

State Conservation Commission Meeting

January 24, 2023

Hybrid/Virtual Meeting

Agenda – SCC COPY

Briefing Session - 10:00 a.m.

- Review of Public meeting agenda items
- ACAP update
- PA in the Balance Conference Recap
- PDA Solar Guidance Document
- USDA-EPA Task force on crediting Chesapeake Bay conservation investments
- Conservation funding opportunities – 2023 Farm Bill priorities

Business Session – 1:00 p.m. – 3:00 p.m.

A. Opportunity for Public Comment

B. Business and Information Items

1. Approval of Minutes
 - a. November 15, 2022 Public Meeting (A)
 - b. December 13, 2022 Conference Call (A)
2. Nutrient and Odor Management Program
 - a. Nutrient Management Plan (NMP) – Matthew Leid, Schuylkill County - Brady Seeley, SCC (A)
 - b. Nutrient Management Plan (NMP) – John Brommer, Schuylkill County – Brady Seeley, SCC (A)
 - c. Nutrient Management Plan (NMP) - Hummel Farm, LLC, Northumberland County – Brady Seeley, SCC (A)
 - d. Nutrient Management Plan (NMP) – Tim Gresh, Cambria County – Jamie Ulrich, SCC
 - e. Nutrient Management Plan (NMP) – Ronald Snyder, Schuylkill County – Amy Zerbe, SCC
 - f. Nutrient Management Plan (NMP) – Valcor Stable – Valerie Jorgenson, Monroe County – Amy Zerbe, SCC

The SCC meeting materials packet only contains portions of the above referenced Nutrient Management Plans (NMPs). If anyone wishes to view the entire NMP document they may contact Frank X Schneider, Director of

Nutrient and Odor Management Programs at fschneider@pa.gov or 717-705-3895 prior to the Commission meeting and the entire NMP will be provided.

3. Conservation District Fund Allocation Program, Statement of Policy – Update; Frank Schneider, SCC (A)
4. ACAP Program Update and Setback Policy Discussion; Justin Challenger, SCC (A)
5. Dirt, Gravel, and Low Volume Road (DGLVR) – 5-Year Agreement Approval; Roy Richardson, SCC (A)
6. Annual Conservation District Audit Report, Calendar Year 2021; Jaci Kerstetter, DEP (A)
7. 2023 Conservation District Director Appointment Update; Barb Buckingham, SCC (NA)
8. Leadership Development Program Update – Matthew Miller, PACD (NA)

C. Written Reports

1. Program Reports
 - a. Nutrient and Odor Management Program Measurables Report
 - b. January 2023 Status Report on Facility Odor Management Plan Reviews
 - c. NMP Update Report – Multiple Plans
2. Ombudsman Program Reports – Southern Allegheny Region (Blair County Conservation District) and Lancaster County Conservation District.

D. Cooperating Agency Reports Adjournment

Next Public Meetings/Conference Calls:

February 14, 2022 - Conference Call

March 14, 2022 – Hybrid/Virtual Meeting

STATE CONSERVATION COMMISSION
MEETING

PA DEPARTMENT OF AGRICULTURE

In-Person and Zoom Webinar System

Tuesday, November 15, 2022 – 1:00 p.m.

Draft Minutes

Members Present: Secretary Russell Redding, PDA; Acting Secretary Ramez Ziadeh, DEP; Mike Flinchbaugh; Daryl Miller; Ron Rohall; Ron Kopp; Denise Coleman, NRCS; Drew Gilchrist, DCNR; Jessica Passiment, DCED (virtual); Brent Hales, Penn State (virtual); and Kelly Stagen, PACD (virtual).

A. **Public Input** – Secretary Redding welcomed Commissioner Daryl Miller and thanked MaryAnn Warren for her service.

B. **Business and Information Items**

1. Approval of Minutes –September 13, 2022 - Public Meeting and October 11, 2022 – Conference Call.

Mike Flinchbaugh moved to approve the September 13, 2022, public meeting minutes and the October 11, 2022 conference call minutes. Motion seconded by Ron Rohall. Motion carried.

2. Proposed 2023 SCC Meeting Dates. Karl Brown, SCC, reported that each calendar year the Commission holds six (6) business meetings (January, March, May, July, September and November) to transact official business and six (6) conference calls (February, April, June, August, October and December) to update members. A list of proposed dates for Commission business meetings and conference calls has been provided to Commission members. All dates proposed have been vetted for potential conflicts (holidays, election days, etc.).

Ron Rohall made a motion to approve the proposed business meetings and conference call dates. Motion seconded by Mike Flinchbaugh. Motion carried.

3. Election of 2023 Vice-Chairman. Karl Brown, SCC, reported that the Conservation District Law states that the Commission shall elect a vice chairperson at the last scheduled business meeting of the year and that this person shall serve as the vice chairperson for the next calendar year. The responsibility of the vice chairperson is to preside over any business meeting of the Commission in the absence of the chairperson. Michael Flinchbaugh currently serves as the Commission vice chairperson. Mike has indicated he is willing to serve in this capacity in 2023 if asked.

Ron Kopp made a motion to nominate Mike Flinchbaugh as vice chairperson. Motion seconded by Ron Rohall. Motion carried.

4. Nutrient Management and Odor Management Program

- a. Nutrient Management Plan, Josh Reiff, Northumberland County. Brady Seeley, SCC, reported that the Josh Reiff farm is a turkey operation (17,500 toms) in

Northumberland County. This operation is a concentrated animal operation (CAO) and is regulated under the PA Nutrient Management Act. This plan is coming to the Commission for consideration due to the fact that Northumberland Conservation District has not entered into a NM/MM delegation agreement. Commission staff (Brady Seeley) has reviewed the plan and visited the site and has determined the plan meets the Act 38 NM requirements. Brady presented additional information regarding this plan.

Mike Flinchbaugh made a motion to approve the Josh Reiff Nutrient Management Plan. Motion seconded by Ron Kopp Motion carried.

- b. Nutrient Management Plan, Burnell and Sharon Nolt, Northumberland County. Brady Seeley, SCC, reported that the Burnell and Sharon Nolt farm is an existing broiler operation (64,000 broilers) in Northumberland County. This operation is a concentrated animal operation (CAO) and is regulated under the PA Nutrient Management Act. This plan is coming to the Commission for consideration due to the fact that Northumberland Conservation District has not entered into a NM/MM delegation agreement. Commission staff (Brady Seeley) has reviewed the plan and visited the site and has determined the plan meets the Act 38 NM requirements. Brady presented additional information regarding this plan.

Ron Kopp made a motion to approve the Burnell and Sharon Nolt Nutrient Management Plan. Motion seconded by Secretary Redding. Motion carried.

- c. Nutrient Management Plan, Dale Stoltzfus, Schuylkill County. Amy Zerbe, SCC, reported that the Dale Stoltzfus farm is an existing duck and beef operation in Schuylkill County. This operation is a voluntary animal operation (VAO) under the Pennsylvania Nutrient Management Act and a concentrated animal feeding operation (CAFO) under DEP's regulatory authority. This plan is coming to the Commission for consideration due to the fact that Schuylkill Conservation District has not entered into a delegation agreement. Commission staff (Amy Zerbe) has reviewed the plan and has determined the plan meets the Act 38 NM requirements

Ron Rohall made a motion to approve the Dale Stoltzfus Nutrient Management Plan. Motion seconded by Mike Flinchbaugh. Motion carried.

- d. ADA Policy for Nutrient Management Certification Programs. Frank Schneider, SCC, reported that in 2021, Commission staff received a request for an accommodation, under the Americans with Disabilities Act, for a field training that was part of the Nutrient Management Specialist certification cycle. The request was given on short notice. After consultation with PDA Legal Office and Human Resources, Commission staff believe the Commission should have a stand-alone policy on how requests can be made. Commission staff have developed a proposed policy on Reasonable Accommodations Under the Americans with Disabilities Act and are presenting this policy for Commission consideration.

Mike Flinchbaugh made a motion to approve the proposed policy regarding Reasonable Accommodations Under the Americans with Disabilities Act. Motion seconded by Ron Kopp. Motion carried.

- e. Request to Remove CDFAP Statement of Policy (SOP) and Nutrient Management Funding Program Statement of Policy (SOP). Frank Schneider, SCC, reported that the Commission has traditionally adopted “statements of policy” (SOPs) to outline policies and procedures for the operation of programs and activities under their jurisdiction. These include SOPs for areas such as the Conservation District Fund Allocation Program (CDFAP) and Nutrient Management (NM) Program. In the case of both of these SOPs, they have also been codified into Chapter 83 of the Commission’s regulations. This codification makes it difficult to keep these SOPs current and up-to-date and has resulted in codified SOPs that are not consistent with current Commission policies and procedures. Commission staff is requesting Commission authority to remove the CDFAP SOP and the NM SOP from Chapter 38 as a part of the ongoing regulatory update to this chapter. Frank Schneider provided additional information regarding this agenda item.

Ron Rohall made a motion to approve the removal of the CDFAP SOP and the Nutrient Management SOP from Chapter 38 pending approval from the DEP Ag Advisory Board. Motion seconded by Secretary Russell Redding. Motion carried.

5. Conservation District Funding Allocation Program (CDFAP) Reserve Account Requests – Forest and Columbia Conservation Districts. Karen Books, DEP, reported that The Commission through the *Conservation District Fund Allocation Program Statement of Policy (CDFAP SOP)* created an opportunity for a conservation district to designate funds allocated by the Commission under CDFAP to ‘reserve accounts’ for certain administrative and programmatic functions of the district. Examples of designated uses for reserve accounts include: scholarship programs, employee separation costs, on the ground projects and building fund/capital improvement projects. Designation of CDFAP UGW funds to ‘reserve accounts’ must be approved by the Commission. The Commission recently received a new application from the Forest County Conservation District to designation of FY2022-23 CDFAP UGW funds to a ‘reserve account’ and a request from Columbia County Conservation District to amend the purpose of the reserve account approved by the Commission at its September Meeting. Karen Books, DEP, provided additional information regarding this agenda item.

