

**PACD Executive Council Meeting
Genetti Hotel, Williamsport, PA
July 18, 2019**

Call to Order

President Charles Duritsa welcomed everyone and called the meeting to order at 9:46 a.m.

Roll Call

Secretary Kelly Stagen called the roll. There were 44 districts represented, which constituted a quorum.

Minutes of the Preceding Meeting

Kelly Stagen presented the minutes of the January 31, 2019, meeting.

It was moved by Bill McFadden (Lehigh) and seconded by Jack Dehoff (York) to approve the minutes of the January 31, 2019, meeting. Motion carried.

Raffle Drawing and Special Presentation

1st Vice President Mike Price presented two awards for service to the association. Outgoing president, Chuck Duritsa, received a plaque recognizing his term as PACD President and thanking him for his service in that capacity. Don Koontz received an award thanking him for his 12 years of service to the association as a PACD board member.

President's Report

Charles Duritsa provided a brief report, noting that it was an honor to serve as president and thanking the PACD board, staff, and association members for their hard work.

Executive Director's Report

Executive Director Brenda Shambaugh thanked the board and staff and provided a brief report:

- She reported that PACD has significant funds remaining in the multifunction riparian buffer grant program and encouraged districts to contact Amy Brown at the PACD office for more information and to apply.
- The general assembly will not be in session again until the fall. There are several crucial issues to address in September when they return, and Brenda promised to keep in touch about these and other legislative issues.
- She shared the dates for the 2019 Leadership Development Management Summit, which will take place September 4-5, and the 2020 PACD/SCC Winter Meeting, which will take place on January 22-23. Both events will be held at the Wyndham Garden State College.



Treasurer's Report

Treasurer Sonia Wasco presented the financial reports for Fiscal Year 2018-2019 to the membership. She reported that 100% of conservation districts have paid their dues and thanked them all the districts for their financial support. She noted that, thanks in part to their support, PACD can maintain a sound financial position, as reflected in the financial reports before the membership. She noted that the audit has been scheduled and will be provided when it is complete. She then opened the floor for any questions.

It was moved by Ed Zinser (Sullivan) and seconded by Murray Laite (Mifflin) to accept the financial reports for Fiscal Year 2018-2019. Motion carried.

PACD Managers Meeting Report

Venango Conservation District Manager Lance Bowes provided the following report:

- The managers received a report on the Ad Hoc Communications Committee meetings with the State Conservation Commission.
- They discussed cooperative agreements.
- A contractor BMP list was discussed. It was reported that other districts do keep lists of contractors but do not make a habit of recommending any particular contractor.
- They discussed NRCS conservation planning.
- DEP individual listening sessions will be taking place soon. A list of questions will be provided ahead of time, so districts can prepare. DEP will then visit the districts and hear their comments on the Chapter 102 program.
- Discussed a new electronic system for archiving Chapter 102 information. This is a new initiative that has just begun, and we should be hearing more about this in the future.
- Discussed the spotted lanternfly program. Lehigh and Lancaster summarized their program and the grant funding they use.
- Discussed a NPDES PCSM loophole. There is an easement that needs to be signed for offsite discharges and a FAQ was distributed.

PACD Directors Breakfast Report

Charles Duritsa provide the report from the Directors Breakfast.

- He discussed the recently released Legislative Budget and Finance Committee report and noted that Brenda will email out the link to access the report.
- He reported that, during the breakfast, Eric Hansen presented on NACD programs and priorities, with a focus on Pennsylvania.
- During his presentation, Eric recognized Executive Director Brenda Shambaugh, who was instrumental in helping Pennsylvania's districts receive the grants available from NACD.
- He noted that Ron Rohall from Westmoreland Conservation District provided a report on the reauthorization of the abandoned mine land reclamation fund (Title IV of the Surface Mining Conservation and Reclamation Act) and its importance to Pennsylvania.

Reauthorization of Collection of Fees to the AML Reclamation Fund

President Duritsa opened the floor to the delegate from Westmoreland Conservation District, Ron Rohall, who asked that PACD support a resolution urging the reauthorization of the abandoned mine land reclamation fund. Brenda Shambaugh confirmed the proposed motion is supported by existing policy.

