

Pennsylvania Association of Conservation Districts

Testimony before:

Joint Legislative Conservation Committee Forestry Task Force

Presented by:

Brenda Shambaugh, Executive Director

Ronald Rohall, Westmoreland Conservation District
Board Member

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Good Morning. Our names are Brenda Shambaugh and Ron Rohall and we are here today representing the Pennsylvania Association of Conservation Districts (PACD). PACD is a 501(c)3 non-profit organization that supports, enhances, and promotes Pennsylvania's conservation districts and their programs. I am the Executive Director for PACD and Ron is a Westmoreland County District Director and a professional forester. Conservation districts lead local conservation efforts to sustain, protect, and restore the natural resources of the Commonwealth of Pennsylvania. Thank you for the opportunity to join you today to discuss the regulatory relationship between the State's forestry industry, local governments and county conservation districts.

As many of you know, conservation districts are local units of government established under state law to carry out natural resource management programs. Districts work with landowners, the regulated community and local governments to help them manage and protect land and water resources on private and public lands. The 66 districts in Pennsylvania all operate at the county level; some are part of the county government and some are independent. They all know their local economy, have local relationships, and know the issues relating to natural resource conservation in their county. Districts work with many partners – government agencies, private organizations, businesses and others – to help carry out their mission. They are each led by a volunteer board of directors with farmers, public members, in many cases foresters, and a member of county government. The board identifies local conservation needs, decides which programs and services to offer, and develops a strategic plan.

Good morning and thank you for this opportunity to speak to the regulatory relationship between the State's forestry industry, local governments and county conservation districts.

In general the relationships between these entities are strong and I believe we have the tools to address specific issues as they are identified.

There are three categories I would like to discuss today: history, where we are today, and what can be done to keep the relationship mutually beneficial, recognizing the need for a reasonable regulatory culture, a healthy environment, and an economically viable and sustainable forest industry in Pennsylvania. I will begin with history.

History

The first conservation district in Pennsylvania was established in 1945, mainly working with farmers and the Soil Conservation Service to address soil erosion on farms. In the late 1970's the Pennsylvania Department of Environmental Resources, or DER, now the Pennsylvania Department of Environmental Protection, or DEP, entered into delegation agreements with county conservation districts throughout the Commonwealth to implement Chapter 102 (25 Pa. Code § 102) of the Clean Streams Law, regulations governing erosion and sedimentation control and stormwater management. Through this delegation agreement, the conservation districts administered the program for the agency. In the late 1980's and early 1990's conservation districts also began entering into delegation agreements to implement Chapter 105 of the Dam Safety and Encroachments Act for the stream encroachment and wetland program.

In the late 1980's the relationship between the forest industry and the DER was adversarial, with the DER focusing on enforcement and providing little or no guidance or education to the industry about how to comply with regulations. This was in direct conflict with the conservation districts' reputation of working with land users to reduce soil erosion and achieve voluntary compliance with environmental regulations.

In 1988, industry foresters with Procter & Gamble, working with the Bradford and Wyoming County Conservation Districts, piloted a private-public partnership to educate logging crews on how to comply with the Clean Water Act and related regulations. This initiative became known as Forestry and Conservation Together, or FACT. After a successful pilot of the program was completed in northeastern Pennsylvania, the program, sponsored by the forest industry in partnership with local conservation districts and PACD, gained acceptance. From the late 1980's to the mid 1990's, FACT workshops were held across the State, becoming the primary tool for conservation districts to educate the forest industry about erosion and sedimentation control.