Ron Kopp made a motion to approve the Forest Conservation and Columbia Conservation District reserve accounts requests under CDFAP. Motion seconded by Mike Flinchbaugh. Motion carried.

6. Agricultural Conservation Assistance Program (ACAP) – Request to approve ACAP Guidelines, Delegation Agreement, ROMs, and Fund Apportionment. Karl Brown, Justin Challenger, and Eric Cromer, SCC, reported that on July 11, 2022, Commission staff received the enabling legislation for a newly authorized Agricultural Conservation Assistance Program (ACAP) as a part of the new approved state FY 2022-23 state budget. This enabling legislation provides the Commission authority to establish the ACAP, and related legislation created the Clean Water Fund which provides an initial \$154 million (ARPA) in funding for ACAP. This ARPA funding must be committed by the end of 2024 and must be spent by the end of 2026. Given this tight timeline, Commission staff have worked closely with county conservation districts and other partners to develop the key

documents necessary to stand up the ACAP in a timely fashion. These key documents include: ACAP Program Guidelines; ACAP Delegation Agreement and ROMs; and ACAP Fund Apportionments. Commission staff presented the document to the Commission at our September meeting, circulated these documents for a 30- day comment period and have revised these documents based on the comments and suggestions received. In addition, Commission staff continues to work closely with the ACAP advisory committee to develop and review these documents to ensure that conservation districts and other partners are in agreement with the fundamentals of this new program. Commission staff provided additional information about each of these key documents and requests approval of these documents pending a final legal review.

Ron Rohall made a motion to approve the ACAP Delegation Agreement and ROMS, the ACAP Guidelines, and ACAP Funding Apportionment and Allocation Strategy pending legal review. Motion seconded by Ron Kopp. Motion carried.

C. Written Reports – Self Explanatory

1. Program Reports

- a. Nutrient and Odor Management Program Measurables Report
- b. Nutrient and Odor Management Regulatory Revision Update:
 - i. Act 38 9.21.22 Minutes
 - ii. Act 38 10.17.22 Minutes
 - iii. NM Certification 10.3.22 Minutes
 - iv. NM Certification 10.24.22 Minutes
 - v. Act 49 9.26.22 Minutes
 - vi. Act 49 10.21.22 Minutes
 - vii. OM Certification 10.4.22 Minutes
- c. 2022 Status Report on Facility Odor Management Plan Reviews/OMP Actions
- d. REAP 2021 Accomplishment Report
- e. Conservation Excellence Grant Program Accomplishment Report
- f. NMP Briana Yetter Update Report
- g. NMP R&F Family Farms Update Report

2. Ombudsman Program Reports – Southern Allegheny Region (Blair County Conservation District) and Lancaster County Conservation District.

D. Cooperating Agency Reports – PACD, NRCS, Penn State, DEP, DCNR, DCED, PDA

1. **PACD** – Kelly Stagen thanked the SCC for the ACAP planning. PACD is excited to start providing districts BMP funding in the near future. Districts have been working diligently to develop NM, MM, E&S plans through the Ag Reimbursement Program funding by a GG grant. Over 25 districts have already submitted plans through the program. PACD successfully held a CPESC training program with over 30 district employees participating.

Last week, over 25 district staff received training through the Intro to Conservation Planning for those individuals who wish to become certified planners, thanks to funding from our partners. PACD held a successful watershed specialist webinar series in early October, again funding available from our partners

NRCS – Denise Coleman reported that there have recently been trainings – one was Cultural Resources training. Thank you to the SCC and PACD for their financial support with the trainings. With the agreement between the SCC and NRCS, NRCS will be hiring five engineers in various counties throughout Pennsylvania. The EQIP Round 1 application deadline was on November 1, 2022.

PSU – No report.

DEP – Acting Secretary Ziadeh reported the following: First Quarter Conservation District Fund Allocation Program (CDFAP) and Chesapeake Bay Technician / Engineer Reimbursement Update:

Fiscal coding was required to be updated to reflect the new Bureau and Division structure within the Bureau of Watershed Restoration and Nonpoint Source Management (BWRNSM). The fiscal code updates were made effective beginning October 22, 2022. Coding had to be manually entered into the GreenPort system, which is used by conservation districts to submit their CDFAP and Chesapeake Bay Technician / Engineer quarterly reimbursement requests. CDFAP requests have been submitted by approximately 42 conservation districts, reviewed and signed off on by BWRNSM staff on November 4-8, 2022. The Grants Center began processing those invoices on November 7, 2022. As of November 10, 2022 the updated fiscal coding was entered into GreenPort for the Chesapeake Bay Technician / Engineer agreements; the conservation districts are now able to upload their reimbursement requests. Once the program approves and signs the requests and submits to the Comptroller, it takes up to 30 days for the Comptroller's Office to release the funds.

Nutrient and Manure Management Delegation Agreement Update

The State Conservation Commission (SCC) voted to approve a new joint Nutrient Management and Manure Management Delegation agreement during their July 20, 2022 meeting. The delegation agreement is between the SCC, DEP, and the county conservation districts (CCD) and needs to be fully executed prior to the distribution of funds. The delegation agreement is currently awaiting form approval from General Counsel so that the agreements that are ready (42) can be processed. Program staff are waiting on fund codes associated with the COVID/ARPA funds to approve the application for Lebanon and Franklin counties. As of November 7, the DEP Grants Center is waiting for nine CCDs to designate signatories before processing their respective agreements: Potter, Snyder, Montour, Jefferson, Chester, Adams, Perry, Huntingdon, and Berks.

NOTE: Wayne CCD has withdrawn their application and has decided to drop the delegation agreement. Schuylkill CCD and Cambria CCD decided not to apply for the new five-year delegation agreement.

DEP is accepting applications for \$103.4 million in Abandoned Mine Reclamation Grants United States Department of Interior's Office of Surface Mining Reclamation and Enforcement has authorized DEP's Bureau of Abandoned Mine Reclamation (BAMR) to accept applications for [abandoned mine reclamation and mine drainage treatment project grants](#). The deadline for applications is January 13, 2023. DEP's Bureau of Abandoned Mine

Reclamation has a total of \$103.4 million in federal Bipartisan Infrastructure Law funding available in this first grant round in four categories: Abandoned Mine Land reclamation projects; Acid Mine Drainage operation and maintenance or replacement of existing AMD facilities; new Acid Mine Drainage Treatment Facility projects; and Abandoned Mine Land Economic Revitalization Program projects. Eligible applicants include county or municipal governments; county conservation districts; councils of government; municipal authorities; and nonprofit organizations.

2021-2022 Chesapeake Bay Agricultural Inspection Program (CBAIP) Annual Summary

The Chesapeake Bay Agricultural Inspection Program (CBAIP) ensures farmers are meeting their legal requirements for conservation compliance and helps ensure farmers and the county get credit towards reaching the Chesapeake Bay Program clean water goals.

The DEP Bureau of Watershed Restoration and Nonpoint Source Management published the Annual Summary of the combined efforts of the CBAIP and the Act 38 NMP within the PA portion of the Chesapeake Bay Watershed to the PA DEP Agricultural Compliance Website (<https://www.dep.pa.gov/Business/Water/Pennsylvania%E2%80%99s%20Chesapeake%20Bay%20Program%20Office/agriculture/Pages/Agricultural-Compliance.aspx>) on October 17, 2022. A DEP press release will soon follow highlighting the great work that was accomplished across both programs during fiscal year 2021-2022.

These accomplishments include inspections on over 10% of Ag land in the PA portion of the Chesapeake Bay: 1691 CBAIP initial inspections completed in 35 counties, 159 CBAIP Phase 2 inspections (which require verification that MMPs and Ag. E&S Plans are being implemented) in 10 counties, and 822 Act 38 NM Status Reviews in 29 counties. These inspections resulted in verification of plan and BMP implementation on agricultural operations across the watershed and a successful effort to document implementation of supplemental nutrient management (4R practices).

BWRNSM Staff Update (Effective November 19, 2022)

Effective November 19, 2022, Carl DeLuca will serve as the Environmental Program Manager for the Nonpoint Source Management Division, overseeing the Conservation District Support, Watershed Support, and Agriculture Compliance Sections. Carl has been with DEP for 27 years in the Clean Water and Waterways and Wetlands Programs. Most recently, Carl has served as the Acting Program Manager for the Northeast Regional Office Waterways and Wetlands and Clean Water Programs.

Effective November 19, 2022, Kristen Wolf will serve as the Environmental Program Manager for the Chesapeake Bay Watershed Restoration Division, overseeing the Watershed Accountability and Administration and Chesapeake Bay Partnership Sections. Kristen has worked in the DEP Office of Policy and Communications as well as the DEP Office of Energy and Technology Development as well as the Pennsylvania Insurance Department. Since 2014, Kristen has served as the DEP Chesapeake Bay Program Coordinator.

