

**PACD Legislative Committee  
Video Conference Minutes  
July 12, 2022**

**Welcome and Roll Call**

Chairwoman Donna Fisher welcomed everyone and called the meeting to order with a quorum at 1:00 p.m.

*Committee members in attendance:* Mark Hamilton, Tioga; Larry Kehl, Berks; Kelly Stagen, PACD/Pike; Douglas Beri, Indiana; Jonathan Burgess, Allegheny; Adam McClain, Adams; Christian Strohmaier, Chester; Christopher Thompson, Lancaster

*Guests in attendance:* Brenda Shambaugh, PACD; Caitlin Skibiel, DEP; Chris Snyder, Juniata; David Stoner, Franklin; Denise Coleman, NRCS; Donna Fisher, Blair; Janet Creegan, DEP; John Dryzal, Centre; Josh Longmore, Luzerne; Karl Brown, SCC; Nick Yeagy, PACD; Molly Burns, PACD; Shaun Wessell, Jefferson

**Minutes of the Previous Meeting**

The minutes of the January 12, 2022, meeting were provided for review.

*It was moved by Adam McClain and seconded by Chris Strohmaier to approve the minutes of the January 12, 2022, meeting as presented. Motion carried.*

**State Budget Update**

Brenda Shambaugh reported the recently approved state budget incorporates an increase of over 300% for conservation districts! This is a huge accomplishment, and we could not be happier. Brenda will follow up with the membership to help them thank their legislators. Kelly thanked Brenda for spearheading and coordinating district activities, including the Legislative Ad Hoc Committee. Thanks are also due to the Ad Hoc Committee and the district managers and directors who contacted their legislators in support of this funding.

The general assembly also passed the implementing legislation, also known as the fiscal code, which was signed by the Governor. This included the Agricultural Conservation Assistance Program (ACAP), which includes funding for stormwater, nutrient management, and other environmental practices. PACD has actively supported this program.

Karl Brown with the SCC reported the SCC has standing authority for the Conservation Excellence Grant (CEG) program and ACAP. As it stands, they plan to move forward with both programs. He reported they are working on Conservation District Fund Allocation Program (CDFAP) allocations, keeping in mind that this increase may or may not continue in future years.



The SCC has convened a meeting of the Conservation District Managers Advisory Committee (CDMAC) for this Friday, July 15, to review the proposed allocations.

### **Stream Flooding Legislative Package**

The stream flooding legislative package, which incorporates all the below pieces of legislation, has gone to the Senate Environmental Resources & Energy Committee. Any or all pieces could be adopted when the legislature returns in September. Rep. Owlett requested our endorsement for all of these pieces of legislation early on in the process. Due to the tight time-frame, Brenda put together a small sub-committee to review the pieces of legislation and determine whether we are in support, or are neutral on, each piece.

- HB 2404 Owlett – Allows for local government organizations to apply for a permit for continuing maintenance for a period of at least 10 years for the streams within their jurisdiction. This permit will grant an affirmative duty to the local government entity to properly maintain the streams and will not require the local government to get pre-approval for maintenance projects.
- HB 2405 Pickett – Creates a program that allows counties to opt in to address hazards within their streams by allowing for emergency maintenance permits in consultation with their county conservation district.
- HB 2406 Fritz – Creates a permit specific to smaller maintenance projects for the mitigation of flood-related hazards of less than 250 linear feet. This permit shall be reviewed and issued by the local county conservation district.
- HB 2407 Hamm – Clarifies that the PA Fish and Boat Commission has no authority for permitting or enforcement related to stream clearing or maintenance activities. This authority shall belong solely to the Department of Environmental Protection and the county conservation districts as appropriate.
- HB 2408 Armanini – Declares that no permit or authorization shall be required for maintenance activities conducted on a culvert.
- HB 2409 O’Neal – States that no permit shall be required for the removal of flood-related hazards from streams that are deemed to be an emergency by a state or county.
- HB 2410 Smith – States that no permit shall be required for stream maintenance activities conducted 50 feet or less upstream or downstream of a bridge or culvert.
- HB 2411 Hershey – Requires the Department of Environmental Protection to issue an annual report to the General Assembly regarding flooding and stream maintenance and restoration

### **Recap of Pertinent Legislation**

Brenda Shambaugh provided an update on pieces of legislation PACD has monitored throughout the legislative session:

- Third Party Reviewer Legislation (SB 28 and HB 139) – PACD opposes this legislation. The Senate bill has passed Senate and is in the House. The House bill is in the committee in the Senate. Both bills have been there for quite a while and are unlikely to move during the final session days this fall.

- Statewide Expedited Review Legislation (SB 535) – This legislation is still in Senator Yaw's committee. PACD has requested an amendment allowing districts with expedited review programs to continue them, should this bill move forward.
- Agricultural Conservation Assistance Program (SB 465) – The program this bill proposes has already been adopted via the fiscal code, making this bill obsolete.
- Definition of Pollution (SB 545 and HB 1842) – PACD opposes this legislation, which allows for a threshold below which a pollution event would not need to be reported. Both bills are currently in the Senate Appropriations committee.
- Growing Greener legislation (SB 525) – This bill is no longer relevant, but federal funds have been added to Growing Greener, and Growing Greener III will likely be fashioned after the existing program.
- Small project NPDES permits (HB 591) – This bill is designed to make it easier for projects to obtain an NPDES program. With the advent of the PAG-01 it is unlikely to move.
- Non-point Pollution Projects (SB 832) – Projects proposed by this bill have already been adopted via the fiscal code, making this bill obsolete.
- Water Tax Legislation (HB 20 and SB 868) – The House bill is in the House Environmental Resources & Energy Committee and the Senate bill is in the Senate Environmental Resources & Energy Committee. They have been introduced many times over many legislative sessions and are unlikely to see movement this fall.

Question: For those pieces of legislation that were essentially adopted as part of the fiscal code, are there any major differences between the original bill and what was incorporated in the fiscal code? Brenda responded that she has not had the opportunity to review the language in detail, but there does not seem to be as much funding for administrative costs as we had hoped.

Karl Brown commented there is 4% for SCC administrative costs, 6% for district administrative costs, and additional 4% for technical contractual services available to the SCC. It appears to be silent on funding for technical assistance. A total of \$154 million needs to be obligated by the end of 2024 and spent by the end of 2026, which comes to between \$30 million and \$50 million annually. The program is formula-drive, like the Dirt, Gravel, and Low Volume Road Program but has no legislatively mandated annual allocation.

Another question asked if there was an update on HB 2331, which identified districts to receive funding for water quality monitoring projects. Brenda will look this up and provide an update but does not recall any movement on this bill.

Brenda also noted we will have a new chair of the House Environmental Resources & Energy Committee in January.

Doug Beri volunteered to provide the committee report to Council on July 21.

### **Adjournment**

The meeting was adjourned at 1:35 p.m.