and Markets

Division Of Plant Industry (Includes New York State Seed Testing Laboratory)-initiatives and guidance applicable to aspects of NRCS conservation planning assistance-Other:

- Monitors and prevents the spread of plant diseases and invasive plant species.
- Promotes the use of Integrated Pest Management (IPM) through the New York IPM Program.
- Promotes the health of honeybees.
- Administers the Industrial Hemp Agricultural Research Pilot Program to study the growth, cultivation, or marketing of industrial hemp.

New York State Department Of Agriculture and Markets

Division Of Land and Water Resources-initiatives applicable to aspects of NRCS conservation planning assistance-AEM Planning and Training:

- Assists the New York State SWCC with the Agricultural Environmental Management (AEM) Program for state level conservation planning purposes. This includes the required certification for CNMP planners that approve CNMPS for permitted CAFO Farms.
- Works with the state's 58 county SWCDs for natural resource protection at the local level, from major urban centers to the rural agricultural areas of New York State. This includes critical training partnerships for private planners, TSPs, federal, state, and local public agency conservation planners and engineers.

New York State Department Of Agriculture and Markets

Division Of Land and Water Resources-Initiatives applicable to aspects of NRCS conservation planning assistance- Conservation Funding and Assistance:

- Through the AEM program, assists the NY-SWCC to deliver the New York State Agriculture Nonpoint Source Abatement and Control Program for the implementation of farm conservation practices to address on farm pollution concerns. AEM planning often can and will compliment the NRCS planning process and provide combined technical and financial resources for conservation planning and implementation.
- The Agricultural Protection Services Unit helps maintains viable agricultural lands, farm operations, and the production of crops, livestock and livestock products through its Agricultural District program and the Farmland Protection programs.

New York State Department Of Environmental Conservation (NY-DEC)

About NY-DEC:

- Mission: To conserve, improve and protect New York's natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being."
- DEC is headed by a commissioner, who is assisted by executive managers. The department has 24 divisions and offices and is further organized into bureaus to fulfill the functions and regulations established by Title 6 of New York Codes, Rules and Regulations (6NYCRR). Some programs are also governed by federal law and enforced by DEC.
- New York is divided into 9 DEC regions.

NY-DEC (cont.)

Laws and regulations applicable to NRCS conservation planning projects-CAFO Permitting:

- NY-DEC is responsible for regulating Concentrated Animal Feeding Operations (CAFOs) in New York, under NY Environmental Conservation Law (ECL) and Federal Clean Water Act (CWA).
- Farms with 700 or more milk cows are considered large CAFOs and are subject to permitting under the Federal Clean Water Act (CWA), or depending on potential to discharge, can be covered by a NY Environmental Conservation Law (ECL) general permit.
- Currently, AFOs with 200-699 milk cows are considered medium CAFOs and subject NY ECL permitting. (Farms from 200-299 milk cows that do not discharge may opt out of permit requirements for medium CAFOs),
- Small AFOs while not regulated are subject to enforcement for water quality violations and as a result may be required to develop and implement a CNMP.

NY-DEC (cont.)

Laws and regulations applicable to NRCS conservation projects-

CAFO Permitting:

- CAFO Farms that are covered by CWL or ECL permits, must have and follow an approved Comprehensive Nutrient Management Plan (CNMP).
- CNMPs must be approved and updated yearly by an AEM Certified CNMP Planner.
- All CNMPs must meet NY NRCS Conservation Practice Standard (CPS) NY-590 Nutrient Management. Additional NY-NRCS practice standards apply if required by the CNMP.
- The AEM CNMP Planner Certification program is administered by the New York Soil and Water Conservation Committee in conjunction with New York Department of Agriculture and Market Staff. Certification training includes a partnership with Cornell University, DEC, and NRCS.

NY-DEC (cont.)

NY-NRCS: Requirements applicable to aspects of conservation-planning assistance to CAFOs:

Note:

- CNMPs developed for CAFO compliance and subsequently used to support NRCS funded projects that require a CNMP, must meet requirements outlined on the New York AEM/NRCS CNMP Quality Assurance Checklist located in section 3 of the NY NRCS Field Office Technical Guide (FOTG). A copy of the current and updated CNMP must be submitted to NRCS supporting planned project(s) that receive NRCS assistance.
- Good communication between the Certified CNMP Planner, NRCS, producer, and TSP (if different from the CNMP planner) for NRCS conservation projects on CAFO farms is essential.

NY-DEC (cont.)

Applicable regulations and laws for certain NRCS conservation planning projects-pesticide storage, recommendations and application:

- NY-DEC approves the registration of pesticides in New York and regulates their use. The use of unregistered products is prohibited.
- Certification is required for the sale and application of restricted use pesticides. Various levels of certification are available including private and commercial certification.
- DEC enforces laws and regulations pertaining to the storage and mixing of pesticides both on-farm and at ag service sites as well as the disposal of pesticide containers.

NY-DEC (cont.)

Applicable laws and regulations for certain NRCS conservation planning projects- Endangered and Threatened (E and T) Species:

- NY-DEC enforces regulations pertaining to threatened and endangered species in New York and maintains E and T species listings in addition to those listed at the federal level.
- An E and T review process must take place for many conservation planning and implementation projects depending on land use. The E and T review is documented on the NRCS NY ECS-23 form.
- TSPs need to communicate with the local NRCS field office in charge of a given project as well as the landowner regarding E and T status and any conditions imposed for the project. Projects such as tree felling and mowing may have date restrictions with narrow windows for work to be completed.
- E and T information is located in section 2 of the NRCS NY-FOTG.

NY-DEC (cont.)

Applicable laws and regulations for certain NRCS conservation planning projects- Invasive Species:

- NY-DEC enforces regulations pertaining to invasive species in New York. Laws and regulations prohibit or otherwise regulate the possession, transport, importation, sale, purchase and introduction of select species that are considered invasive.
- Listings and status are provided on the NY-DEC website.

NY-DEC (cont.)

