

CONSERVATION DISTRICT POLICY PRIORITIES

FOR A NEW ADMINISTRATION

In 1945, state legislators recognized the need to support grassroots conservation efforts. As a result, the Conservation District Law was passed and county conservation districts were created. Conservation Districts lead local conservation efforts to sustain, protect and restore the natural resources of the Commonwealth of Pennsylvania. Based at the local level, conservation districts implement a variety of programs that address issues unique to their county.

As a candidate for the Governor of the Commonwealth of Pennsylvania, PACD is providing you with a brief explanation of conservation district vital needs and concerns. Our hope is that you will consider these items as you develop and articulate your environmental and agricultural platform.

Dedicated Funding For Conservation Districts

Conservation districts need predictable funding. The PACD is seeking dedicated sources of funding that will provide 50% cost share for basic staff positions and cost-of-living increases. One possible source of dedicated funding for conservation districts is through a severance tax in Pennsylvania for extraction of Marcellus Shale gas deposits. PACD firmly believes that a predictable percentage of any tax should be allocated to the Conservation District Fund to help all conservation districts across the state to maintain their environmental protection programs. Obviously this type of dedicated funding would resolve many of the financial challenges our conservation districts deal with on a daily basis. We believe predictable allocations to the Conservation District Fund would be beneficial and significantly curtail the budgetary difficulties conservation districts currently face. Predictable funding would also allow conservation districts to more accurately plan for multi-year contracts and adequate staff funding to sustain long term projects.

Environmental Impacts of Marcellus Shale Gas Drilling on Pennsylvania

Marcellus Shale gas drilling could be the most important environmental issue facing Pennsylvanians today. The development of oil and gas fields will have a large environmental impact in Pennsylvania above and below ground level affecting air, water, and geology. Drilling

includes a tremendous scope of earth disturbance impacting our natural resources. In order to achieve preservation and protection of Pennsylvania's natural resources, PACD supports conservation districts as the local agency for oversight, plan review, permitting and inspection of all earth disturbance and stormwater management activities associated with oil and gas drilling consistent with their level of delegation.

PACD believes the oil and gas industry should not be treated less stringently than any other industry requiring an NPDES permit. All oil and gas well permit approvals should be contingent on obtaining a bond to guarantee available funds to correct Chapter 92, 93, 102 and 105 violations resulting from the drilling process. Any company responsible for the degradation of natural resources should bear the full financial responsibility of restoration. Additionally, PACD supports an ongoing DEP educational program to provide information emphasizing the importance of minimizing the impacts and maximizing the benefits of oil and gas extraction.

Last spring conservation districts received notice from the PA Department of Environmental Protection that beginning immediately districts were no longer part of the erosion and sedimentation permit process related to oil and gas drilling. Conservation districts were not consulted prior to the announcement, and even though many districts oppose the change, DEP has not reversed its decision. PACD firmly believes that Conservation Districts should be given the opportunity to be in charge of the erosion and sedimentation permitting process. Conservation districts are familiar with the permit process and have the technical expertise to adequately and cost-effectively administer the program. Additionally, the permit fees associated with the program may allow conservation districts to offset some of the state and county fiscal cuts that they are currently facing.

Government Agency Erosion and Sedimentation Control Services

Since conservation districts have the option of signing delegated agreements with DEP to administer E & S control, most districts are involved in the program. Every year, as the PA Department of Transportation (PennDot) maintains and operates state roads a large amount of E & S work must be accomplished by conservation districts around the Commonwealth. Additionally, any new road construction requires technical assistance from conservation districts. To a lesser extent, the PA Department of General Services also garners technical assistance from conservation districts. Unfortunately, however, state agencies are not required to pay conservation districts for these necessary services. Act 217 states these agencies may consider payment for E & S reviews, but the law does not require payment. As a result, many conservation districts spent a significant number of hours working with these state agencies and have no way of recouping the funds necessary to sustain the personnel hours to complete the required activities. PACD advocates a mandatory fee schedule allowing conservation districts to charge state agencies for the completed E & S technical reviews and permit activities.

Chesapeake Bay TMDL

Forty-two Pennsylvania counties are at least partially, if not fully, in the Chesapeake Bay Watershed. With two-thirds of the state involved in Chesapeake Bay clean-up activities, PACD firmly believes that conservation districts should be an integral part in improving water quality within the Chesapeake Bay Watershed. Whether the issue is erosion and sedimentation control, stormwater, agricultural best management practices, road improvements, or educational efforts, conservation districts are intricately involved. The key factor is adequate funding to provide the guidance necessary to reduce water pollution in the Chesapeake Bay Watershed. Additionally, funding will have to become available to the agricultural community to implement the BMPs reducing nutrients into the Bay. Without this funding, Pennsylvania will have a difficult time making further inroads toward reducing nutrient and sediment runoff into the Bay.

Non-Point projects through Pennvest

Since its inception, the Pennsylvania Infrastructure Investment Authority (PennVest) has serviced the communities and citizens of Pennsylvania by funding sewer, storm water and drinking water projects throughout the Commonwealth. These projects not only contribute to improving Pennsylvania's environment and the health of its people, they also provide opportunities for economic growth and jobs for Pennsylvania's workers. Now, however, because of available federal dollars, PennVest is funding non-point source projects. Unfortunately their current application process is not suitable or adequate for non-point project submissions. PACD recommends that PennVest develop a new administrative process for conservation districts to obtain non-point source project money so federal money can quickly and cost-effectively be distributed to conservation districts for agricultural and other projects geared toward protecting and improving water quality across the Commonwealth.

State Agency Support

When Act 18 of 1998 created the Department of Conservation and Natural Resources (DCNR), and renamed the Department of Environmental Resources as the Department of Environmental Protection (DEP), the Pennsylvania State Conservation Commission (SCC) was bifurcated and made a departmental commission of both the new DEP and the Department of Agriculture (PDA). The modified SCC was provided two staff to be located at PDA and asked to obtain additional assistance from the SCC's previous staff that remained DEP and from DEP program staff as needed. Several years later, DEP decentralized many of its programs and moved the SCC's nine conservation district field representative staff under the jurisdiction of the DEP Regional Offices. Due to the leadership at PDA, the SCC has been able to gain a few additional employees, mainly for the implementation and administration of the Nutrient Management

Program and REAP. However, DEP staff available to assist the SCC, including its previous field staff, are essentially no longer available.

In addition to the above changes, DEP and PDA have experienced additional staff reductions during the past few years, especially during the budgetary cuts last year. The additional programmatic support that DEP used to provide to the SCC and the conservation districts has been severely compromised. The Commonwealth must provide adequate resources to DEP and PDA to fulfill its statutory and contractual obligations to the conservation districts. For example, adequate 30 day notice of program changes and changes to delegation agreements are not being provided to the conservation districts. In addition, Commonwealth staff are no longer available to provide an adequate level of training for technical programs and leadership development that is needed by the conservation districts to implement the programs delegated and contracted to conservation district by the Commonwealth. These situations must be addressed by the next Governor with additional Commonwealth staff support and training for conservation districts.

The Pennsylvania Association of Conservation Districts, Inc. (PACD) is a non-profit 501(c)3 organization that supports, enhances and promotes Pennsylvania's Conservation Districts and their programs. For further information concerning PACD or conservation activities and programs, please contact the PACD office at (717) 238-7223 or Brenda-shambaugh@pacd.org.