

Pennsylvania Association of Conservation Districts

Testimony before:

Senate Environmental Resources and Energy
Committee

and the

Senate Agriculture and Rural Affairs Committee

Presented by:

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Good Morning. My name is Brenda Shambaugh and I am here today representing the Pennsylvania Association of Conservation Districts (PACD). PACD is a non-profit 501(c)3 organization that supports, enhances, and promotes Pennsylvania's Conservation districts and their programs. 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 Chesapeake Bay Reboot and conservation district involvement.

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 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, and a member of county government. The board identifies local conservation needs, decides which programs and services to offer, and develops a strategic plan.



Conservation districts in the Chesapeake Bay watershed are engaged in activities to help restore the Bay. They are all dedicated to partnering with the Department of Environmental Protection (DEP) and other government entities with the goal of improving water quality in the waters leading into the Bay. In January 2016, conservation districts were asked to assist DEP in performing compliance inspections within the Chesapeake Bay watershed. These inspections will determine whether or not farms have manure management and erosion and sedimentation control plans. Those farms who do not have plans will be given a period of time to develop and implement plans, in order to comply with state law. Although local conservation district boards ultimately made the decision whether or not to participate in the program, all Chesapeake Bay Technician funding from DEP to the local districts is contingent on performing the compliance inspections.

Since April, DEP has met with conservation districts and PACD to develop a Statement of Policy (or SOP) and the inspection form to be utilized when performing the compliance visits. DEP has also provided one day trainings for those districts who signed the contract and are participating in the program.

The Chesapeake Bay Reboot related to compliance inspections performed by conservation districts has been an evolving process, with the inspection portion of the program just beginning. Many districts will be participating, but several will not be signing the contract.



Some districts believe strongly that the reboot is a philosophical change from agricultural technical assistance to compliance and they do not want to make that transition. These districts believe switching from an educational, technical assistance, and project implementation approach to a regulatory compliance approach will be detrimental to their relationship with the agricultural community. They are concerned that farmers will no longer welcome the conservation districts onto the farm because they will be seen as the first leg of enforcement action. These same districts are interested in assisting farmers to reach compliance by developing and implementing a manure management and/or an erosion and sedimentation plan, but will not be performing the compliance inspections. Unfortunately, DEP will not fund a Chesapeake Bay Technician whose district will provide technical assistance *but not* undertake a regulatory role as farm inspectors. These districts would like to receive partial funding to continue the outreach and technical services aspects of their Chesapeake Bay Technician's work. This would allow them to continue the great work they do as a DEP partner in this program.

Funding is the key to success for Best Management Practice (or BMP) installation. Without adequate state and federal funding, farmers cannot afford to install the BMPs necessary to significantly reduce nutrients getting into our local waterways, and ultimately the Bay. PACD proposes a significant amount of public funding dedicated toward water quality improvement. This funding should be distributed at the local level with conservation



districts being an integral part of the planning and implementation process. They know the area's geology, the landowners, and the local government leaders to effectively and efficiently distribute the funding.

PACD advocates for a strong public relations effort in the Chesapeake Bay Watershed spearheaded by DEP and the PA Department of Agriculture (PDA). The PR campaign should focus on community participation, not just agricultural producers. In Pennsylvania there is a disconnect between local water quality and the Chesapeake Bay. The campaign should be geared toward engaging the general public in water quality awareness and conservation efforts as an integral part of the Reboot program.

Although many of the conservation districts' concerns have already been adequately addressed by DEP, there are still two outstanding issues – the discrepancies between the SOP, the inspection form, and the contract, as well as privacy concerns when a district employee obtains information generated by federal entities.

Currently DEP has an SOP, an inspection form, and a template contract. While DEP has discussed each of these documents with conservation districts, they need to be amended to ensure consistency. For instance, DEP has stated that a farmer has to show the inspector a



complete manure management and erosion and sedimentation control plan. However, the inspection form requires the district employee to document additional information. Also, the inspection form requires information not necessary for a complete manure management plan. These types of inconsistencies need to be corrected.

One concern still unresolved surrounds a privacy issue with documentation obtained from a federal agency, such as USDA's Natural Resources Conservation Service. Section 1619 of the 2008 Farm Bill prohibits any entity from sharing information obtained from federal documentation, such as a conservation plan. Before any information is obtained by the district employee and given to DEP, the farmer should sign an "Authorization for Release of Records" form as authorization to release the records. Attempts to incorporate the federal release form into the DEP inspection form are ongoing with the goal of streamlining the process.

We have come a long way since January 2016 thanks to the cooperation of all partners. Many hours of meetings and discussions have brought us to today's Reboot program. As we move forward I'm sure additional tweaks will be necessary, but we are now at a point where many conservation districts signed a contract with DEP to fund a Chesapeake Bay Technician and perform compliance inspections. Thank you for allowing me to represent PACD at your meeting. I will be happy to answer any questions at this time.

