

PACD Conservation Committee Minutes  
July 20, 2009

**These minutes are pending approval of the Conservation Committee at their next meeting.**

**PACD Conservation Committee Ramada Conference Center, State College, PA July 20, 2009**

**Chair:** Bob Ritchey, Cambria Conservation District.

**Welcome** - Chairman Bob Ritchey called the meeting to order at 1:15 PM and welcomed all members and guests. It was determined that a quorum was present.

*Committee members present:* Bob Ritchey, Cambria; Don Bashore, Juniata; Brian Boyer, Berks; Dan Dunmire, Mifflin; Larry Martick, Adams; Robb Piper, Cambria; Craig Todd, Monroe.

*Others present:* Brenda Shambaugh, PACD; Shannon Wehinger, PACD (Recorder); Susan Marquart, PACD; Karl Brown, SCC; Barry Frantz, NRCS; Dan Dostle, NRCS; Chuck Wertz, Lebanon; Seleen Shives, Fulton; Don Baker, Mifflin; Dave Mankamyer, Somerset; Shane Kleiner, DEP; Maryruth Wagner, Columbia; Tom Mattida, DEP; Chris Thompson, York; Ken Murin, DEP; Paul Sell, Lehigh.

**Minutes from Previous Meetings** - The minutes of the January 22 2009 meeting were provided to committee members for their review. *It was moved by Robb Piper and seconded by Dan Dunmire to approve the minutes of the January 22, 2009 meeting. Motion carried.*

**Nutrient Trading Update** - Brenda Shambaugh reported that PACD continues to move forward with the nutrient trading program. Although the PACD nutrient trading grant ended, we have requested an extension to continue the program and are waiting for a response from DEP.

PACD co-hosted two nutrient trading seminars: on February 12, 2009, at the Ramada Conference Center in State College; and on February 19, 2009, at the Lancaster County Farm and Home Center. The morning session at each seminar provided conservation district employees with a hands-on demonstration of the DEP online calculation tool, to determine how many nutrient trading credits can be generated on a farm-by-farm basis.

The afternoon session at each seminar was open to the public and included a general overview of nutrient trading, including how it works and how it can be financially beneficial to the farming community. Attendees took part in a discussion on the successful Mount Joy nutrient trading project, and gained information on carbon trading. PACD is also generating several nutrient trading brochures about nutrient trading projects in the Chesapeake Bay Watershed.

There was some discussion on nutrient trading program and the merits of nutrient trading.

**102 Regulations** - Ken Murin, DEP, reported that the Environmental Quality Board (EQB) passed the proposed 102 regulations on June 16, 2009 and they should be published in the Pennsylvania Bulletin sometime in August. After they are published, a 90 day comment period will follow. DEP is planning on holding at least 3 hearings on the proposed regulations. Additionally, PACD and DEP will be holding an informal meeting with conservation districts to discuss the proposal. This would not preclude a more formal comment process, but would be an informal meeting to discuss conservation district concerns. Ken also stated that DEP would be willing to meet with individual conservation districts about the Chapter 102 regulations. Barb Beshore will be the DEP point person. The most current version of the Chapter 102 proposed regulations are on the DEP website. PACD will send the link in a future Front Page. A webinar is one suggested avenue for the conservation district meeting.

PACD is planning on formally commenting on the regulations on behalf of conservation districts. Any input from districts should be e-mailed to Brenda Shambaugh and would be greatly appreciated.

**Stormwater Grant Proposal** - Brenda Shambaugh reported that PACD submitted a Growing Greener Stormwater Grant Proposal to DEP. This proposal, if funded, would be twofold. During the first year a task force of conservation district personnel would be assembled to gather information and create a model stormwater seminar for conservation district use. After the seminar is finalized, at least three regional meetings will allow training for those conservation districts who are interested in hosting the seminar for their local governments and other local entities. The second part of the grant would be the creation of a mini-grant program specifically for stormwater projects including an educational component and mini-demonstration projects.

The Committee discussed whether or not the current law on stormwater management was adequate, considering that DEP has been advocating countywide plans for Act 167 planning grants. After discussion, committee members believed that the current laws are adequate and provide flexibility. It was stated that one of the purposes of the Act was to mitigate flood damages. Drought concerns and flow considerations are also part of Act 167 and Chapter 102 regulations. Additionally, RC & D's are also interested in stormwater management.