DCNR – Drew Gilchrist reported that DCNR has a new Director of Outdoor Recreation, Dr Nathan Reigner. Reigner recently stated, “Pennsylvania’s outdoor recreation economy is large, diverse, and not well connected to either state government or the economic development community”. “It is our job in the Office of Outdoor Recreation to be a partner for Pennsylvania’s outdoor economy, to understand its needs and help it prosper so it can deliver the benefits of good health, vibrant communities, conserved and connected natural resources, and entrepreneurship opportunities.” Outdoor recreation contributed \$13.64

billion to Pennsylvania's economy, accounting for 152,000 jobs, and 1.6 percent of the commonwealth's Gross Domestic Product (GDP), [according to U.S. Bureau of Economic Analysis \(BEA\) statistics Opens In A New Window](#). Outdoor recreation added to the commonwealth's GDP is up 22 percent from 2020 and the increase of 2,000 full-time equivalent jobs, a 4% increase. Pennsylvania has the sixth largest outdoor recreation economy in the nation, supported by a combination of exceptional recreational assets, generally diversified economy, and strong retail, manufacturing, and tourism sectors. Among core outdoor activities, recreational vehicle (RV) camping makes up the greatest single contribution to Pennsylvania's outdoor economy, exceeding \$700 million in value added in 2021, up 17 percent over the previous year. RVing is followed by substantial economic contributions from boating and fishing (\$555 million); hunting, shooting, and trapping (\$354 million); and ATV and motorcycle riding (\$304 million). These and other recreational activities are spurring economic productivity in supporting industries as well, including nearly \$4 billion of travel and tourism activity from and more than \$1 billion from local recreational trips made by Pennsylvanians. Nationally, outdoor recreation generates \$862 billion in economic output, accounting for approximately 3 percent of all jobs in America. Director, Nathan Reigner, will convene a webinar to discuss the Bureau of Economic Analysis statistics in detail and further engage with stakeholders at 11:00 A.M., Tuesday, November 29th. Visit DCNR's website for more information on [outdoor recreation in Pennsylvania](#)

DCED – Jessica Passiment reported that someone else from DCED will be reporting to the Commission through the end of March while she is on leave.

PDA – Secretary Redding thanked all of the SCC members for their service. HPAI continues to threaten Pennsylvania. It has been active in the past three weeks. Biosecurity is the frontline defense. Electronic permitting is required – 4,000 of these permits needed to be acquired in Spring 2022 (permits for in-state and out of state). This is a very deadly strain of Avian Influenza. The 2023 Farm Show theme is “Rooted in Progress.” The Hemp Summit concluded today, November 15, 2022. Thank you to the SCC for their work in ACAP. Thank you to Karl Brown for all of his service-this is his last in-person SCC meeting. With the coming transition, there will be many changes in the House and Senate. Don't take anything for granted. Be an advocate.

Adjournment: Meeting adjourned at 2:41 p.m.

Next Public Meetings: December 13, 2022 – Conference Call
January 24, 2023 -- Public Meeting, In-Person and Virtual

STATE CONSERVATION COMMISSION CONFERENCE CALL**Microsoft Teams Conference Call****Tuesday, December 13, 2022 @ 8:30 am*****DRAFT MINUTES***

Members Present: Karl Brown for Secretary Russell Redding, PDA; Acting Deputy Secretary Lisa Daniels for Acting Secretary Ramez Ziadeh, DEP; Mike Flinchbaugh; Ron Rohall; Ron Kopp; Don Koontz; Daryl Miller; Drew Gilchrist for Secretary Cindy Adams Dunn, DCNR; Tim Peters, NRCS; Jessica Passiment, DCED; and Kelly Stagen, PACD.

A. Public Input: Charles Heberling from Cumberland County Conservation District commented that his district has issues with the ACAP setback requirement. They are concerned about being able to spend the funds in time. There will also be increased project and construction costs for farmers who are struggling financially. If there is a requirement to implement stream crossings, that involves more time and money. Charles provided examples supporting Cumberland's opposition to the ACAP setback requirement. Jeff Hill from York County Conservation District commented that he agrees with Cumberland's statements. York has been pushing to complete plans so that BMPs are shovel-ready. Ninety-nine percent of the current plans do not have stream bank buffer BMPs associated with the plans. The ACAP setback requirement would create a time issue.

B. Agency/Organization Updates**1. DCNR – Drew Gilchrist**

It is time for everyone's favorite holiday activity- River of the Year Voting. The Conestoga River, Perkiomen Creek, Schuylkill River, and Susquehanna River-North Branch are the nominations for the 2023 River of the Year. Nominations were based on each waterway's conservation needs and successes, as well as celebration plans if the nominee is voted 2023 River of the Year. In cooperation with DCNR, selection of public voting choices is overseen by the Pennsylvania Organization for Watersheds and Rivers (POWR). The program is in its 13th year. The public can vote for a favorite state waterway until Wednesday, January 18, 2023. The [Pennsylvania Organization for Watersheds and Rivers website, Opens In A New Window](#) enables voting and offers details on nominated waterways and the River of the Year program. The Pennsylvania Organization for Watersheds and Rivers, an affiliate of the Pennsylvania Environmental Council, administers the River of the Year program with funding from DCNR. Presented annually since 1983, last year's 2022 River of the Year designation was awarded to French Creek. After a waterway is chosen for the annual honor, local groups implement a year-round slate of activities and events to celebrate the river, including a paddling trip, or sojourn. The organization nominating the winning river will

receive a \$10,000 leadership grant from DCNR to help fund River of the Year activities. The Pennsylvania Organization for Watersheds and Rivers and DCNR also work with local organizations to create a free, commemorative poster celebrating the River of the Year. The River of the Year sojourn is among many paddling trips supported each year by DCNR and the Pennsylvania Organization for Watersheds and Rivers. An independent program, the Pennsylvania Sojourn Program, is a unique series of a dozen such trips on the state's rivers. The water-based journeys for canoeists, kayakers, and others raise awareness of the environmental, recreational, tourism and heritage values of rivers. Visit POWR's website more information about the sojourns. Visit DCNR's website to learn more about the department's [Rivers Program](#). DCNR also wishes to congratulate Karl on an outstanding career. It has been my privilege to know Karl for the duration of his tenure. He is man of honesty, integrity, and is a steadfast public servant. Drew and DCNR wish Karl all the best in his next chapter of life.

2. DEP – Acting Deputy Secretary Lisa Daniels

Acting Deputy Secretary Lisa Daniels reported that DEP is still waiting to hear about additional transition information. Growing Greener announcements are coming soon. Lisa gave well wishes to Karl Brown in his retirement. CAFO Winter letters were sent in October to permittees-this is a reminder, courtesy mailing. The Introduction to Soils training will be a four-part series to be used by Programs 102 and 105 staff. The first two parts were recently made available. These are great training modules. They can be found in the Clean Water Academy.

3. NRCS – Tim Peters

Tim reported the following EQIP deadlines:

EQIP Round 1 application deadline has passed
 EQIP Round 1 Rankings will happen by 1/15/23
 EQIP Round 2 application deadline is 1/1/23
 EQIP Round 2 Rankings will happen by 3/15/23
 EQIP Round 3 application deadline is 3/15/23
 EQIP Round 3 Rankings will happen by 3/31/23
 Deadline for all contract obligations is 6/30/23

Training program agendas are being tweaked in the areas of Planning and Boot Camps. NRCS is trying to incorporate in-person and virtual trainings. NRCS started the planning process for a few dams: Walker Lake (Snyder County) and 5 small dams (Schuylkill County). Beaver Creek construction was finished in Chester County.

4. Penn State University – No report.

5. PACD – Kelly Stagen

Kelly thanked Karl for all he has done throughout the years and wished him well on his retirement. The Districts are in discussions about ACAP. PACD is working with NACD to distribute Federal grants, which include additional funding for BMPs on the ground, Education and Outreach, and Diversity and Inclusion. Leadership Development has hosted three Fall leadership webinars. Submissions are requested for the 2022 video awards contest.

6. DCED – Jessica Passiment – No report. Congratulations to Karl on retirement.7. PDA – No report.**C. Information and Discussion Items**

1. **Director Nominations Update for 2023** (B. Buckingham) – As of December 5, 2022 twenty (20) counties (30%) have submitted 2023 conservation district director nominations to the Commission for review. Commission staff review nominations as they are received to ensure that Commission policy regarding conservation district directors is followed. Nominations were received from the following counties: Adams; Armstrong; Bradford; Cambria; Clearfield; Clinton; Fayette; Forest; Franklin; Greene; Lawrence; Mifflin; Pike; Somerset; Sullivan; Tioga; Union; Venango; Washington; and York.

2. **2021 Conservation District Audit Update (A)** (J. Kerstetter) - The Commission requires conservation district financial records to be audited under the supervision of a certified public accountant. These audits must include all funds received, maintained, and expended by the district, must be completed independent of the county audit, and must be done in accordance with generally accepted auditing standards in the latest revision of the Government Auditing Standards issued by the Comptroller of the United States. Jaci Kerstetter, DEP, provided an update on the status of conservation district audits for 2021.

Mike Flinchbaugh made a motion to approve the audit extension for Blair County Conservation District until January 31, 2023 due to extenuating circumstances. Motion seconded by Don Koontz. Motion carried.

3. **Agricultural Conservation Assistance Program (ACAP) Update** (J. Challenger)

- a. **Final Legal Review of Forms and Agreements** - Commission staff continue to work towards the finalization of key program documents. The ACAP Guidelines, Delegation Agreement and Required Output Measures (ROMs), and Apportionment and Allocation Formula have all been reviewed and approved by PDA Legal Counsel. Minimal changes were made to the documents and most were style changes or correction of legal citations. The Governor’s Office of General Counsel has recommended we pursue a “form approval” for the delegation agreements to help them move through final signature and approval process more quickly.

- b. **Pennsylvania Prevailing Wage** – Commission staff recently met with staff from the Pennsylvania Department of Labor and Industry (PA L&I) to discuss ARPA and PA Prevailing Wage Law requirements. While the US Treasury in their ARPA Guidance has indicated that ARPA funds are not subject to federal Davis-Bacon Requirements, PA L&I staff indicate that the Pennsylvania Prevailing Wage Act requirements do apply to ARPA funded construction projects. Commission staff has scheduled a follow-up session with PA L&I to discuss specific approaches to ensuring that PA Prevailing Wage is properly covered for ACAP funded projects and to develop training for conservation districts and other participating partners.
- c. **ARPA Procurement Requirements** – After consultation with the Governor’s Budget Office and research on the procurement requirements tied to ARPA funds, staff has been able to determine the following procurement requirements to apply to ARPA funded projects:

Under \$10K - Micro-purchase awards - Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. *No specific requirements other than normal due diligence in procurement as required by state or local law*

\$10k to \$250k - Small purchase procedures - The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold (\$10k) but does not exceed the simplified acquisition threshold (\$250k). If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.