Forestry regulations, programs and assistance applicable to certain NRCS forestry planning projects:

- NY-DEC offers many voluntary forestry programs on private forest land. TSPs working on NRCS forestry planning projects that are also receiving DEC forestry assistance need to communicate effectively with DEC Foresters, NRCS staff, and the landowner to avoid any possible program planning conflicts.
- Some forest harvesting and cutting activities may be regulated in terms of impacting streams, stream crossings, wetlands and E ant T species.

NY-DEC (cont.)

Other NY-DEC Regulations and Permitting-TSPs need to have an awareness of other laws, regulations, and permits that may be applicable for the following activities in relation to NRCS conservation planning projects:

- Land application of material such as food waste and bio-solids are regulated under subpart 361-2 with permits required depending on material applied, quantity, and location.
- Stormwater permitting for on farm construction activities-size dependent.
- Agricultural water withdrawal permitting-quantity and location dependent.
- Streambank stabilization, stream crossings and impacts to state regulated wetlands.
- On-farm petroleum bulk storage regulations.

New York State Department Of Parks, Recreation, and Historic Preservation

State Historic Preservation Office (SHPO)-Applicable laws and regulations for certain NRCS conservation planning projects-Cultural Resources:

- The SHPO Environmental Review program is a planning process that helps protect New York's historic cultural resources from the potential impacts of projects that are funded, licensed or approved by state or federal agencies. Under Section 106 of the National Historic Preservation Act and Section 14.09 of the New York State Historic Preservation Act, the SHPO's role in the review process is to ensure that effects or impacts on eligible or listed properties are considered and avoided or mitigated during the project planning process.
- NRCS conservation projects are subject to an extensive cultural review process to comply with applicable regulations. TSPs need to understand the implications that a project could have on cultural resources. Communication with the NRCS field office in charge of a specific project is critical during all phases of the project.

New York State Department Of Parks, Recreation, and Historic Preservation (cont.)

State Historic Preservation Office (SHPO)-Applicable laws and regulations for NRCS conservation planning projects-Cultural Resources:

- Separate cultural resource reviews are conducted by specific Indian Nations depending on the location of the project.
- The cultural review process is documented on the NRCS NY-ECS 21 form. Cultural resource information and resources are located in section 2 of the NRCS NY-FOTG.

New York State Department Of Health (NY-DOH)

Applicable laws and regulations applicable to NRCS conservation planning projects-Drinking Water Supplies:

- NY-DOH Regulates drinking water sources in New York, public and private.
- Conservation activities within certain distance to drinking water sources may fall under drinking water regulations.
- Local laws and regulations to public drinking water sources may also apply.
- Two unfiltered public drinking water supplies are designated in New York. The New York City supply system and the City of Syracuse system from Skaneateles Lake. Conservation activities taking place in these watersheds are subject to oversight by representative watershed programs to comply with filtration avoidance waivers. Communication with these programs through the local SWCDs is critical when planning and implementing conservation projects in these areas.

New York State Department Of Education

Applicable Laws and Regulations for NRCS Conservation planning projects-Engineering:

- NYS Department of Education regulates the licensing of various professionals in New York.
- This includes engineering and engineers including those that are involved with the design and installation of NRCS Conservation Practices that are considered engineering practices by the Department of Education and NRCS.
- **All NRCS engineering conservation practice feasibility studies, designs and constructed as-builts must be stamped by a current licensed New York Professional Engineer.**
- The State Department of Education maintains an on-line registry of licensed individuals as well as information regarding becoming licensed in New York.

New York State Department Of Public Service

Applicable Laws and Regulations for NRCS Conservation Projects – Excavation:

- NY Code 753 requires membership by all utilities operating in New York to be a member of UDIG NY and the 811 system of call before you dig to locate underground utilities.
- While responsibility lies with the excavator operator to call for location assistance, an awareness of this requirement by TSPs involved in planning projects that require excavation is essential.
- New York NRCS Instruction regarding policy for this requirement is located in section 2 of the NY NRCS-FOTG.

Local Laws and Regulations

- Localities in New York State, (County, Town, City, Village) may supplement State laws and regulations to address unique local resource concerns that may exist in these localities or regions. These laws and regulations will often exceed the minimum state requirements.
- For example, local public drinking water supplies are often protected by a locality that exceed state regulations.
- TSPs need to be aware of these circumstances by communicating with local responsible agencies and governments.

Cornell University and Cornell Cooperative Extension

- National policies require NY NRCS Conservation Practice Standards and policy use State LGU guidelines when applicable. For New York this is Cornell University through its College of Agriculture and Life Science (CALS). Other state's LGU guidelines are only acceptable when directed to a specific state by qualified Cornell subject area experts.
- Cornell provides guidelines, tools and references for CNMP development, nutrient management, integrated pest management (NY-IPM Program), integrated field crop management, vegetable and specialty crop management, waste management, soil health and forestry through on-going scientific research.

Cornell University and Cornell Cooperative Extension (cont.)

- Accessing training partnerships between Cornell, Cornell Cooperative Extension, NYS Ag and Markets, NY DEC, and NRCS are critical for all levels and categories of conservation planners.
- Cornell Cooperative Extension provides access to field expertise for various areas of agronomic and forestry production.
- Cornell's Pro-Dairy Program and Dairy Advancement Program provide access to technical and financial assistance to the dairy farming sector in New York including CNMP development and CAFO compliance assistance.

New York Agriculture-National Production Ranking

- Ranks #1 in production of cottage cheese, sour cream, and yogurt
- Ranks #2 in maple syrup, apples, cabbage, and snap beans
- Ranks #3 in grapes
- Ranks #5 in milk production, green peas, squash

New York Agriculture-Statistics:

- ~33,400 farms
- ~6.9 million acres in production
 - ~23% of land base in Agriculture
 - Avg farm size ~200ac
- ~500 CAFOs
 - Majority dairy
- ~630,000 milk cows
- ~100,000 beef cows
- All cattle including calves-1,430,000 head

New York Agriculture: Major Crops and Extent

Corn Silage-450,000 ac.

Sweet Corn-21,500 ac.