It was moved by Ron Rohall (Westmoreland) and seconded by Doug Beri (Indiana) to support the resolution urging the reauthorization of the abandoned mine land reclamation fund:

RESOLUTION URGING THE REAUTHORIZATION OF COLLECTION OF FEES TO THE ABANDONED MINE LAND RECLAMATION FUND

WHEREAS, Substantial coal mining has occurred in Pennsylvania for more than 130 years, and the industry has been a significant employer of our citizens for most of these years; and

WHEREAS, Abandoned mines pose hazards in Pennsylvania of dangerous shafts, mountains of black waste, scarred landscapes, acidic drainages polluting more than 5,500 miles of our streams and other hazards threatening human health and safety and depressing local economies; and

WHEREAS, At least 44 of Pennsylvania's 67 counties are affected by abandoned coal mines; and

WHEREAS, At least 1.4 million Pennsylvanians live within one mile of abandoned mine lands; and Pennsylvania's estimated cleanup cost is \$15 billion; and

WHEREAS, Abandoned mines and abandoned mine lands create negative impacts on local economies by destroying recreational opportunities, lowering land values, leaving desolate communities once the mines are exhausted and ruining sites for further residential, forestry, commercial or agricultural uses, and threaten the human health and safety of people living in our coal field communities; and

WHEREAS, Reclamation of abandoned mine sites can add to the economy by creating jobs, increasing community pride, increasing property values, decreasing stress-related costs through stream-based recreation, restoring the health of the environment and providing future sites for commercial or industrial endeavors; and

WHEREAS, Congress established the Abandoned Mine Reclamation Fund under Title IV of the Surface Mining Control and Reclamation Act of 1977 to reclaim areas abandoned before 1977 and the modern environmental standards requiring mine operators to reclaim their sites; and

WHEREAS, The Surface Mining Control and Reclamation Act of 1977 imposed on coal operators a fee of 35 cents per ton on surface mined coal, 15 cents per ton on underground mined coal, and 10 cents on lignite to provide a source of revenue for the Abandoned Mine Reclamation Fund to help finance the reclamation and remediation of lands mined prior to 1977; and

WHEREAS, The Scope of the abandoned mine problem continues to outpace available resources; and

WHEREAS, In 2006, the Congress of the United States reauthorized the Surface Mining Control

and Reclamation Act of 1977 to extend fee collection through 2021, increase the “Set Aside” for acid mine drainage from 10% to 30%, and provide for mandatory distribution of AML funds; and

WHEREAS, *The fees collected and deposited into the federal AML Fund are derived from a per-ton fee assessed on each ton of coal mined by the active mining industry and can only be used for purposes authorized under Title IV of the Surface Mining Control and Reclamation Act. The AML Fund is not derived from a tax and is not funded from the US Treasury.; and*

WHEREAS, *The collection of fees on mined coal applied to Abandoned Mine Reclamation Fund under Title IV of the Surface Mining Control and Reclamation Act of 1977 is set to expire in 2021; and*

WHEREAS, *Pennsylvania has relied upon the Abandoned Mine Reclamation Fund as a primary source of money to clean up toxic mine water in our water supplies, restore land, extinguish mine fires and eliminate other dangerous abandoned mine hazards.*

NOW THEREFORE BE IT RESOLVED: *The Pennsylvania Association of Conservation Districts* *urges Congress of the United States to reauthorize the collection of fees on mined coal at the restored 1977 levels of 35 cents per surface mined, 15 cents deep mined, and 10 cents on mined lignite; and*

FURTHER: *That the collection of fees be for at least 15 additional years and through 2036; and*

FURTHER: *The SMCRA Title IV grants should be exempt from sequestration and all Title IV sequestered funds should be given back to the states, retroactive to FY 2013; and*

FURTHER: *That the mandatory distribution for minimum program states be raised to \$5 million; and*

FURTHER: *That a direct line item for emergency projects be established in OSMRE's budget to reflect the need for remediating AML emergencies in all states and tribes.*

FURTHER: *That mandatory distribution of future allocated reclamation fees continues for the intended purpose of cleaning up abandoned mine problems; and*

FURTHER: *That the annual distribution of funds continues to be formulated to adequately address the abandoned mine problems of all states and to allow the states with the most problems to correct them much more quickly; and*

FURTHER: *That the current definitions of Reclamation Priorities be maintained to adequately correct all land and water problems created by abandoned mines including water polluted by acid mine drainage; and*

FURTHER: *That future allocations from the Abandoned Mine Reclamation Fund be used by the states in ways that promote reclamation, leverage private investment, and encourage*

development where appropriate, and to be used to complement or match other funds available for redevelopment of abandoned mine land sites; and

FURTHER: *That transfer of interests generated on the Fund be maintained to the Combined Benefit Fund to defray health costs for retired miners and their dependents whose companies have bankrupt or are no longer in business.*

FURTHER: *That the SMCRA 30% Set-Aside option be maintained.*

NOW, THEREFORE BE IT RESOLVED *that:*

the undersigned organization/ interested citizen/ government entity urges Congress to reauthorize SMCRA Title IV fees and restore the fees to their 1977 levels and provide those funds to the Commonwealth for the purposes for which they were collected.