\$250k and above - Simplified Acquisition Thresholds (SAT) - When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used.

Commission staff is working with the advisory committee to more clearly define the requirements for “small purchase procedures” and for the more formal bidding requirements of the “simplified acquisition threshold” (SAT).

- d. **Setback Requirement for Animal Waste Storage and Heavy Use Protection BMPs** – One topic that has generated considerable discussion among the advisory committee and partners is the concept of establishing stream exclusion setback requirements for any ACAP participant that receives funding for an animal waste storage system or a heavy use protection area. These are generally high cost items that provide both water quality benefits and labor/time saving benefits to the farmer who installs them. Under similar situations, USDA NRCS EQIP requires a 35’ setback to be implemented and maintained to protect water quality.

Based on discussion with conservation districts and partner agencies, Commission staff is considering the following draft ACAP policy on Setback Requirements for Animal Waste and Heavy Use Protection BMPs.

Any eligible ACAP applicant receiving funding for an animal waste storage BMP or heavy use protection area (barnyard) BMP, must as a condition of their ACAP contract, agree to install and maintain a 35' setback from streams and other waterbodies on the farm property where the BMP(s) is being installed to ensure that livestock do not have unrestricted access to these streams or waterbodies.

Access to a stream or other water body on the farm property where an animal waste storage or heavy use protection BMP is funded by ACAP must be specifically provided for in the eligible applicant's Ag E&S, conservation plan, nutrient management plan, or manure management plan.

An eligible applicant may request a waiver from the Commission for this 35' setback requirement if the eligible applicant can demonstrate no livestock will not have access to any streams or water bodies based on management plans and husbandry practices (e.g. total confinement operation, etc.) or that specific unique site conditions (topography, etc.) are such that a 35' setback is not necessary to protect water quality.

4. **Dirt, Gravel and Low Volume Road Maintenance Program (DGLVRP) Five-Year Agreement** (Roy Richardson) – The DGLVRP is carried out by participating conservation districts through a five-year (5) agreement with the Commission. The current 5-year agreement is due to expire in July 2023 and needs to be updated and renewed. Commission staff has worked to develop a new 5-year DGLVRP Agreement that will be effective July 2023 through July 2028. Minimal changes were made to the current agreement and the revised agreement has been reviewed with the DGLVRP Policy and Planning Committee. Legal counsel has reviewed this draft agreement and has provided suggested changes. Staff is recommending this new agreement be circulated to county conservation districts for a 30-day review and comment period. Once this comment period is closed, any appropriate changes will be made to the agreement, staff will prepare a comment response document, and the final agreement will be presented to the Commission for approval in March or May for their final consideration. Roy Richardson provided additional information regarding this agenda item.
5. **High Path AI Update** (F. Schneider) – Potential cases of highly pathogenic Avian Influenza (HPAI) continue to be identified and monitored in Pennsylvania and other neighboring states. PDA, in cooperation with USDA continues to monitor, test and react to incidents of HPAI. Frank Schneider, SCC, provided additional information regarding this agenda item.

6. Upcoming Meetings

- Business Meeting January 24, 2023 (Hybrid)
- Conference Call February 14, 2023

7. Adjournment at 9:49 a.m.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: November 29, 2022

TO: Douglas M. Wolfgang, Executive Secretary
State Conservation Commission

FROM: Brady Seeley, Conservation Program Specialist 2
State Conservation Commission

SUBJECT: Nutrient Management Plan Review and Requested Action
Matthew Leid, Schuylkill County, Pennsylvania

Action Requested

Action is requested on the Matthew Leid Nutrient Management Plan for his Concentrated Animal Operation (CAO) located in Schuylkill County.

Background

I have finalized the required review of the subject Nutrient Management Plan (NMP, or plan) listed above. Final corrections to the plan were received at the State Conservation Commission's (SCC) Harrisburg office on November 29, 2022. As of that date, the plan was considered to be in its final form. The operation is considered to be a Concentrated Animal Operation (CAO) under the PA Nutrient and Odor Management Act (Act 38 of 2005). The Commission is the proper authority to take action on this plan, because Schuylkill County Conservation District is not a delegated to perform plan review and action responsibilities under the Act 38 program.

A brief description of the operation, including my staff recommendation, is attached. Also attached is the stamped NMP cover page and operation map.

Thank you for considering this plan for Commission action.

Farm Description

Matthew Leid is an existing broiler operation in Schuylkill County. Mr. Leid's operation consists of a total of 29 acres with 1.7 acres of pasture, 10 acres of farmstead, and 9.8 acres of cropland that is rented out. Animals raised on the operation are 105,000 broilers. Total animal equivalent units (AEUs) housed at Mr. Leid's operation is 275.73 AEUs. With 1.7 acre available for manure application, Mr. Leid's animal density calculation works out to 172.33 AEUs / acre, classifying the operation as a Concentrated Animal Operation (CAO) under Act 38 of 2005.

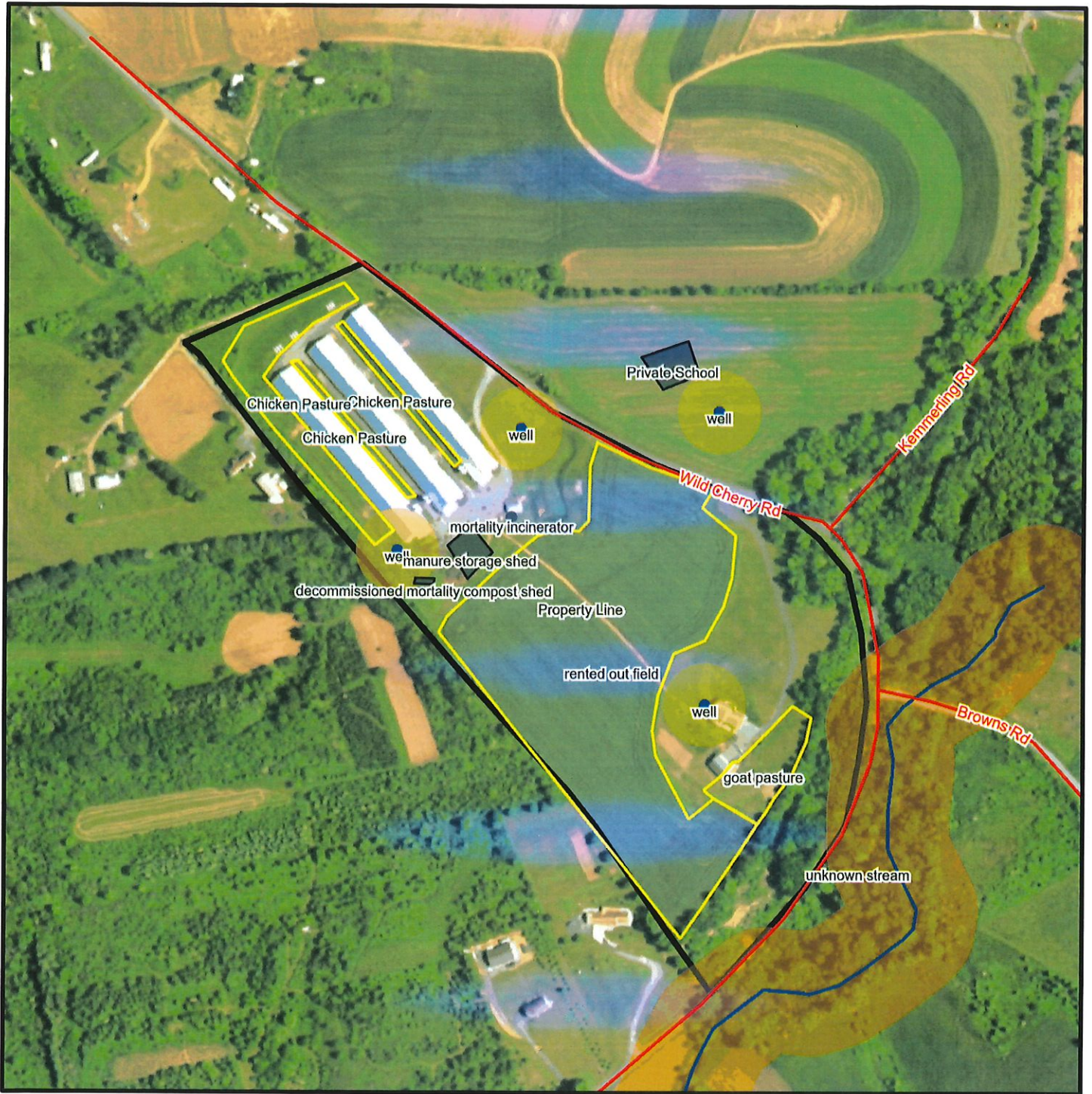
Approximately 851 tons of broiler manure is generated per year on the operation. Manure is stacked on a roofed manure stacking structure. Manure is exported through a broker, Glenn Martin, or a known landowner, Eugene Garman. All mortalities are planned to be incinerated or composted. The NMP does include the proper signed Exporter / Importer and Exporter / Broker Agreements.

The receiving stream for the operation is an unnamed tributary to the Little Swatara Creek, which is a Cold Water Fishery.

There are no Best Management Practices listed to be implemented on Mr. Leid's animal operation.

Based on my review, the NMP developed for the Matthew Leid's animal operation meets the requirements of the PA Act 38 Nutrient Management Regulations, and I therefore recommend Commission approval.