Corn Grain-585,000 ac.

Qats-51,000 ac.

Soybeans-325,000 ac.

Pumpkins-4900 ac.

Winter Wheat-155,000 ac.

Barley-5000 ac.

Alfalfa-555,000 ac.

Squash-4200 ac.

Cabbage-10,600 ac.

Hay and Haylage 1,750,000 ac.

Grapes-35,000 ac

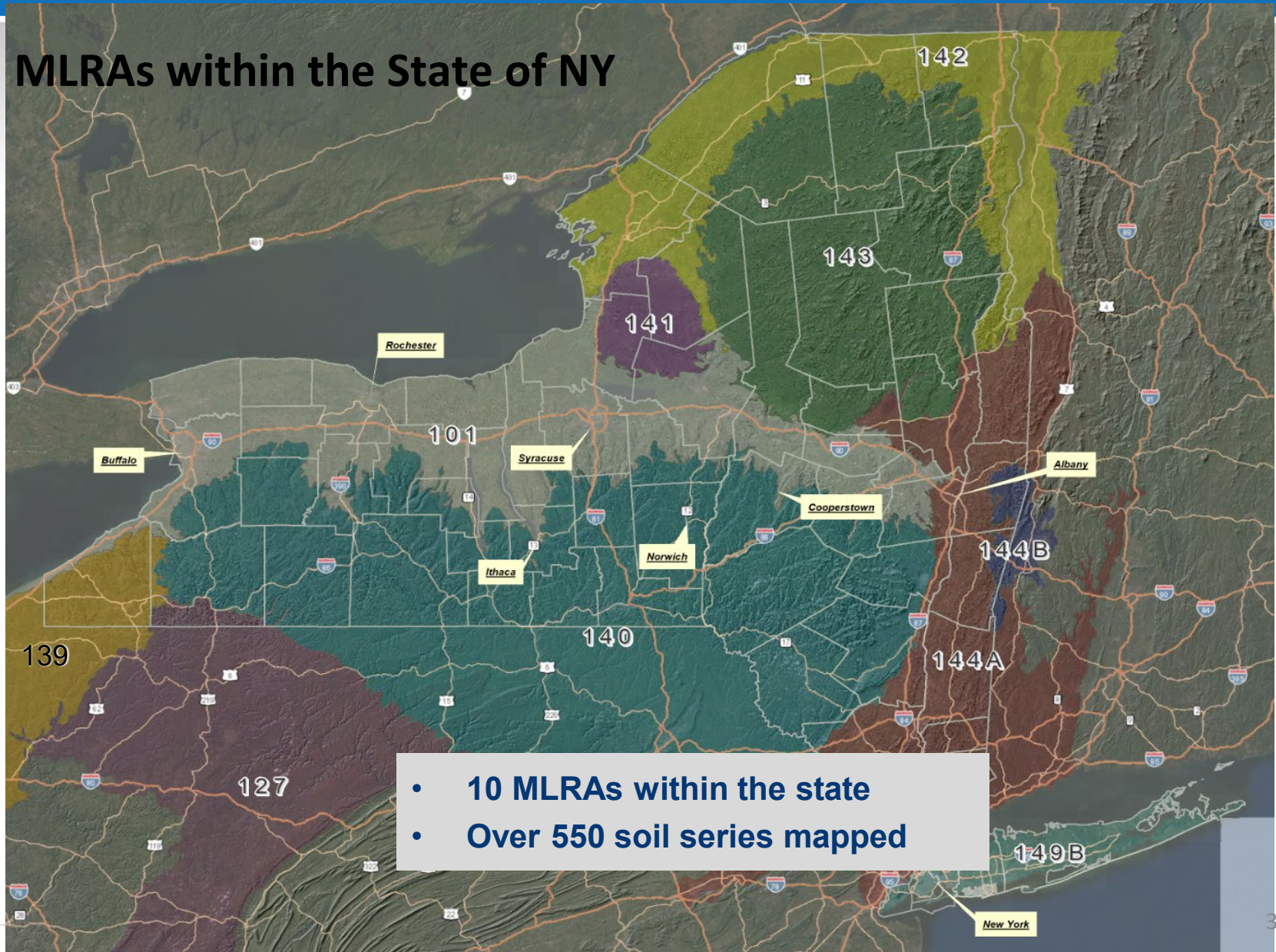
Apples—43,000 ac.

Snap Bean-24,800 ac.

New York Forestry Statistics:

