

**PACD Legislative Committee
Videoconference Minutes
June 27, 2023**

Welcome and Roll Call

Chair Donna Fisher welcomed everyone and called the meeting to order with a quorum at 10:02 a.m.

Committee members present: Douglas Beri Jr., Indiana; Mary Burris, Lawrence; Donna Fisher, Blair; Thomas Herbert, Luzerne; Larry Kehl, Berks; Adam McClain, Adams; Tabby Shah, Clarion; Kelly Stagen, Pike; Christian Strohmaier, Chester; Christopher Thompson, Lancaster; Trevor Weaver, Mifflin

Guests present: Amy Brown, PACD; Molly Burns, PACD; Amanda Coleman, USDA-NRCS; Dean Druckenmiller, Berks; John Dryzal, Cambria; Marel King, Chesapeake Bay Commission; Josh Longmore, Luzerne; Brenda Shambaugh, PACD; David Stoner, Franklin

Minutes of the Previous Meeting

The minutes of the previous meeting on January 17, 2023, were provided for review.

It was moved by Kelly Stagen and seconded by Chris Strohmaier to approve the minutes of the January 17, 2023, meeting as presented. Motion carried.

Discussion on HB 677 Amending the Clean Water Act

Pennsylvania Director of the Chesapeake Bay Commission Marel King introduced herself and provided some information and background on HB 677:

- Bill sponsor Representative Sturla has introduced this piece of legislation several times.
- History: Farmers were concerned they would be required to fence in livestock. As a result the legislature amended the Clean Streams Law in 1980 to prohibit a fencing requirement.
- This bill is, in effect, a repeal of that prohibition in the Clean Streams Law.
- PA Farm Bureau and DEP have concerns with the bill as written.
- Rep. Sturla wants to know how we can improve the bill and is committed to working with stakeholders, including Farm Bureau and DEP, to bring them into agreement with the proposal. He is also willing to go to bat for funding.
- For example, currently it would allow both state agencies and municipalities to require fencing. Would it be better if only agencies could require animal exclusion, or perhaps to simply repeal the prohibition without going into specifics?
- The legislation requires ordinances to allow for crossings and off-stream watering.
- In March of 2023, Virginia passed legislation requiring “any person who owns property in the Chesapeake Bay watershed on which 20 or more bovines are pastured” to “install and



maintain stream exclusion practices sufficient to exclude all such bovines from any perennial stream in the watershed.”

The group discussed the legislation. Some items of discussion were:

- Question: With the level of voluntary compliance in Pennsylvania, is there a demonstrated need for this kind of ordinance?
- Municipalities may be interested in enacting an ordinance, but they will not want to enforce it. It is likely that DEP would be responsible for enforcement due to their authority under the Clean Streams Law. This may also involve conservation districts in enforcement.
- It would be helpful if Rep. Sturla could get some representatives from agricultural districts to sign on, as this legislation will likely make farmers feel they are being singled out.
- Because Virginia is, at least in part, the inspiration for this bill, the group discussed the differences between Virginia and Pennsylvania. Both are Commonwealths, but Pennsylvania has many more, and much smaller, subdivisions.
- Have PSATS or the Borough Association taken a position on the legislation?
- The group discussed the conservation district emphasis on voluntary compliance.
- Private sector incentives are very effective. When Turkey Hill began preferring farms that implement livestock exclusion practices, producers lined up to install them.
- More fully communicate to the general public the herd health and water quality benefits of fencing animals out of the streams.
- We will need secured funding to install the buffers, crossings, etc.
- Look for ways to tie in buffers as a tool for municipalities in achieving their MS4 requirements.
- Find a legislative co-sponsor from an Ag district for the bill.
- Garner support from PA Farm Bureau, DEP, and PDA.
- Promote the private sector incentivizing compliance through access to markets, premium on a product, and/or reduced fees for services.

It was moved by Chris Thompson and seconded by Mary Burris to adopt the following policy:

PACD recognizes the significant environmental benefit of streambank fencing, in a pasture used for grazing, to restrict livestock access to the stream. PACD supports education and incentives for voluntary installation of streambank fencing as opposed to legislation allowing administrative agencies of the Commonwealth and municipalities to require fencing along a stream.

Motion carried.

The policy will go to the PACD Fall Region Meetings for review by the membership.

State Budget Update

PACD Executive Director Brenda Shambaugh reported that PACD has been meeting with legislators and others to support conservation district funding, and both the House and Governor’s proposed budgets maintain conservation district funding levels. PACD is optimistic, but we have to wait to see what the Senate proposes. There is no indication that there will be a budget agreement in place by July 1. However, the Senate has expressed interest in getting the

budget out in a timely manner. House Republicans held a press conference Monday to say that funding for nonpreferred universities (such as Pittsburgh, Penn State, Temple, and Lincoln) is not automatic. Given this, negotiations will likely be contentious.

Review of Legislation PACD is Monitoring

PACD Executive Director Brenda Shambaugh provided highlights on several pieces of legislation PACD is currently monitoring:

- SB 350 – Third party review legislation – This legislation has passed the Senate and is in the House. PACD opposes this legislation and sent a letter to the House State Government Committee explaining our opposition.
- SB 286 – Redefines pollution – PACD opposes this legislation and sent a letter of opposition to the Senate Environmental Resources & Energy Committee.
- There seems to be some support for language in the budget or fiscal code to fund a statewide invasive species program, though it may not happen during this budget cycle. PACD also supports the implementation and funding for a statewide invasive species program. Brenda will continue monitoring the situation and keep the membership updated.

Adjournment

The meeting was adjourned at 11:22 a.m.