Matthew Leid Farm



* 348.0 feet per inch



Legend

- | | | | |
|---------------|---------------|---------------------|------|
| field / CMU | water | manure stacking | AHUA |
| farm boundary | stream | vegetative buffer | well |
| homestead | sinkhole area | 100' manure setback | road |
| forest | sinkhole | 150' manure setback | |





**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: January 3, 2023

TO: Douglas M. Wolfgang, Executive Secretary
State Conservation Commission

FROM: Brady Seeley, Conservation Program Specialist 2
State Conservation Commission

SUBJECT: Nutrient Management Plan Review and Requested Action
John Brommer, Schuylkill County, Pennsylvania

Action Requested

Action is requested on the John Brommer Nutrient Management Plan for his Concentrated Animal Operation (CAO) located in Schuylkill County.

Background

I have finalized the required review of the subject Nutrient Management Plan (NMP, or plan) listed above. Final corrections to the plan were received at the State Conservation Commission's (SCC) Harrisburg office on December 27, 2022. As of that date, the plan was considered to be in its final form. The operation, located in Schuylkill County, is considered to be a Concentrated Animal Operation (CAO) under the PA Nutrient and Odor Management Act (Act 38 of 2005). The Commission is the proper authority to take action on this plan, because Schuylkill County Conservation District is not a delegated to perform plan review and action responsibilities under the Act 38 program.

A brief description of the operation, including my staff recommendation, is attached. Also attached is the stamped NMP cover page and operation map.

Thank you for considering this plan for Commission action.

Farm Description

John Brommer is an existing layer animal operation in Schuylkill County. Mr. Brommer's operation consists of a total of 87 acres with 17.7 acres of pasture, 28.9 acres of cropland, and 36.4 acres of farmstead and associated agricultural land. Crop rotation consists of grass hay, rye, soybeans, sorghum sundangrass, and corn. Animals raised on the operation are 40,000 laying hens 4,000 rooster, and 6 cow/calf pairs. Total animal equivalent units (AEUs) housed at Mr. Brommer's operation is 141.15 AEUs. With 46.4 acres available for manure application, Mr. Brommer's animal density calculation works out to 3.03 AEUs / acre, classifying the operation as a Concentrated Animal Operation (CAO) under Act 38 of 2005.

Approximately 626 tons of poultry manure and 172 tons of cattle manure is generated per year on the operation. The majority or all of the poultry manure is exported, and all cattle manure is applied from grazing. Manure application rate to Mr. Brommer's fields is 3 tons/acre for the poultry manure. Poultry manure is windrowed and stacked in the underbarn manure storage or will planned to be stacked in the proposed roofed manure stacking facility. Poultry manure that is not field applied to Mr. Brommer's operation is exported directly to a known importers, Fddler Farms or Ryan Weaver, during the spring and fall. Animal mortalities are composted on site with the manure and will be exported or applied with the manure from the barn. The NMP does include the proper signed Exporter / Importer Agreement.

The receiving stream for the operation is Lower Little Swatara Creek, which is a Cold-Water Fishery.

Best Management Practices listed to be implemented on Mr. Brommer's animal operation includes a roofed manure stacking facility on the eastern side of the poultry barn.

Based on my review, the NMP developed for John Brommer's animal operation meets the requirements of the PA Act 38 Nutrient Management Regulations, and I therefore recommend Commission approval.

Nutrient Management Plan

For Crop Year(s)

2023

2024

2025

Prepared For

Operator's Name, Mailing Address, Telephone Number(s)

John Brommer
1260 Rock Road, Schuylkill Haven, PA 17972
717.450.3949

Operation's Location Address (if different than above)

NON-FINAL FORM

Version 1

This NMP may be reviewed prior to a formal action by the Conservation District Board. The final form of the plan will be available at least 7 days prior to Board action. You may contact the Conservation District to determine the current status of the NMP

Oct. 4, 2022
Month, Day Year

Site Name (CAFOs)

Prepared By

Nutrient Management Specialist's Name, Address, Telephone Number(s)

Leann Shirk
Rosetree Consulting LLC
20 Glenbrook Drive Shillington PA 19607
Office: 610.396.7101
Cell: 484.877.0521
Email: LShirk@rosetreeconsulting.com

Nutrient Management Specialist's Program Certification Number

2585-NMC

NON-FINAL FORM

Version 3

This NMP may be reviewed prior to a formal action by the Conservation District Board. The final form of the plan will be available at least 7 days prior to Board action. You may contact the Conservation District to determine the current status of the NMP

Dec 27, 2022
Month, Day Year

Administratively Complete Date

October 4, 2022

Plan Approval Date

Plan Update Submission Date(s)

(updates to the approved plan not requiring board action)

NON-FINAL FORM

Version 2

This NMP may be reviewed prior to a formal action by the Conservation District Board. The final form of the plan will be available at least 7 days prior to Board action. You may contact the Conservation District to determine the current status of the NMP

Dec. 15, 2022
Month, Day Year

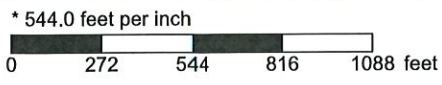
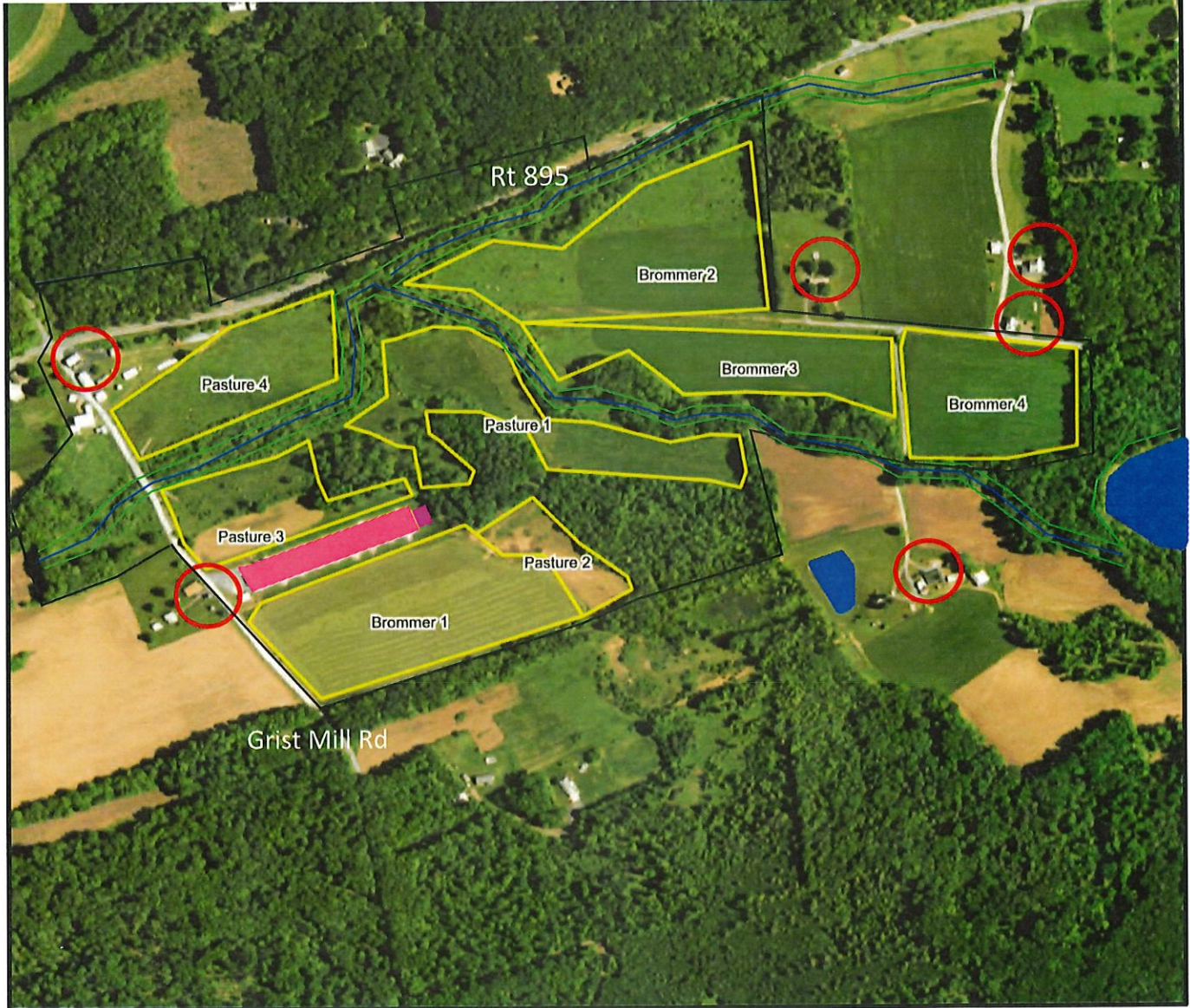
FINAL FORM

This version of the plan will be considered or action by the Conservation District Board at their Jan. 24, 2023 meeting

Dec. 27, 2022
MONTH, DAY AND YEAR

Brommer Year 2023 & 2024

Owner/Operator: John Brommer
 Location: Grist Mill Rd, Schuylkill Haven, PA 17972
 Washington Township, Schuylkill County
 Watershed & HUC 12: Lower Little Swatara Creek 020503050603 (CWF)



- | | | | |
|---------------|---------------|--------------------------|------|
| field / CMU | Poultry barn | Proposed manure stacking | Pond |
| farm boundary | stream | 35' vegetative buffer | well |
| homestead | sinkhole area | 100' manure setback | road |
| forest | sinkhole | 150' manure setback | |





**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: January 6, 2023

TO: Douglas M. Wolfgang, Executive Secretary
State Conservation Commission

FROM: Brady Seeley, Conservation Program Specialist 2
State Conservation Commission

SUBJECT: Nutrient Management Plan Review and Requested Action
Hummel Farm LLC, Northumberland County, Pennsylvania

Action Requested

Action is requested on the Hummel Farm LLC Nutrient Management Plan for their Volunteer Animal Operation (VAO) located in Northumberland County.