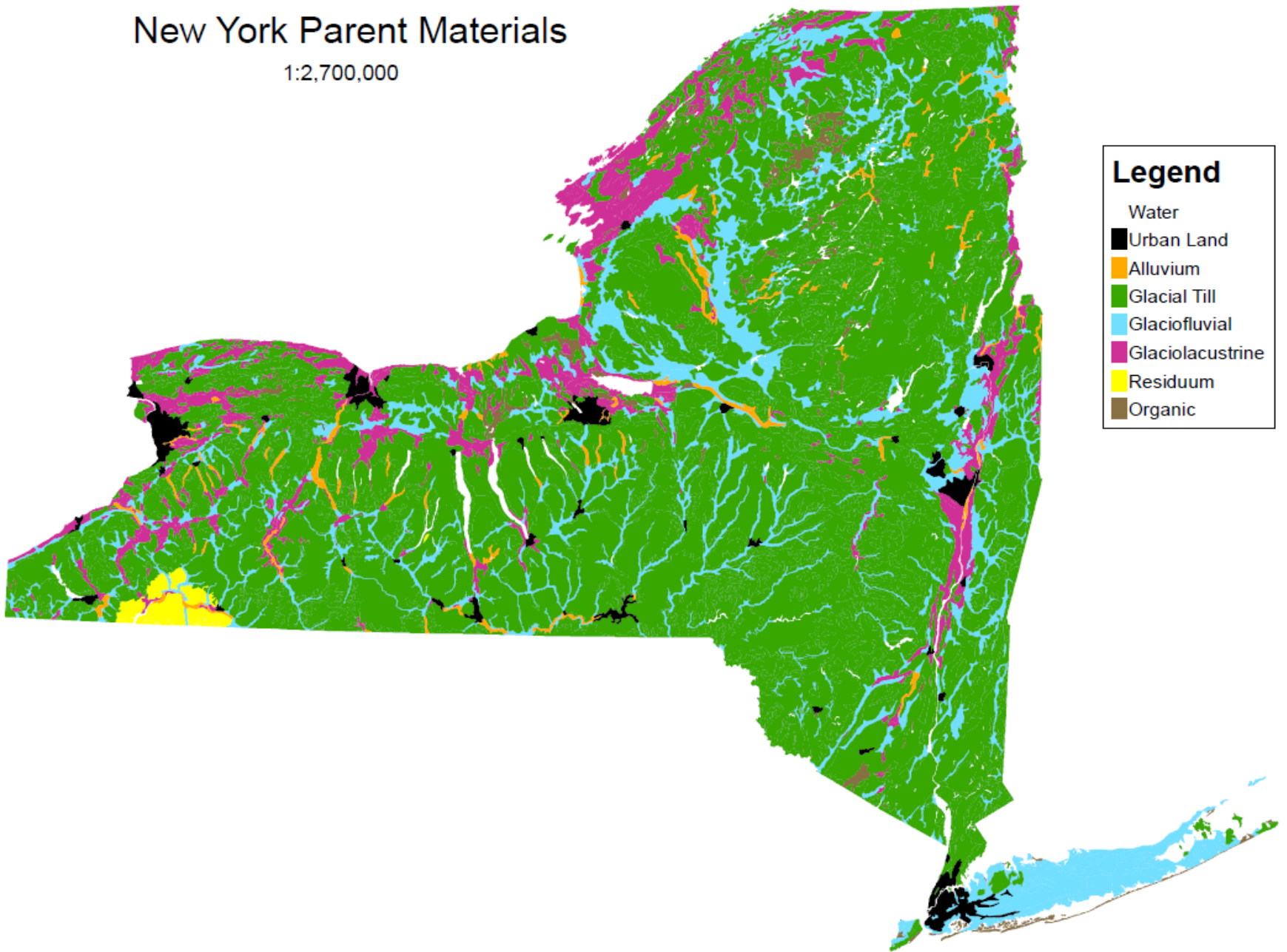
- 61% of New York's 30.2 million acres is forested (18.6 million acres).
- 76% of New York forest land is privately owned (14.4 million acres)
- Public land in New York is primarily forested. For the most part public land is not used for grazing or other agricultural purposes.

MLRAs within the State of NY



New York Parent Materials

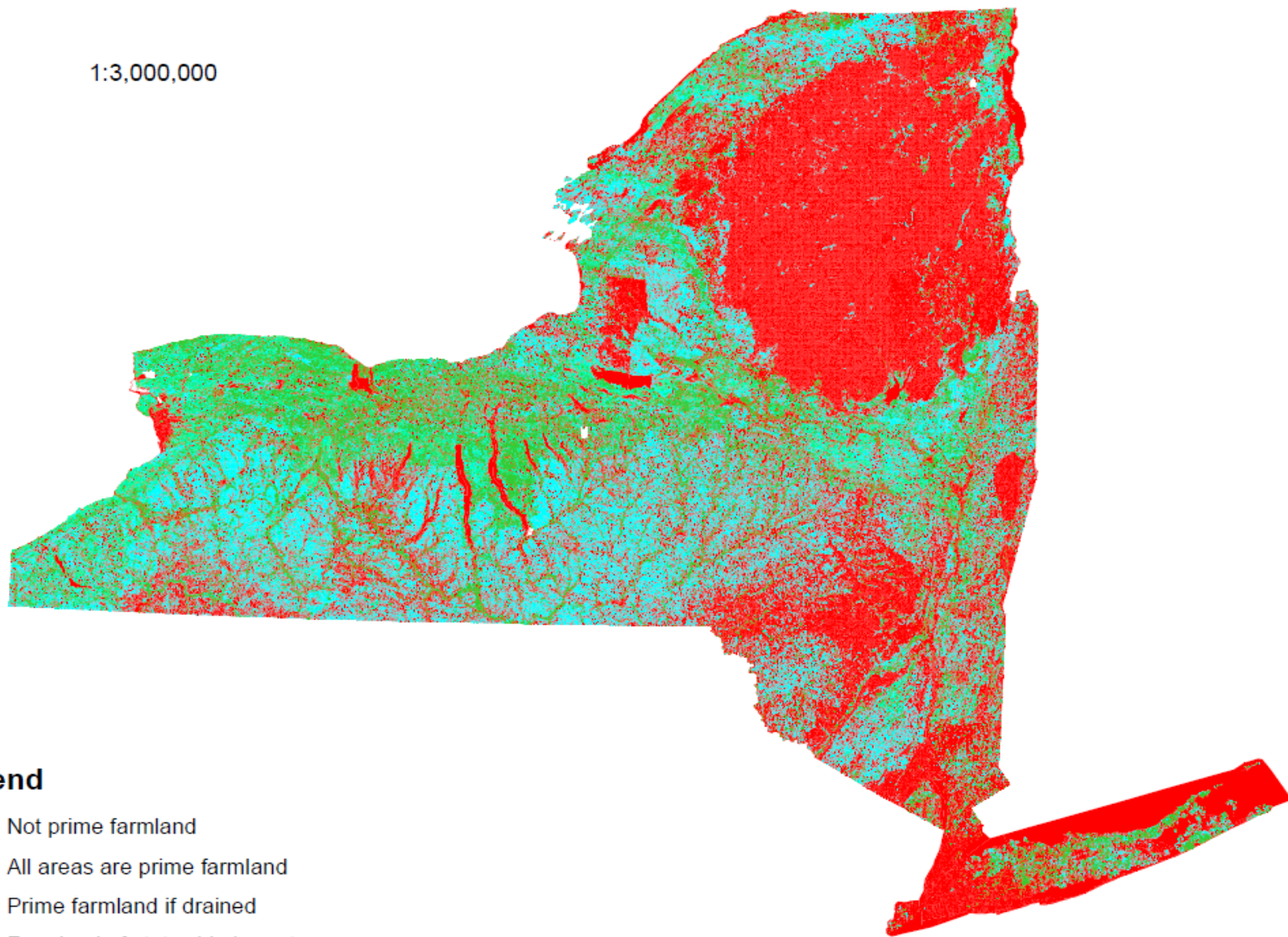
1:2,700,000







New York Farmland Classification



1:3,000,000



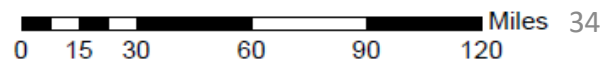
Legend

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Farmland of statewide importance