Motion carried

PACD Operations Committee Report

PACD Operations Committee Chairman Mike Price provided a report:

- The committee met with a quorum on July 17, 2019.
- The committee reviewed a proposed policy opposing third-party reviewers. This proposal was approved by all six PACD regions and will come before the council during the Legislative Committee Report.
- The committee reviewed the proposed budget for Fiscal Year 2019-2020, which will come before the council later in the meeting.
- The committee reviewed the three-year dues proposal, which was approved by all six PACD regions and will come before the council later in the meeting.
- The committee had motions for PACD Executive Council. Both originated from the PACD Executive Board and were reviewed and approved by all six PACD regions.

Environmental Stewardship Fund – State Agency Funds

It was moved by Mike Price (Beaver) and seconded by Doug Beri (Indiana) to approve the following policy:

PACD continues to support utilizing the Environmental Stewardship Fund (ESF) to fund the Growing Greener program and its success in assisting local communities with natural resource projects. We philosophically oppose using funding from the ESF to pay for state agency administration.

Motion carried.

Environmental Stewardship Fund – District Funding

It was moved by Mike Price (Beaver) and seconded by Bill Clauser (Clearfield) to approve the following policy:

PACD supports conservation district funding to remain in the PA Department of Environmental Protection (DEP) fund and continue with the existing DEP funding structure.

Motion carried.

PACD Conservation Committee Report

PACD Conservation Committee Chairman Josh Longmore provided a report:

- The committee met with a quorum on July 17, 2019.
- The committee received a report from John Dryzal, Cambria County Conservation District Manager, who asked for letters of support for HB 1481 and SB 618, which propose to extend and update Pennsylvania's coal refuse energy and reclamation tax credit. PACD already has policy to support this effort.
- The committee received a report on the 2018 Farm Bill and national priorities from Eric Hansen with NACD.
- The committee received a report from Adam Shellhammer, Monroe Conservation District Manager, about solid fill issues in the northeast. Monroe and other northeastern counties are seeing a lot of contaminated fill coming in and an increase in illegal dump sites.
- The committee passed a motion to support legislation to raise Pennsylvania's clean fill standards to be in line with New Jersey, New York, and other neighboring states. This motion will go to the Fall PACD Region Meetings.
- The committee received a report from Adam Shellhammer on Chapter 102 ePermitting. The current goal date for release is November 2019.
- Venango Conservation District Manager Lance Bowes reported on discussion about how to work with non-governmental organizations rather than compete with them for funding for projects/work that districts have traditionally done.
- The committee received an update on the PAG-01 from Brenda Shambaugh, who is on the Ag Advisory Committee subcommittee to review the proposed PAG-01 update.
- Piper Sherburne with Berks reported that the lanternfly has been officially added to NACD's invasive species list.
- The committee had no motions to bring before the council.

PACD District Employees Committee Report

PACD District Employees Committee Chairwoman Sandy Thompson provided a report:

- The committee met with a quorum on July 17, 2019.
- The committee received a report from Doug Berry with Indiana County Conservation District suggesting the districts should complete a Diversity, Equity & Inclusion (DEI) Survey.
- Doug will supply an example survey from the clean water coalition and a survey will be created and sent out to managers. The committee will review the results in January.
- Amy Brown with PACD provided highlights from a written report on upcoming training opportunities PACD is coordinating for conservation districts.
- Matt Miller with PACD provided an update on leadership development events and planning.
- The committee had a lengthy discussion on the past salary survey, whether a new survey is needed, and/or if the committee wants to recommend hiring a consultant to provide districts advice on human resource questions, such as retirement, salary, flextime, and employee

retention. The committee formed a small sub-committee comprised of Gretchen Schatschneider, Michele Long, Holly Kaplan, and Bill Royer, to review these questions and report back to the committee in January.

