

**PACD Executive Council Minutes**  
**Wyndham Garden State College, Boalsburg, PA**  
**January 23, 2020**

**Call to Order**

President Mike Price welcomed everyone and called the meeting to order at 9:45 a.m.

**Roll Call**

Secretary Chuck Duritsa called the roll and announced that a quorum was present, with 51 conservation districts represented.

**Minutes of the Preceding Meeting**

Secretary Duritsa presented the minutes of the previous meeting on July 18, 2019, for review and approval.

*It was moved by Murray Laite (Mifflin) and seconded by Todd Thornburg (Washington) to approve the minutes of the July 18, 2019, meeting as presented. Motion carried.*

**President's Report**

President Price thanked everyone for coming and thanked the PACD staff for their hard work. He reported that the association is financially sound and that the property at 25 North Front Street is under contract and settlement is set to take place before January 31, 2020. He asked everyone to please approach him or Brenda at any time with any concerns or items to discuss.

**Executive Director's Report**

Executive Director Brenda Shambaugh provided the following report:

- She thanked the membership for their support, the executive board for their leadership, and the staff for their hard work.
- PACD has approximately \$526,000 for the DCNR Riparian Buffer Grant program. Any district interested in receiving a grant, please contact Amy at the PACD Office.
- PACD applied for a Growing Greener Grant to fund buffer maintenance and an NRCS RCPP grant pertaining to soil health and are waiting for those grant announcements.
- The conservation district highlights pages will be sent individually to every member of the PA General Assembly, and collectively to the Governor's Office and related agencies soon.
- Brenda highlighted the recent House Agriculture Committee information session on conservation activities and operations. She thanked Blair Manager Donna Fisher, McKean Manager Sandy Thompson, and Lancaster Manager Chris Thompson, and reported they did a phenomenal job representing the districts.
- State budget time is quickly approaching, and the Governor will give his budget address to the General Assembly on February 4. PACD has already contacted the Governor's office to



emphasize the need to adequately fund the conservation districts. As always, PACD will provide districts with template letters and legislative updates as June 30 approaches. In the meantime, Brenda asked people to please plan on speaking with their elected officials sometime this spring.

- Conservation District Week will be held May 3-9, 2020, and Capitol Legislative Day will be held on May 6. Brenda asked members to consider participating in the event, either by coming to Harrisburg to talk to legislators in the Capitol, or by organizing a legislative meeting or event in their home counties.
- The 2020 PACD/SCC Joint Annual Conference will be held on July 22-23 at the Wyndham State College.

### **Treasurer's Report**

Treasurer Sonia Wasco presented the December 31, 2020, financial statements for review and provided the following report:

- As of January 14, 2020, PACD has \$87,210 of the \$147,000 in dues received from 38 districts. This is in line with expectations. She thanked everyone for their dues and financial support and reported that, thanks in part to district contributions, PACD is in a sound financial position.
- The audit was completed and PACD once again received a clean audit with no findings. The full audit report was provided to the PACD Audit Committee and the PACD Executive Board. In order to save paper, hard copies were not provided to Council, but anyone interested in receiving a copy may do so at any time by contacting the PACD office.
- The PACD Executive Board and PACD Ways and Means Committee have begun to make recommendations as part of the budget process for next fiscal year.

*It was moved by Sam Worley (Franklin) and seconded by Bill McFadden (Lehigh) to accept the PACD Treasurer's Report. Motion carried.*

### **Report from the PACD Managers Meeting**

Pike County Conservation District Manager Michele Long provided the following report:

- The group discussed the SCC Advisory Committee. They are hopeful about this opportunity to improve communication between conservation districts and the SCC.
- They discussed the proposed policy on unreported discharges.
- They discussed updates to PAG-01 and PAG-02 and the accompanying SOPs.
- They would like PACD to send a letter to Secretary McDonald addressing concerns about the rollout of the new permits and SOPs and to request training for district staff and the regulated community. Communication between regional offices and districts also remains a concern.
- They addressed the Chapter 102 evaluations performed by DEP. Two have been completed and no others have been scheduled. Districts are reviewing their internal procedures, as well as materials provided by DEP, to prepare for the evaluations and ensure they are meeting requirements. The districts ask DEP to note that two weeks' notice is not adequate to prepare.
- Districts are happy to be involved early in discussions about Chapter 105 updates.
- The managers would like the new SCC Advisory Committee to meet prior to the March SCC meeting to review the annual funding spreadsheet and reporting requirements.