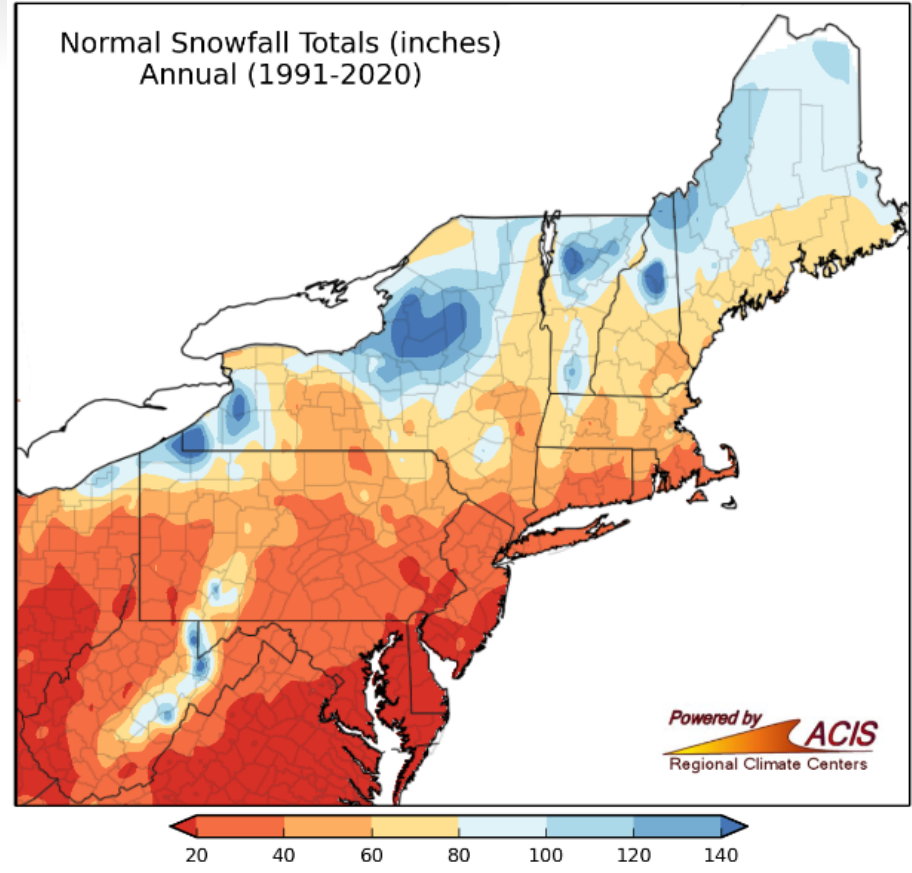
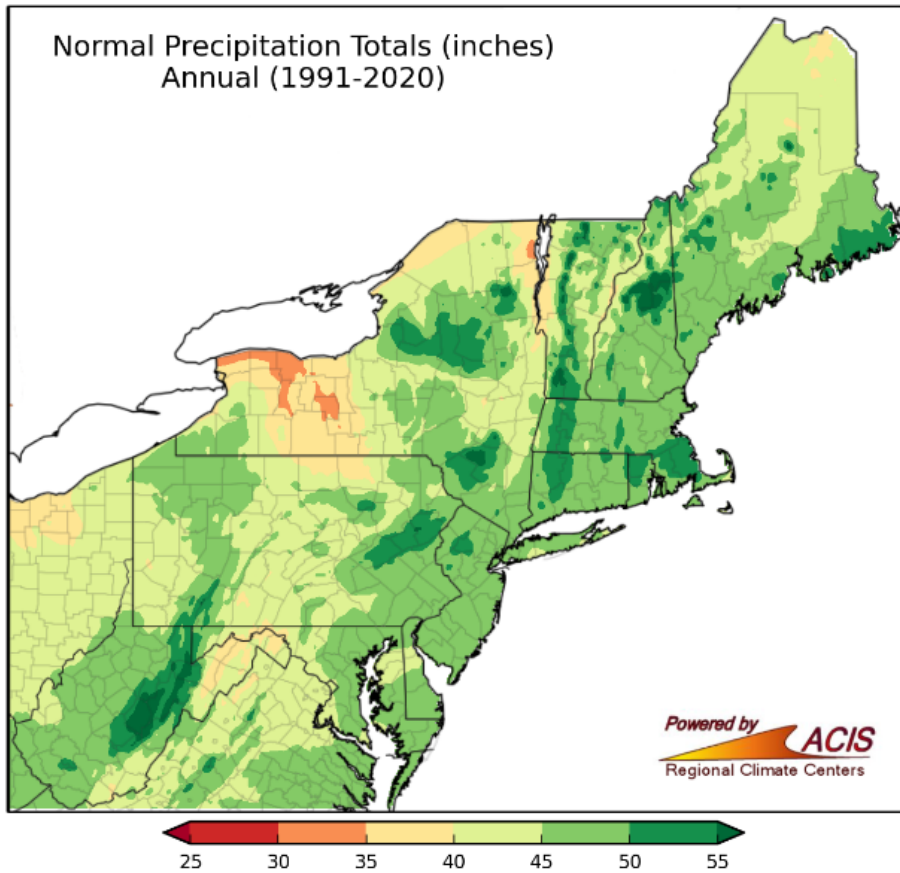