In 1995, DEP was created. The culture shifted from 'enforcement first' to educating and encouraging voluntary compliance first, and using enforcement action as a last resort. Also in 1995, the Pennsylvania Sustainable Forestry Initiative, or PA SFI, established its Implementation Committee, or PA SIC, creating a framework to launch a Professional Timber Harvester Training program in Pennsylvania. This program was designed to educate Pennsylvania's logging workforce, giving them the tools they needed to operate safely and efficiently in accordance with all applicable rules and regulations and sustainably manage our forests for generations to come. These two events created the

opportunity for the forest industry, conservation districts, DEP, Penn State Cooperative Extension, and the Pennsylvania Bureau of Forestry to work cooperatively to develop education opportunities. Through this networking, using the FACT workshop as a format, a suite of supporting materials was developed, including the *Professional Timber Harvesters Action Packet*, the *Erosion and Sediment Control , Plan for a Timber Harvesting Operation* , the *Controlling Erosion and Sediment from Timber Harvesting Operations* pocket guide and *Best Management Practices for Silvicultural Activities* pamphlet. This resulted in the Environmental Logging component of the PA SFI Professional Timber Harvester Training Program. This training is now the primary outreach tool for conservation districts to reach the forest industry with erosion and sedimentation control training. This brings me to where we are today.

Where we are today

All 66 Conservations Districts have accepted the Chapter 102 & 105 delegation agreements. Specific to the forestry industry, conservation districts have worked with the industry using technical assistance and educational programs to achieve high levels of compliance with the Pennsylvania Clean Streams Law, the Dam Safety and Encroachments Act and the Fish and Boat Code. The goal is to achieve voluntary compliance and resolve issues before enforcement action is necessary.

In general the regulatory relationship between timber harvesters and conservation districts is strong. That said, there are isolated situations where the relationships are not optimal. In many situations, problems arise when a new Erosion & Sedimentation

Technician has little or no exposure to timber harvesting operations or when a timber harvester is inexperienced and is not knowledgeable about environmental requirements.

Unfortunately, many of the printed materials developed to educate the forest industry, conservation district staff, and partners, about statutory compliance are outdated and out of print. An effort to update these materials was initiated but is incomplete.

Conservation districts generally have good relationships with local government. Many conservation districts have developed Conservation Partnership Agreements with local municipalities to clarify the roles of conservation districts and municipalities related to timber harvesting. Any conflicts that I am aware of between the forest industry and local governments are related to local timber harvesting ordinances, road bonding and mud or stormwater runoff on public roads. Now, where do we go from here?

Where do we go from here?

Continuing education for the forest industry is the cornerstone of maintaining Pennsylvania's culture of compliance with the Clean Water Act and related regulations. Up-to-date resource material is a key element to that education effort. DEP needs to invest the resources and work with partners to review, update and publish guidance documents, including the *Erosion and Sediment Control Plan for a Timber Harvesting Operation*, the *Timber Harvest Operations Field Guide for Waterways, Wetlands and Erosion Control*, and the *Professional Timber Harvesters Action Packet*. Conservation districts and the PA SIC are eager to work with DEP to complete this process. The PA SIC currently has about 700 card-holders. These are individuals who have completed the core training and maintain their status by completing a minimum of 4 hours of continuing education every year. Updated

materials are needed so that these continuing education classes can address changes in the regulatory environment.

In addition to continuing education and updated materials for the forest industry, education for Erosion and Sedimentation, or E&S, technicians is needed. New E&S technicians need to develop an understanding of best management practices to control E&S on timber harvesting sites, and know how to effectively engage with the diverse workforce encountered on timber harvesting operations. In 2015, PA SIC partnered with DEP to present a session specific to timber harvesting at the annual Chapter 102 & 105 training. The training was well received by the participants. DEP should partner with PA SIC every other year to offer a session on working with the forest industry and all new E&S technicians should be required to attend.

Also, road stabilization, particularly on dirt and gravel roads, can be a challenge when the logging sites are close to public roads. PACD recommends that the Penn State Center for Dirt and Gravel Roads work closely with conservation districts, state agencies, and the PA SIC to reduce runoff from logging roads. In particular, PACD recommends development of a course, possibly by the Center, to proactively address reduction of runoff from logging activities.

In conclusion, the relationship between conservation districts, the forest industry, and our government entities is strong and benefits all partners. Conservation districts are constantly striving to improve water quality through program implementation for the forestry industry. Thank you again for the opportunity to speak before you today and I will be happy to answer any questions you may have.