Background

I have finalized the required review of the subject Nutrient Management Plan (NMP, or plan) listed above. Final corrections to the plan were received at the State Conservation Commission's (SCC) Harrisburg office on January 2, 2022. As of that date the plan was considered to be in its final form. The operation, located in Northumberland County, is considered to be a Volunteer Animal Operation (VAO) under the PA Nutrient and Odor Management Act (Act 38 of 2005). The Commission is the proper authority to take action on this plan, because Northumberland County Conservation District is not delegated to perform plan review and action responsibilities under the Act 38 program.

A brief description of the operation, including my staff recommendation, is attached. Also attached is the stamped NMP cover page and operation map.

Thank you for considering this plan for Commission action.

Farm Description

Hummel Farm LLC is an existing turkey and cattle animal operation in Northumberland County. Hummel Farm LLC's operation consists of approximately 766 acres with 45 acres of pasture, 695 acres of cropland, 28 acres of hayland and 14 acres of farmstead and associated agricultural land. Crop rotation consists of corn, soybeans, and wheat. One field of tomatoes is grown annually for a local processor. Animals raised on the operation are 42,000 turkey hens, 50 cow/calf pairs, 150 rabbits, 2 potbelly pigs, 10 pigmy goats, 1 horse, and 4 miniature ponies. Total animal equivalent units (AEUs) housed at Hummel Farm LLC operation is 418.11 AEUs. With 754.2 acres available for manure application, Hummel Farm LLC's animal density calculation works out to 0.56 AEUs / acre, classifying the operation as a Volunteer Animal Operation (VAO) under Act 38 of 2005.

Approximately 800 tons of poultry manure, 1,360 tons of cattle manure, and 28 tons of mixed animal manure is generated per year on the operation. All manure generated on the operation is applied to owned or rented fields and pastures. Hummel Farm LLC also imports 250 tons of other poultry manure annually. Manure application rate on fields are 1, 2 or 3 tons/acre for the poultry manure and 5, 10, or 15 tons/acer for the cattle manure. Poultry manure is emptied from the barns and applied to fields immediately. Cattle manure is collected from barns and concentration areas and applied to fields. Poultry mortalities are incinerated, and beef mortalities are composted.

The receiving streams for the operation are the Susquehanna River, multiple unnamed tributaries to the Susquehanna River, Boile Run, Windfield Creek, and unnamed tributary to Boile Run.

Best Management Practices listed to be implemented on Hummel Farm LLC's animal operation includes:

- Roofed Animal Heavy Use Area Protection
- Stream Crossing
- Roofed Manure Storage Facility

Based on my review, the NMP developed for Hummer Farm LLC's animal operation meets the requirements of the PA Act 38 Nutrient Management Regulations, and I therefore recommend Commission approval.

Nutrient Management Plan

For Crop Year(s)

2023-2025

Prepared For

Operator's Name, Mailing Address, Telephone Number(s)

NON-FINAL FORM

Version 1

This NMP may be reviewed prior to a formal action by the Conservation District Board. The final form of the plan will be available at least 7 days prior to Board action. You may contact the Conservation District to determine the current status of the NMP

August 11, 2022
Month, Day year

Kyle & Jon Hummel
653 Stetler Ave
Selinsgrove, PA 17870
And
Hummel Farm LLC
415 Christmas Rd.
Sunbury PA 17801
570-259-4068(Jon)

NON-FINAL FORM

Version 2

This NMP may be reviewed prior to a formal action by the Conservation District Board. The final form of the plan will be available at least 7 days prior to Board action. You may contact the Conservation District to determine the current status of the NMP

Dec. 15, 2022
Month, Day year

NON-FINAL FORM

Version 3

This NMP may be reviewed prior to a formal action by the Conservation District Board. The final form of the plan will be available at least 7 days prior to Board action. You may contact the Conservation District to determine the current status of the NMP

Jan. 2, 2023
Month, Day year

Operation's Location Address (if different than above)

Site Name (CAFOs)

FINAL FORM

This version of the plan will be considered or action by the Conservation District Board at their Jan. 24, 2023 meeting

Jan. 2, 2023
MONTH, DAY AND YEAR

Prepared By

Nutrient Management Specialist's Name, Address, Telephone Number(s)

Josh Keister
245 Walnut St. Milton PA 17847
570-898-1466

Nutrient Management Specialist's Program Certification Number

965 NMC

Administratively Complete Date

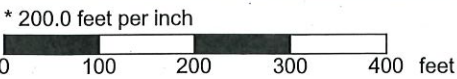
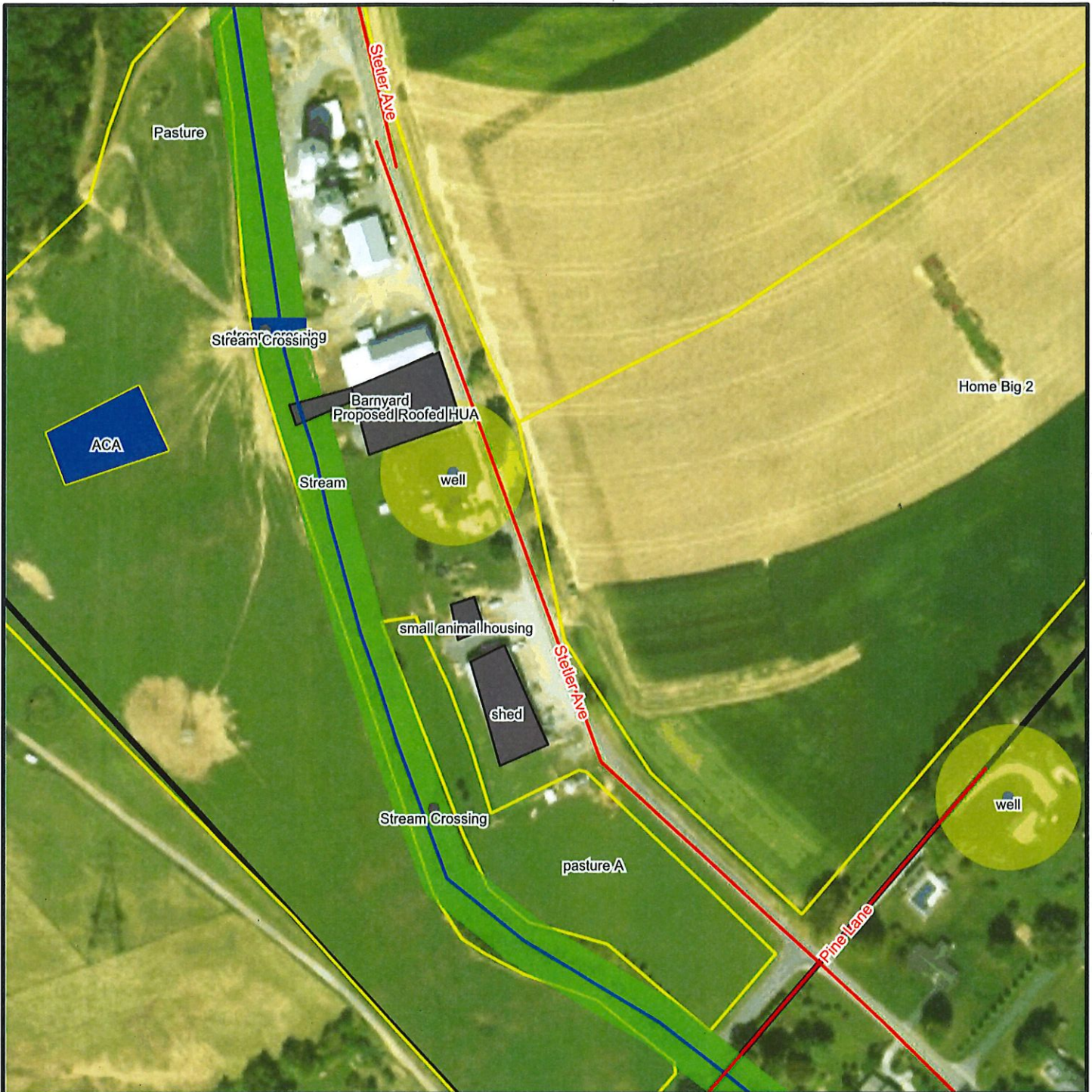
August 11, 2022

Plan Approval Date

Plan Update Submission Date(s)

(updates to the approved plan not requiring board action)

Hummel Bros.