- The committee received a report from Michele Long about the QuickBooks workgroup the committee requested be formed by the SCC. The workgroup has been formed and will meet at the end of July to discuss a standard chart of accounts for districts.
- The committee had no motions to bring before the council.

PACD Education and Outreach Committee Report

PACD Education and Outreach Committee Chairwoman Laura Anderson provided a report:

- The committee met with a quorum on July 17, 2019.
- They had a special guest speaker Tammie Pepper, the Environment and Ecology Content Advisor at the PA Department of Education. Tammie spoke to the group about the assistance she can provide to conservation districts. She is very interested in working with us.
- The PA Game Commission is working with PACD to house wildlife education trunks at conservation district offices that want one. The trunks include furs, skulls, and tracks. District managers will have the opportunity to sign-up for the trunks this fall.
- The committee had no motions to bring before the council.

PACD Legislative Committee Report

PACD Legislative Committee member Adam Schellhammer provided a report on behalf of Chairwoman Donna Fisher.

- The committee met with a quorum on July 17, 2019.
- The committee received an update on the State Budget.
- Brenda Shambaugh provided an update on the PA Farm Bill and Restore PA. The Executive Board passed an interim motion supporting conservation provisions of the PA Farm Bill and Restore PA proposals. The PA Farm Bills passed the General Assembly and most of them were signed by the Governor.
- Brenda reported that we may see legislation on moving responsibilities for some agricultural permits from DEP to the SCC. It was noted that this change will need to come with additional funding to create the capacity for the SCC to handle these duties.
- The committee discussed the Legislative Budget and Finance Committee Report, which made 16 recommendations to address what they consider deficiencies in the current process.
- Brenda reported on HB 414, which proposes that any E&S permit developed by a professional engineer will be deemed approved after 20 days if not acted upon before then. The South East and North East passed a motion to oppose automatic E&S permit approval, and the other four regions will consider a motion during the fall meetings.
- Brenda reported on HB 1481 and SB 618, which propose to extend and update Pennsylvania's coal refuse energy and reclamation tax credit. John Dryzal, Cambria Conservation District Manager, stated the need for the tax credit increase to assist with refuse disposal. PACD already has policy to support this effort and will send a letter of support.
- SB 619 recently passed the Senate to redefine the term "pollution" in the Clean Streams Law, allowing for small accidental discharges not to be considered a reportable incident. The Committee passed a motion opposing legislation allowing for unreported discharges, spills, or releases into waters of the Commonwealth that are not authorized by a DEP permit. This proposed policy will go to the Fall PACD Region Meetings.

- Doug Beri reported that Indiana County Conservation District passed a motion to support reauthorization of the mine reclamation act. PACD has policy supporting this and Brenda encouraged everyone to send a letter.
- The committee had one motion to bring before council, which was reviewed and approved by all six PACD regions.

It was moved by Adam Schellhammer (Monroe) and seconded by Blaine Smith (Blair) to approve the following policy:

PACD opposes third-party permit reviewers, such as those proposed in House Bill 1959 (2018-2019 Session) now House Bill 509 (2019-2020 Session).

Motion carried.

PACD Ways and Means Committee Report

PACD Ways and Means Committee Chairwoman Sonia Wasco provided a report:

- The committee met with a quorum on July 17, 2019.
- The committee received a report on the PACD Front St. property from Bill McFadden.
- Bill McFadden gave an update on the sale of the Front Street property, and the committee voted to support the PACD Executive Board's decision to lower the listing price to \$495,000, and to reduce it by another 10% if the property is not under contract within 60 days.
- The committee reviewed the 2019 Spring PACD Region Meeting Summary.
- The committee reviewed the draft financial reports for July 2018-June 2019. Final amounts will be determined after the audit is completed.
- The committee reviewed the three-year dues schedule, which was approved by all six regions, and recommended that it be approved by the Executive Council
- The committee reviewed the draft budget for Fiscal Year 2019-2020, with projections for 2020/2021 and 2021/2022, and recommended that it be approved by the Executive Council
- The committee recommended that PACD add Capital Improvements as a new line item and to increase the amount for technology upgrades for the 2020-2021 budget.
- The committee had no motions to bring before the council.

Proposed Three-year PACD Dues

A draft three-year dues schedule was provided for review.

It was moved by moved by Sonia Wasco (Lancaster) and seconded by Murray Laite (Mifflin) to approve the proposed three-year PACD dues: to increase the dues by \$65 per district in FY 2019-20, by \$55 per district for fiscal year 2020-21, and by \$45 per district for FY 2021-22, with the PACD Ways and Means committee reviewing the dues on an annual basis. Motion carried.