United States Department of Agriculture

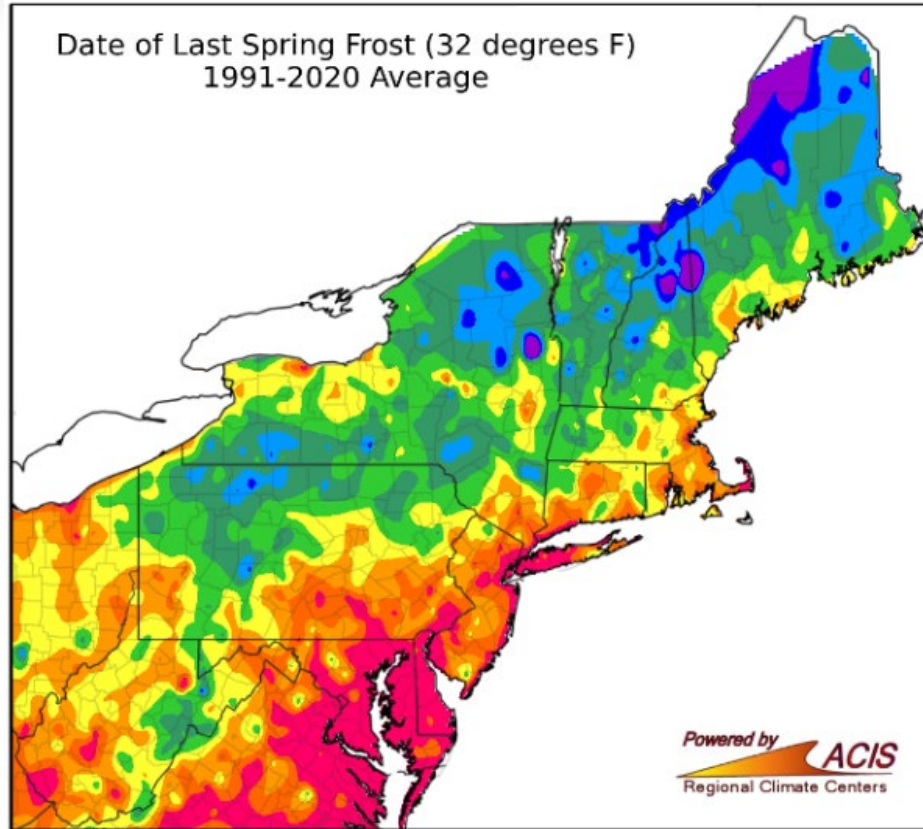
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based on gSSURGO