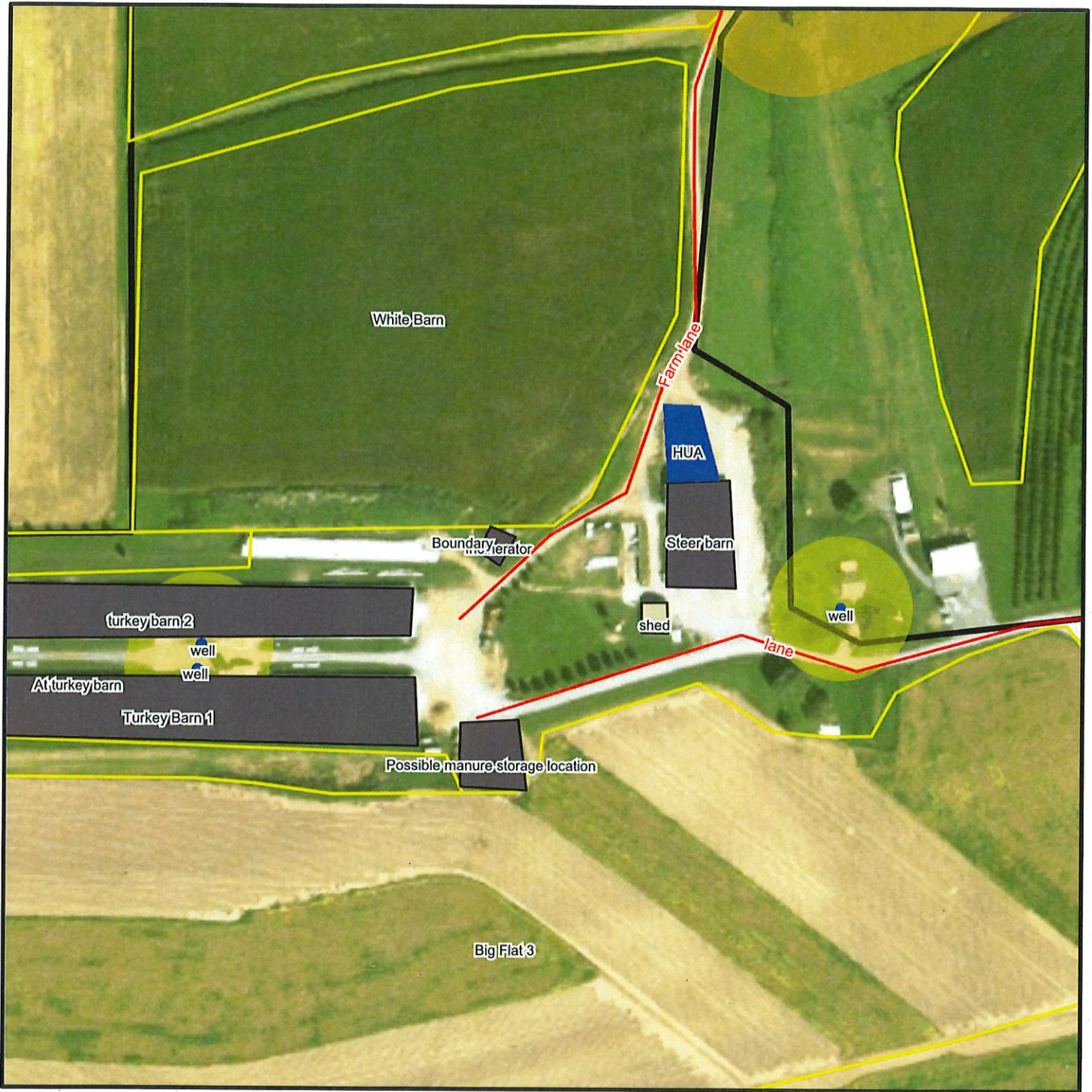


Legend

- | | | | |
|---------------|---------------|---------------------|------|
| field / CMU | water | manure stacking | AHUA |
| farm boundary | stream | vegetative buffer | well |
| homestead | sinkhole area | 100' manure setback | road |
| forest | sinkhole | 150' manure setback | |



Hummel Bros.



* 200.0 feet per inch



Legend

- | | | | |
|---------------|---------------|---------------------|------|
| field / CMU | water | manure stacking | AHUA |
| farm boundary | stream | vegetative buffer | well |
| homestead | sinkhole area | 100' manure setback | road |
| forest | sinkhole | 150' manure setback | |





**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: January 24, 2023

TO: Douglas M. Wolfgang, Executive Secretary
State Conservation Commission

FROM: Jamie Ulrich, Conservation Program Specialist 1
State Conservation Commission

SUBJECT: Nutrient Management Plan Review and Requested Action
Tim Gresh, Cambria County, Pennsylvania

Action Requested

Action is requested on the Tim Gresh Nutrient Management Plan for his Volunteer Animal Operation (VAO) located in Cambria County.

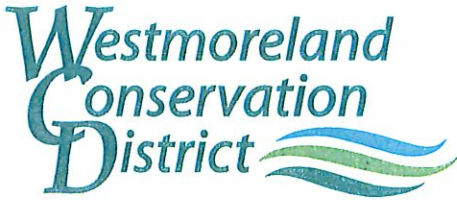
Background

Chelsea Gross with the Westmoreland County Conservation District (WCCD or district) has finalized the required review of the subject Nutrient Management Plan (NMP, or plan) listed above. Ms. Gross performed the review under the supervision of State Conservation Commission (SCC) staff Mark Jackson for certification purposes. Shannon Pierce of the Cambria County Conservation District (CCCD) developed the NMP as part of her certification process. Final corrections to the plan were received at the WCCD office on December 9, 2022. As of that date, the plan was considered to be in its final form. The operation is considered to be a Volunteer Animal Operation (VAO) under the PA Nutrient and Odor Management Act (Act 38 of 2005). The Commission is the proper authority to take action on this plan, because Cambria County Conservation District is not delegated to perform plan review and action responsibilities under the Act 38 program.

A brief description of the operation, including my staff recommendation, is attached. Also attached is the stamped NMP cover page and operation map.

Based on Chelsea Gross's review, the NMP developed for the Tim Gresh animal operation meets the requirements of the PA Act 38 Nutrient Management Regulations, and I therefore recommend Commission approval.

Thank you for considering this plan for Commission action.



J. Roy Houston Conservation Center
218 Donohoe Road
Greensburg, PA 15601-9217
Phone: 724-837-5271
FAX: 724-837-4127
email: wcd@wcdpa.com website: westmorelandconservation.org

Board of Directors

Ron Rohall
Chairman

Charles Duritsa
Vice Chairman

Kim Edward Miller
Treasurer

Emil Bove, PLS
Secretary

Jay Bell
Director

County Commissioner
Douglas W. Chew
Director

William Doney
Director

Paul R. Sarver
Director

Fred J. Slezak
Director

12/9/2022

State Conservation Commission
Attention: Brady Seeley
2301 North Cameron Street, Room 311
Harrisburg, PA 17110

Re: Action Approval of Tim Gresh NMP

Dear State Conservation Commission,

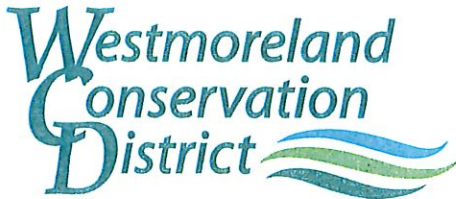
I have completed the required technical review and site visit for the Tim Gresh nutrient management plan (NMP), which was written by Shannon Pierce of Cambria County Conservation District. This is a three year NMP that includes crop years 2023 through 2025. A crop year is understood to begin October 1 of the previous year; therefore this plan will take effect on October 1, 2022.

I performed this review for nutrient management specialist certification requirements. The plan was considered to be in its final form, available for public review, on December 9, 2022.

The Tim Gresh Farm, an existing beef operation located in Cambria County, is home to 40 cows, 40 calves, 1 bull, 40 finishers, and 20 replacement heifers. The operation has 314 acres suitable for manure application of which 291.8 acres are cropland and 22.2 acres are pasture. Crops grown on the operation include hay, corn silage/grain, soybeans, pumpkins, and barley. This operation, having an animal density of 0.39 AEUs/Acre, is defined as a Volunteer Animal Operation under the PA Nutrient Management Act. The operation is not considered a CAFO by the Department of Environmental Protection.

Manure application rates to cropland as outlined in the NMP are 6 tons/acre. All manure application equipment has been calibrated to ensure the target rates can be achieved. The plan identifies several areas of concern to address manure management and storm water issues and lists the following best management practices to address these issues: 2 heavy use area protection locations (561), 2 roof runoff structures (558), a stream crossing (578), and fence (382).

In closing, based upon my technical review and site visit, I believe the requirements of the Pennsylvania Nutrient Management Act and Regulations have been met; therefore, I recommend this plan for approval.



J. Roy Houston Conservation Center
218 Donohoe Road
Greensburg, PA 15601-9217
Phone: 724-837-5271
FAX: 724-837-4127
email: wcd@wcdpa.com website: westmorelandconservation.org

**Board of
Directors**

Ron Rohall
Chairman

Charles Duritsa
Vice Chairman

Kim Edward Miller
Treasurer

Emil Bove, PLS
Secretary

Jay Bell
Director

County
Commissioner
Douglas W. Chew
Director

William Doney
Director

Paul R. Sarver
Director

Fred J. Slezak
Director

If there are any questions regarding the plan or my recommendation, call our office at 724-837-5271.