**Carbon Trading Update** - PACD continues to be interested in carbon trading and have met with the Chicago Climate Exchange and other interested parties. PA Farm Bureau has begun a carbon trading pilot program and has invited PACD to work with them as they work to expand their program. PACD is in the process of contacting several other conservation district associations across the country who have already begun a carbon trading plan to see how their ideas could benefit Pennsylvania.

**Budget Update** - The PA General Assembly still has not passed a state budget. Several budget proposals have been introduced, each with different figures for conservation district funding. The July 16, 2009 front page update showed a comparison of all the proposals. In addition to direct funding, PACD has been lobbying for a dedicated funding source for conservation districts through either a severance tax or a royalty/leasing program for Marcellus shale oil/gas extraction.

**State Water Plan** – The state water plan has been published and available on the Internet. There are 4 documents available on the DEP website. Additionally, all the committee membership lists are in print. DEP is also working on a water planning tool. This tool will be available for those who want to put together smaller based water plans. Critical water planning areas have not been officially selected. Funding is an issue because there is not enough funding to do an analysis on which areas should be funded.

**Clean and Green Conservation Plan Requirements** - The following background information was distributed for committee discussion.

#### Proposed Clean and Green Changes Background

The Chesapeake Bay Foundation has recently asked Representative Mike Sturla to introduce legislation, HB 1823, requiring verification of an erosion and sedimentation plan consistent with Chapter 102 in the application for inclusion in preferential assessment. (Clean and Green) Currently the Clean and Green application does not ask for that verification. All existing farms enrolled in clean and green will need to submit verification of a conservation plan within 4 years although the bill does not specify that the plan must be “current.”

CBF stated its concern that compliance with future TMDL’s will necessitate conservation plans on these farms. PA Farm Bureau, on the other hand, strongly opposes the legislation stating that there is already a waiting list for farms to receive assistance in developing conservation plans. They do not want farmers to lose their Clean and Green preferential tax assessments because they cannot get a conservation plan implemented due to insufficient resources and staff at the county conservation district level. CBF acknowledges the bill underscores the need to fund conservation district programs.

#### PACD Proposed Policy

PACD believes that any Clean and Green amendments to require all farms to submit verification of a conservation plan as a provision to enroll or stay enrolled in the state’s Clean and Green preferential tax assessment must include financial resources necessary to assist landowners in developing a conservation plan. A landowner should not be denied or removed from the Clean and Green preferential tax assessment rolls because they are on a waiting list for technical assistance to develop a conservation plan.

It was mentioned that if this passes, conservation districts will have an increased workload. CBF is looking for a way to enforce conservation plan generation. This is one way to work toward that enforcement.

*It was moved by Craig Todd and seconded by Larry Martick to approve the following policy:*

*PACD opposes proposed amendments to PL 973 no.319 to require conservation plans or erosion control plans in conjunction with preferential assessment because conservation districts will bear the burden of the workload without funding for plan development. Any amendment to clean and green needs to provide a mechanism for landowners to qualify if they have formally requested the development of a conservation plan or erosion control plan so they meet the requirements of the Clean and Green Act.*

*Motion Carried.*

**Oil and Gas Drilling** – Bob Ritchey discussed water use in oil and gas drilling and infrastructure needs necessary in natural gas drilling.

It was recommended to send a memo on the listserv pertaining to oil and gas drilling and environmental problems. Additionally have the issue discussed with the intent to have policy generated at the winter PACD meeting.

**PennDot Meeting Report** - PACD and Karl Brown from the State Conservation Commission (SCC) met with PennDot Secretary Allen Biehler and other PennDot employees concerning the expired MOU with PennDot in conjunction with a resolution passed at a recent southwest regional meeting. We also expressed our budgetary concerns and how decreased funding levels for conservation districts will negatively affect PennDot projects. We told the Secretary that the newest amendments to Act 217 allow agencies to financially compensate conservation districts for their activities. He promised to look into the MOU and promised to continue a dialogue concerning PennDot and conservation district activities.

**Adjournment** - *It was moved by Larry Martick and seconded by Dan Dunmire to adjourn the meeting. Motion carried.* The meeting was adjourned at 3:15 PM.