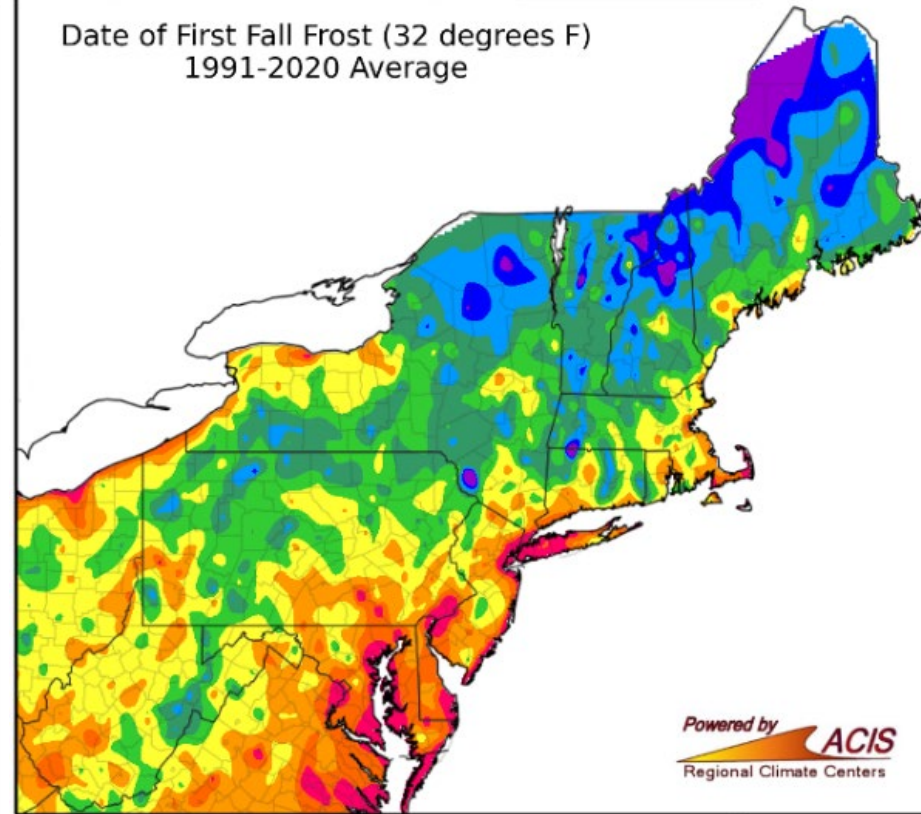
Climate Information



Climate Information

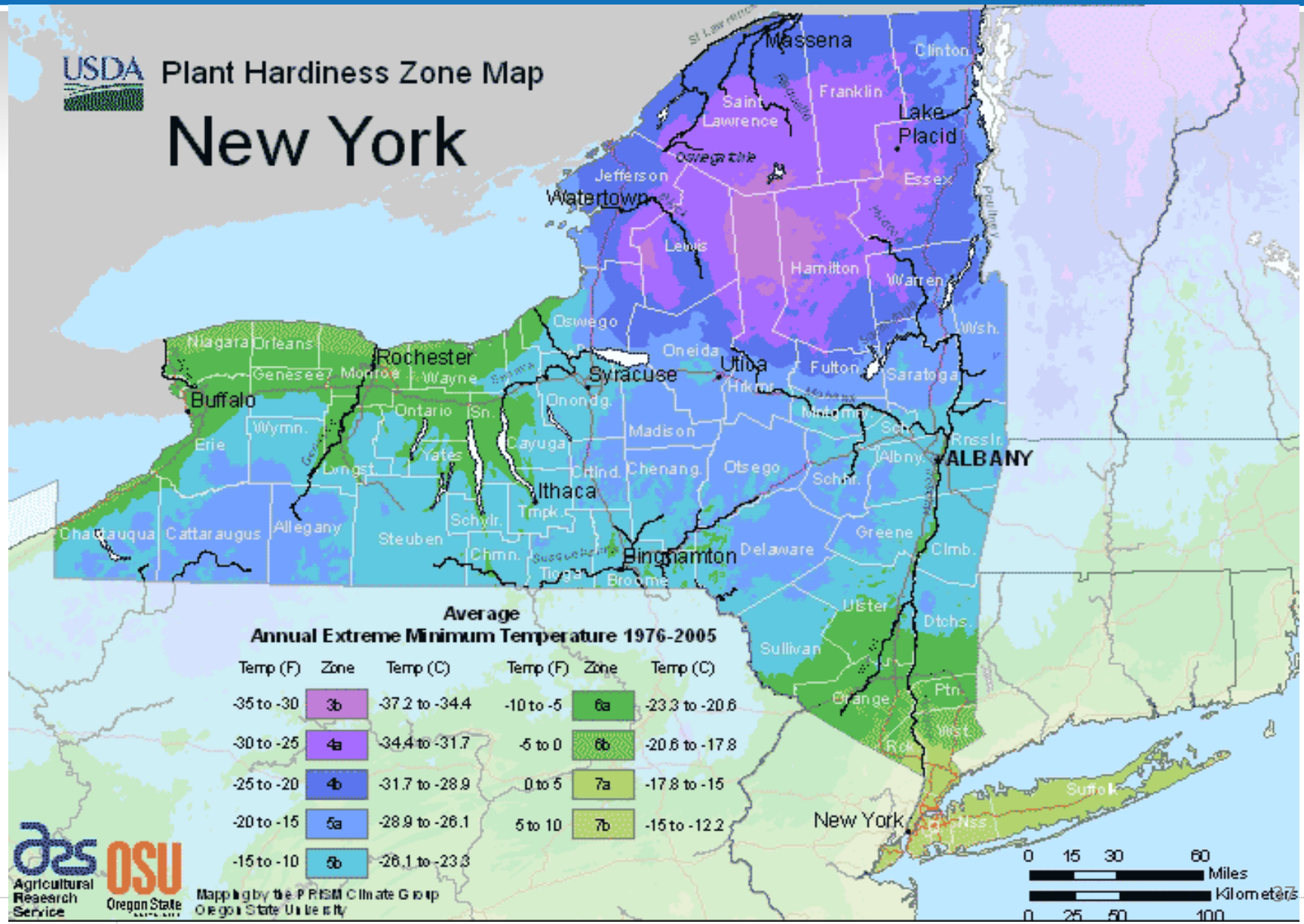


Apr 15 Apr 22 Apr 29 May 6 May 13 May 20 May 27 Jun 3



Sept 15 Sept 22 Sept 29 Oct 6 Oct 13 Oct 20 Oct 27 Nov 3

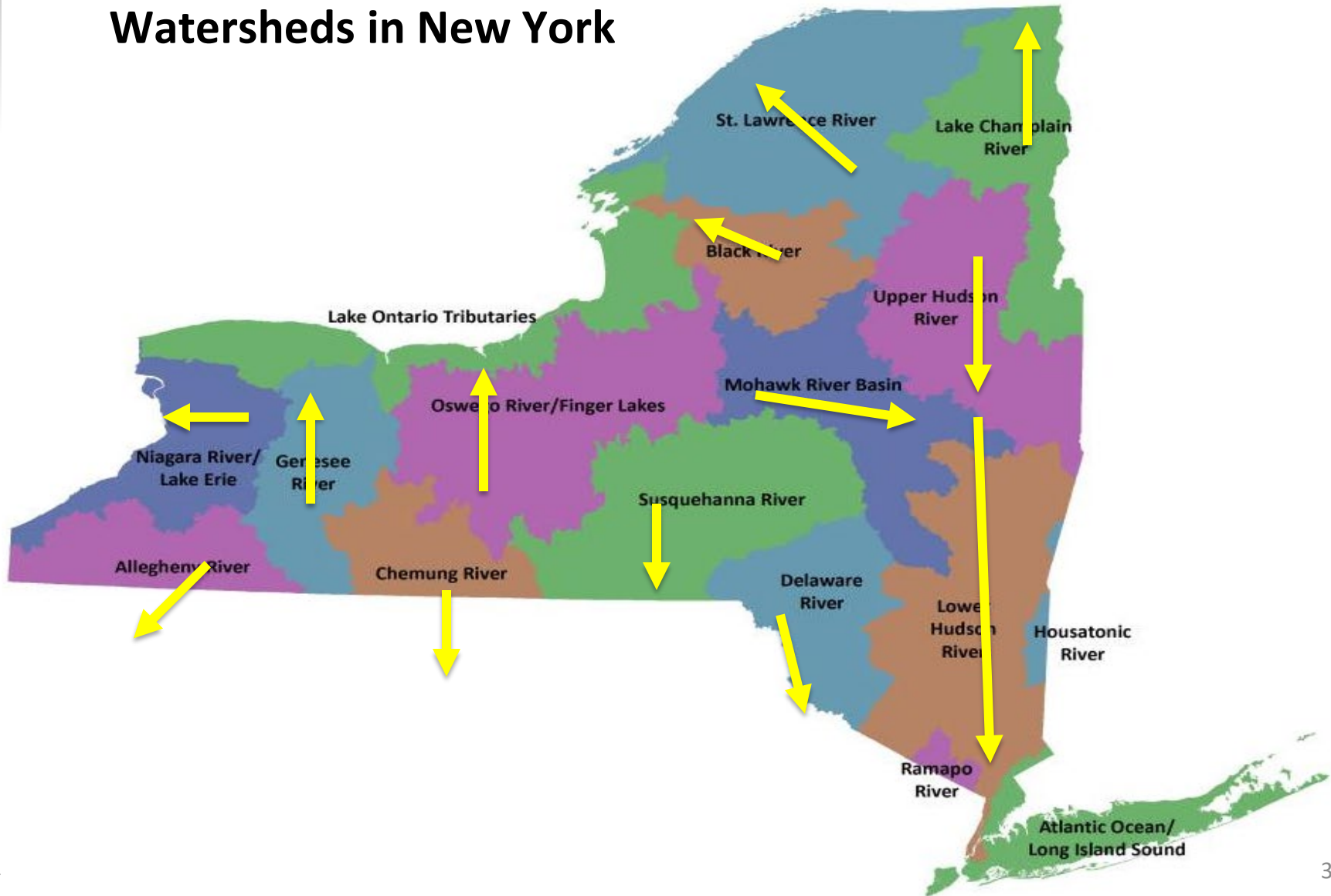
USDA Plant Hardiness Zone Map
New York



Average Annual Extreme Minimum Temperature 1976-2005

Temp (F)	Zone	Temp (C)	Temp (F)	Zone	Temp (C)
-35 to -30	3b	-37.2 to -34.4	-10 to -5	6a	-23.3 to -20.6
-30 to -25	4a	-34.4 to -31.7	-5 to 0	6b	-20.6 to -17.8
-25 to -20	4b	-31.7 to -28.9	0 to 5	7a	-17.8 to -15
-20 to -15	5a	-28.9 to -26.1	5 to 10	7b	-15 to -12.2
-15 to -10	5b	-26.1 to -23.3			

Watersheds in New York



New York: Major Resource Concerns-Cropland

- Soil erosion from water is a major resource concerns on sloping cropland statewide,
- Soil health degradation (compaction, organic matter depletion, soil organism habitat degradation, aggregate stability) is a resource concern on cropland under intensive cultivation,
- Some isolated areas of wind erosion along the Great Lakes, Long Island, and within organic soil areas can be a resource concern,
- Water Quality Degradation -Excess pathogens and chemicals from manure, bio-solids or compost applications and/or excessive nutrients in groundwater/surface water is a major concern on livestock operations. Phosphorous is a nutrient of concern in many NY watersheds.
- Plant Productivity and Health and Plant Pest Pressure, are significant concerns for specialty crops.

New York: Major Resource Concerns-Farmsteads

- Water Quality Degradation-Excess pathogens and chemicals from manure, bio-solids or compost applications and/or excessive nutrients in groundwater/surface water is a major concern on livestock operations.
- Air Quality-Emissions of greenhouse gases, objectionable odors, and emission of particulate matter are concerns on livestock operations. VOCs from pesticide handling and mixing is a concern on some farmsteads associated with crop production.

New York: Major Resource Concerns-Pastureland

- Degraded Plant Condition -Undesirable Plant Productivity and Health is a resource concern on pasture due to improper stocking rates and poor management.
- Soil erosion from water is a resource concern on steeper pasture areas,
- Soil health degradation can be a resource concern on pasture due to compaction and/or improper stocking rates,
- Water Quality Degradation -Excess Pathogens and Chemicals from Manure, Bio-solids or Compost Applications and/or excessive nutrients in Surface Water can be a concern where livestock have unlimited access to surface water bodies.

New York: Major Resource Concerns-Forestland

Improper timber harvesting, unmanaged basal area stocking rates, invasive species, interfering species, deer browse, lack of and adherence to forest management plans are leading to:

- Degraded Plant Condition-Undesirable plant productivity, health, inadequate structure/composition, and pest pressure are all major resource concerns on Forestland