## **Report from the PACD Directors Breakfast**

President Price reported that Jessica Espenshade from the National Wildlife Federation provided an excellent presentation at the Directors Breakfast. She discussed selling conservation to farmers and landowners who are resistant to new practices, such as cover crops and rotation. He thanked both Ms. Espenshade for presenting and Matt Miller from the Leadership Development Committee for arranging for the presentation.

## **PACD Conservation Committee Report**

Committee Chairman Josh Longmore provided the following report:

- The PACD Conservation Committee met on January 22, 2020 with a quorum.
- Jennifer Weld shared information about the PA One Stop manure management module. They are looking for 6-8 district employees who are actively involved in educating farmers and developing manure management plans. Brenda will be sending out an invitation to participate, along with more details, after the meeting.
- The committee discussed the PAG-01 and PAG-02 and accompanying SOPs.
- Brenda provided an update on the PACD Ad Hoc E&S Committee. The ad hoc committee met twice via conference call and identified items to be addressed both legislatively and non-legislatively but wants to see how the new PAG-01, PAG-02, and SOPs change the process before moving forward.
- Piper Sherburne reported that the PA Invasive Species Council voted to investigate the feasibility of Pennsylvania's conservation districts setting up cooperative invasive species management areas as they have in other states like New York. The committee voted to support the PACD Executive Board's motion to encourage the PA Department of Agriculture and related agencies to develop a delegated agreement with conservation districts to provide funding and authority to battle invasive species. This will go before the membership during the spring region meetings.
- The committee discussed the recent enforcement of existing federal Highway Beautification Act, which has resulted in many signs, including watershed boundary signs, being removed along certain roads or highways. Brenda will investigate what options we may have to address this issue.
- The PACD Legislative Committee will be bringing forward a proposed policy on unreported discharges. The PACD Conservation Committee recommends that the council strike the words "or regulations" from the policy, as this may cause unintended consequences. Adam McClain will speak to this issue during the Legislative Committee report.
- Josh reported the committee had one motion before the Council. All six PACD regions voted to support this policy, which was originally proposed by the PACD Conservation Committee on July 17, 2019.

*It was moved Todd Deluccia (Cameron) and seconded by Erica Tomlinson (Tioga) to adopt the following policy:*

*PACD supports legislation to raise Pennsylvania's clean fill standards to be in line with New Jersey, New York, and other neighboring states.*

*Motion carried.*

## **PACD District Employees Committee Report**

Chairwoman Sandy Thompson provided the following report:

- Amy Brown provided highlights from a written report on upcoming conservation district training opportunities through PACD.
- Matt Miller provided an update on Leadership Development events and planning, including the 2020 Staff Conference and New Manager Training bootcamp.
- The committee discussed the results of the salary and benefits survey and the challenges involved with gathering data from private industries and the difficulty of comparing that data with district data. The committee would like to present the survey results at the 2020 Management Summit, along with a panel discussion about staff retention tools.
- Sandy Thompson and Doug Beri reviewed the draft Diversity, Equity & Inclusion (DEI) Survey. Doug will make changes as necessary, pending further comment by February 14, and the committee will plan to send the survey out to districts again in March.
- Sandy Thompson suggested that the committee compile a list of training needs to be communicated to PACD.