Proposed PACD Budget for Fiscal Year 2019-2020

A draft PACD Budget for Fiscal Year 2019-2020 was provided for review.

It was moved by Sonia Wasco and seconded by Donna Zofcin to approve the proposed PACD budget for Fiscal Year 2019-2020. Motion carried.

Election of Officers

PACD Nominating Committee Chairman Ron Rohall presented the following slate of candidates:

- Mike Price, President
- Kelly Stagen, 1st Vice President
- Dennis Beck, 2nd Vice President
- Chuck Duritsa, Secretary

Sonia Wasco will continue as Treasurer. (Treasurers serve a two-year term. Sonia will be up for reelection in July of 2020.)

It was moved by Blaine Smith (Blair) and seconded by Doug Beri (Indiana) to close nominations. Motion carried unanimously.

It was moved by Tom McClure (Erie) and seconded by Sam Worley (Franklin) to approve the slate of candidates as presented. Motion carried.

Report from the PA Department of Environmental Protection

DEP Deputy Secretary for Water Programs Aneca Atkinson provided the following report:

- Aneca provided an update on the PAG-01, PAG-02, and NPDES permits.
- Section 319 non-point source grants are open.
- DEP has hired an individual to serve as dedicated information technology staff to work on Chapter 105 ePermitting.
- They will be changing the process of how districts are paid for Chapter 105 permits.
- She reported on funding for districts through various programs.
- Aneca reported that DEP is working to be more efficient with their existing staff, and they are examining the conservation district field representative positions and vacancies.
- It was noted that you can still use the PAG-01 without an approved Act 167 plan, but the timeline will be different. In addition, HQ/EV watersheds are not eligible for PAG-01 but DEP is looking at an individual permit that follows similar format.

DEP Conservation District Support Section Chief Fred Fiscus provided the following report:

- DEP Small Business Advantage Grant Program – The grant round should be opening next week. These are grants for projects to reduce nutrients and sedimentation in waterways, with a total of \$1 million available. Farmers and small businesses are eligible. The grant program will reimburse fifty percent of materials and equipment; labor is not reimbursable. The program can be combined with certain other non-commonwealth funding streams.
- Districts received over \$60 million in state and federal funding over the last year.
- There is a workgroup meeting to create a standardized chart of accounts for conservation districts on July 30

Report from the PA State Conservation Commission

SCC Executive Secretary Karl Brown provided the following report:

- He thanked the PACD board and staff for coordinating the meeting.

- He thanked the districts who got projects on the ground to implement the remaining money in the Dirt, Gravel, and Low Volume Roads Program.
- He noted the leadership development committee had a productive meeting the day before the conference.
- He discussed the PA Farm Bill, which will provide about \$6 million for conservation work.

Report from the USDA Natural Resources Conservation Service

Denise Coleman provided highlights from her written report:

- NRCS is working on Environmental Watershed Protection (EWP) projects around the state.
- They are wrapping up the fiscal year and it looks like they put out \$35-40 million in financial assistance over the past fiscal year.
- She asked for volunteers to test out some products for gully erosion.
- She offered to meet with districts to help with privacy act provisions related to conservation plans and cooperator plans.

Report from the National Association of Conservation Districts

NACD Government Affairs Manager Eric Hansen thanked everyone for having him to the meeting and provided the following comments:

- He noted that Pennsylvania brings a great deal to the national association and thanked NACD Director Cliff Lane (McKean), 1st Vice President Kelly Stagen (Pike), South East Region Director Piper Sherburne (Berks), and Past PACD President Ron Rohall (Westmoreland) for their contributions on the national level.
- He noted that the technical assistance grant round went well for Pennsylvania, and thanked Brenda for her work to get that program up and running in Pennsylvania. The program has allocated almost half a million dollars to Pennsylvania over two years – the most of any northeastern state.
- He also reported that almost a quarter of a million dollars in urban grants have gone to Pennsylvania over three rounds of funding.
- He is excited to continue working on federal issues and encouraged districts to please meet with their members of congress and educate them about conservation districts. He offered his assistance in providing talking points and materials and noted there is a guide to help meet with your federal legislators on the NACD website.

Adjournment

It was moved by Murray Laite (Mifflin) and seconded by Ted Veresink (Northampton) to adjourn the meeting at 11:00 a.m. Motion carried.