- Soil erosion from water is a resource concern on steeper forested areas. This also can lead to excessive sedimentation to surface water.
- Degraded or lack of forest cover along surface water is resulting in elevated water temperatures in some cases.

New York: Major Resource Concerns-Wildlife Habitats on Various Land Uses

Habitat-fragmentation, lack of nesting cover, and shelter from predators on early successional habitat-shrubland and grassland is a major resource concern:

- Multiple shrubland and grassland dependent species in decline,
- Loss of early successional habitats as NY returns to mature forest,
- NY special focus on shrubland dependent golden-winged warbler (Federally-petitioned for listing, NYS Special Concern) and New England cottontail (Federal candidate species, NYS species of special concern).
- Grassland birds targeted include bobolink and meadowlark.

New York: All Resource Concerns, All Land Uses

A complete list of resource concerns by land use for soil, water, air, plants, and animals, and the planning criteria required to address each resource concern is located in section 3 on the NY-NRCS-FOTG.

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Expected TSP Workflow

- The State Resource Conservationist (SRC) will be responsible for reviewing TSP conservation planning qualifications for the National Planner Certification.
- Conservation plans are evaluated using the NRCS Guide to developing Conservation Plans which follows the NPPH and is located in section 3 of the NY FOTG.
- The completion of all Conservation Planning Activities (CPA) and Design and Implementation Activities (DIA) are reviewed and certified by qualified staff with appropriate Job Approval Authorities using national planning activity criteria.
- The SRC will conduct plan reviews for TSP planner designation renewals.
- TSPs will work with the local Designated Conservationist to make sure proper environmental evaluations of resource and special concerns (NRCS-CPA-52) are completed. A NEPA compliance finding made by the Responsible Federal Official is necessary for project implementation.

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Certificate of Completion

After viewing the State Specific Training module, please print and sign the completion certificate on the following slide.

The certificate is your acknowledgement that based on the information provided in this module, you have the proper knowledge, skills and ability to conduct planning in this state.

Within your NRCS Registry profile, enter the training and upload the signed certificate to verify completion.

STATE SPECIFIC TRAINING MODULE COMPLETION CERTIFICATE

I, _____ hereby verify I have viewed and understand the content of the New York State
TSP Name
Specific Training Module and affirm I have the knowledge, skills, and ability to conduct conservation planning
services in this state.

TSP Signature

Date