## **PACD Education and Outreach Committee Report**

Acting Chairman Bob Robinson provided the following report:

- The PACD Education and Outreach Committee met on January 22, 2020, with a quorum.
- Kelly Stagen reported on the conservation district booth at the PA Farm Show. Thirteen conservation districts sent representatives to staff the booth where a “compost, recycle, or trash” cornhole game debuted. Everyone is encouraged to volunteer next year.
- The PA Game Commission offered conservation districts the opportunity to host Urban Wildlife Kits and 61 districts agreed to host a kit. Kits will be available for pick-up at the staff conference in February.
- PACD wrote a \$3,000 DEP environmental education grant for template watershed project signage. If funded, sign topics will include buffers, macroinvertebrates, and fish structures. The templates will be available for districts to use and change as much as they’d like.
- Cathy Yeakel gave a dynamic presentation on Bradford County Conservation District’s eels in the classroom pilot project.

## **PACD Legislative Committee Report**

Chairwoman Donna Fisher provided the following report:

- The PACD Legislative Committee met on January 22, 2020 with a quorum.
- Brenda Shambaugh provided a general legislative update and thanked everyone who submitted their 2019 highlights pages.
- Brenda reported Donna Fisher, Sandy Thompson, and Chris Thompson did a wonderful job presenting on district programs during the House Ag and Environment Committee information session. PACD hopes to coordinate a similar session with the Senate committee.
- Brenda is keeping an eye on several pieces of legislation:
  - HB 960 would move agricultural permitting responsibilities from DEP to the SCC
  - HB 509 proposes third-party permit review
  - SB 891 would create a statewide expedited review process
  - HB 414 would allow for automatic approval of E&S permits if reviewed by an engineer
  - HB 1107 would disband the DEP permit process, eliminate those related positions, and create a five-person permitting commission

- Brenda also provided an update on the PACD Ad Hoc E&S Committee. The ad hoc committee met twice via conference call and identified items to be addressed both legislatively and non-legislatively but wants to see how the new PAG-01, PAG-02, and SOPs change the process before moving forward.
- Donna reported the committee had one motion to bring before the council. This policy was created in response to Senate Bill 619, which redefines the term “pollution” in the Clean Streams Law and creates a threshold below which a spill or discharge would not need to be reported to DEP. All six PACD regions voted to support this policy, which was originally proposed by the PACD Legislative Committee on July 17, 2019.

*It was moved by Murray Laite (Mifflin) and seconded by Bill McFadden (Lehigh) to adopt the following policy:*

*PACD opposes legislation or regulations allowing for unreported discharges, spills or releases into waters of the Commonwealth that are not authorized by a DEP permit.*

Discussion: The PACD Legislative Committee and the PACD Conservation Committee both voted to recommend the council strike the words “or regulations” from the policy, as this may cause unintended consequences that would hurt some conservation projects. Adam McClain provided additional information on this issue to the council.

*It was moved by Adam McClain (Adams) and seconded by Kelly Stagen (Pike) to amend the original motion by striking strike the words “or regulation” from the proposed policy, so that it reads:*

*PACD opposes legislation allowing for unreported discharges, spills or releases into waters of the Commonwealth that are not authorized by a DEP permit.*

*Motion carried.*

*The original motion, as amended, was put to the vote. Motion carried.*

### **PACD Operations Committee Report**

Chairwoman Kelly Stagen provided the following report:

- The PACD Operations Committee met on January 22, 2020, with a quorum.
- The committee reviewed proposed policy on three issues and forwarded them to PACD Executive Council for consideration.
- Kelly reported that the committee had one item to bring before the council. During the Fall 2019 PACD Region Meetings, three regions passed potential policy in response to SB 891, which proposes an expedited review process by establishing an Advanced Permit Review Program and an Advanced Permit Review Fund. Three potential policies were presented, and Kelly explained the procedure to be followed.

*It was moved by Bill McFadden (Lehigh) and seconded by Piper Sherburne (Berks) to adopt the following policy:*

*PACD opposes Acts amending Title 27 of the PA Consolidated Statutes establishing advanced permit review programs and advanced permit review program funds unless they address conservation district concerns.*

*Motion carried 25 to 21.*

As the first policy was adopted, no vote was taken on the other two proposals, which were:

From the North West: PACD will negotiate and create a productive amendment for SB 891, involving conservation districts in the review and permitting process for expedited reviews.

From the South West: PACD opposes the formation of a statewide expedited review program.

### **PACD Ways & Means Committee Report**

Chairwoman Sonia Wasco provided the following report:

- The PACD Ways and Means Committee met on January 22, 2020, with a quorum.
- The committee reviewed the draft financial reports for July 2019-December 2019.
- The committee reviewed the draft budgets for Fiscal Year 2020-2021 and 2021-2022,
- The committee voted to recommend to the PACD Executive Board that, after the sale of the Front Street property is final, the net total of budget line items eliminated by the sale be utilized as follows: 75% of this net amount to be used for the creation of a line for Capital Improvements and 25% be added to the line for Technology Upgrades.
- The committee decided to table the review of the three-year dues structure until after the sale of the building.
- The committee reviewed the staff wage percentage breakdown.
- The committee discussed the roles and responsibilities of the Ways and Means Committee and explored new funding opportunities as well as starting the process of a PACD contingency plan.
- The Ways and Means Committee had no motions to bring before the council.

### **PA State Conservation Commission Report**

Executive Secretary Karl Brown provided a report:

- He thanked everyone for participating and PACD for planning the event.
- He also thanked the members of the new SCC Conservation District Advisory Committee for their participation.
- Karl noted that everyone got their audits in on time and he thanked them for that.
- He discussed the activities of the SCC staff, who have been spending some time on the PA Farm Bill.
- He noted that the Governor's Restore PA proposal addresses critical infrastructure needs and Karl encouraged district boards to review it if they haven't already.

### **PA Department of Environmental Protection Report**

Fred Fiscus provided a report:

- DEP is still gathering requirements and developing ePermitting for Chapter 102. They expect the beta system to be available for testing later this year. Training on ePermitting will be

provided via the Clean Water Academy (CWA).

- PAG-02 is out. PAG-01 is under final review and may be released in the next two weeks. Two two-hour webinars have been held on PAG-02 and are posted on the CWA along with two Q&A documents to address questions raised during the webinars. DEP plans to provide similar training on PAG-01.
- If districts have would like to see specific information covered in additional training on the new permits, please let DEP know.
- Fred reminded everyone that the instruction documents for the NOI include more detailed information than in the past, and that these are also available on the CWA.
- DEP thanks the districts who sent in letters of support for the vacant field rep positions. They agree that they are an invaluable resource. DEP appreciate the feedback and will it into consideration in any decisions made going forward.
- Chapter 102 delegation agreement evaluations will begin in earnest this year. The district will receive a draft report after each evaluation prior to DEP finalizing the report.
- DEP is seeking district members for three of the state water plan committees.

### **USDA Natural Resources Conservation Service Report**

Denise Coleman provided highlights from a written report.

- She noted that Congress has revived the PL566 program, an old watershed and flood prevention program that existed from the 40s to the 70s. While we are not in the business of building dams, we do restore wetlands and do watershed work to slow down waterflow. If folks are interested in a long-term proactive approach to land treatment and flood prevention, she recommends looking into this program. Eligibility is broader than EQIP. They are looking for local sponsors for this program.
- They are looking for more vendors for culvert projects.
- NRCS has a lot of GIS information available. If folks are looking through their WIPs and county plans, please consider this data a resource.
- Denise reported on the soil vulnerability index, which looks at the vulnerability of soils on a watershed level. This process determines what is left to do in a watershed or county by overlaying aggregate data on conservation practices on top of soil conditions. This is a new tool and a new way of looking at area-wide planning. Please see Denise if you are interested.

### **Adjournment**

*It was moved by Murray Laite (Mifflin) and seconded by Gretchen Schatschneider (Bucks) to adjourn the meeting at 11:03 a.m. Motion carried.*