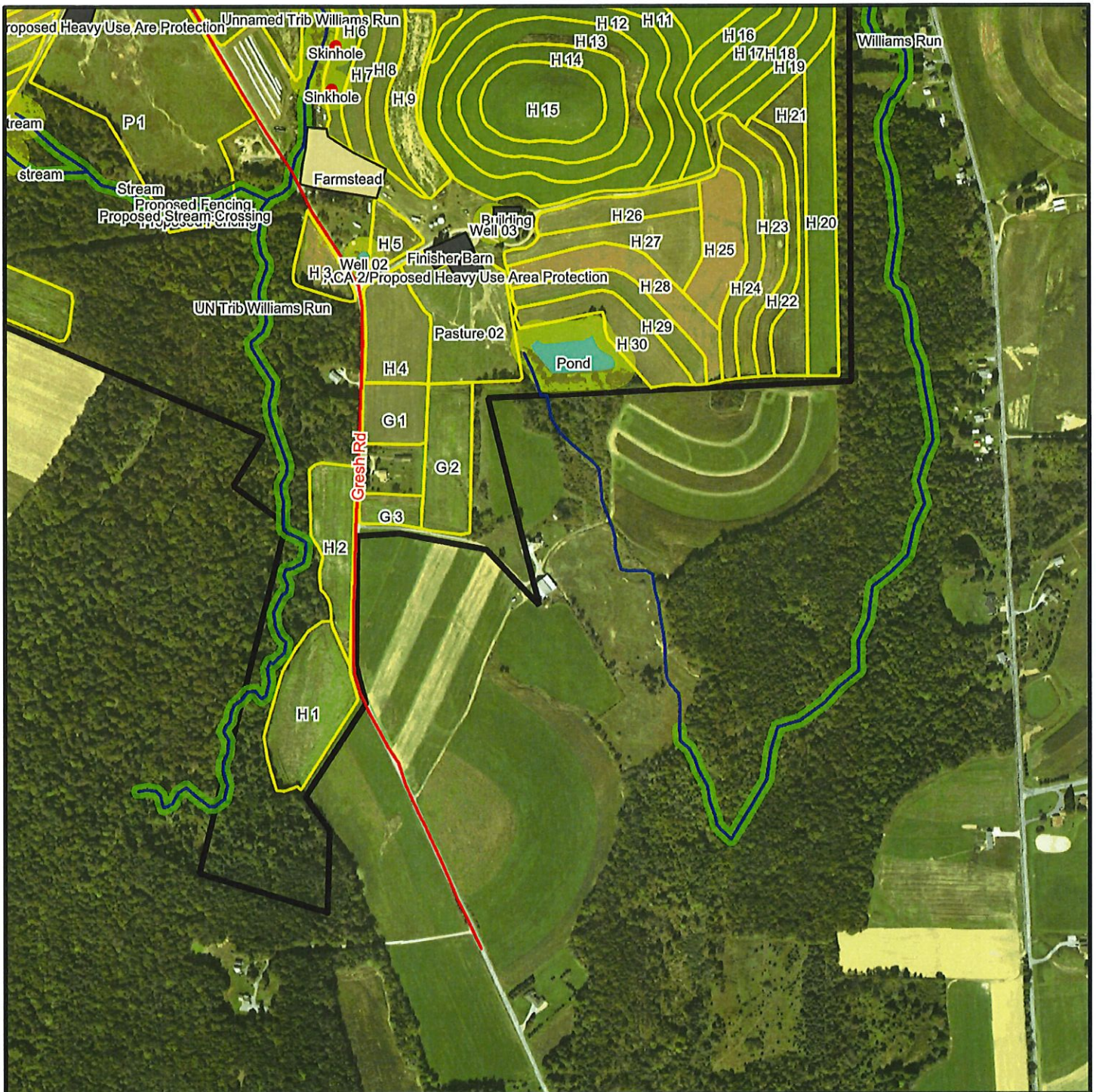
Sincerely,

A handwritten signature in black ink, appearing to read "Chelsea Gross".





Chelsea Gross
Nutrient Management Specialist/Agricultural Conservation Technician
Westmoreland Conservation District

Cc: Shannon Pierce





Gresh Farm Home South



* 706.0 feet per inch
 0 353 706 1059 1412 feet

-  field / CMU
-  farm boundary
-  homestead
-  forest

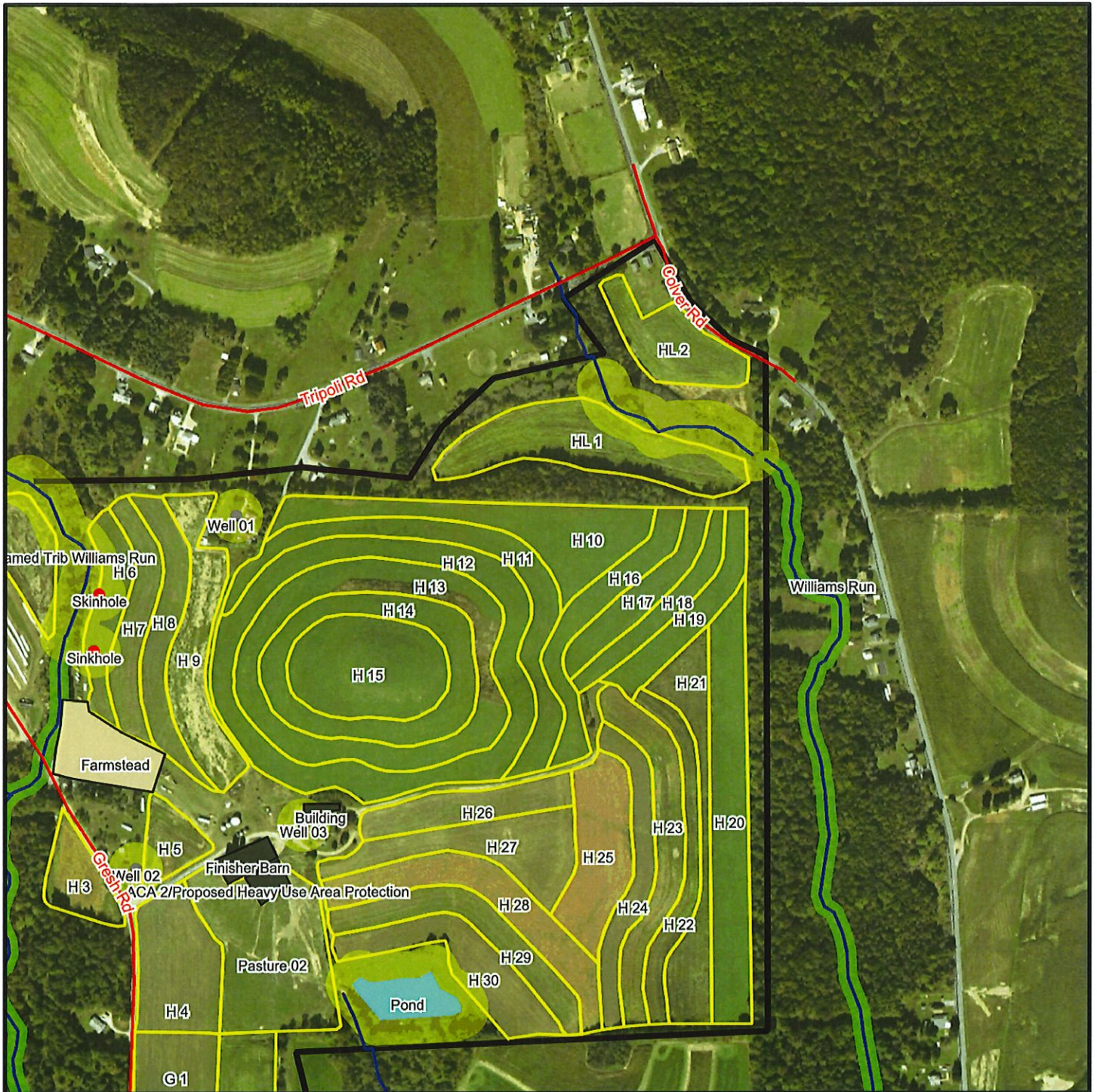
-  water
-  stream
-  sinkhole area
-  sinkhole

-  manure stacking
-  vegetative buffer
-  100' manure setback
-  150' manure setback

-  AHUA
-  well
-  road



Gresh Farm Home North



* 542.0 feet per inch
 0 271 542 813 1084 feet

Legend

- | | | | |
|---------------|---------------|---------------------|------|
| field / CMU | water | manure stacking | AHUA |
| farm boundary | stream | vegetative buffer | well |
| homestead | sinkhole area | 100' manure setback | road |
| forest | sinkhole | 150' manure setback | |





**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: January 3, 2023

TO: Douglas M. Wolfgang, Executive Secretary
State Conservation Commission

FROM: Amy C. Zerbe, Nutrient Management Program Regional Coordinator
State Conservation Commission

SUBJECT: Nutrient Management Plan Review and Requested Action
Ronald Snyder, Schuylkill County, Pennsylvania

Action Requested

Action is requested on the Ronald Snyder Nutrient Management Plan for their Concentrated Animal Operation (CAO) and Concentrated Animal Feeding Operation (CAFO) located in Schuylkill County.

Background

I have finalized the required review of the subject Nutrient Management Plan (NMP, or plan) listed above. Final corrections to the plan were received at the PDA Region 2 office on November 30, 2022. As of that date, the plan was considered to be in its final form. The operation, located in Schuylkill County, is considered to be a Concentrated Animal Operation (CAO) under the PA Nutrient and Odor Management Act (Act 38 of 2005) and a Concentrated Animal Feeding Operation (CAFO) under Department of Environmental Protection (DEP) regulatory authority. The Commission is the proper authority to take action on this plan, because Schuylkill Conservation District is not a delegated to perform plan review and action responsibilities under the Act 38 program.

A brief description of the operation, including my staff recommendation, is attached. Also attached is the stamped cover page and operation map.

Thank you for considering this plan for Commission action.

Farm Description

Ronald Snyder is a proposed swine and sheep animal operation in Schuylkill County. Mr. Snyder's operation consists of a total of 205.2 acres with 142.7 acres of cropland, 11.5 acres of pasture, 4.4 acres of farmstead, and the remaining balance of acreage being forest and other associated agricultural lands. The current crop rotations utilized on the operation include 2 years corn followed by 1 year soybeans, continuous corn, and continuous grass hay.

Animals raised on the operation include 4800 finishing swine, 50 ewes, 125 lambs, 2 rams, 2 beef finishing steer, and 12 laying hens. Total animal equivalent units (AEUs) housed at Mr. Snyder's operation is 726.95 AEUs. With 154.2 acres available for manure application, Mr. Snyder's animal density calculation works out to 4.71 AEUs/acre, classifying the operation as a Concentrated Animal Operation (CAO) under Act 38 of 2005. The operation is also classified as a Concentrated Animal Feeding Operation (CAFO) by the Department of Environmental Protection (DEP) regulatory authority.

Approximately 1,829,520 gallons of swine manure, 65 tons of sheep manure, 17 tons of beef manure, and less than 1 ton of chicken manure is generated per year on the operation. The swine manure is handled as a liquid and collected in a concrete underbarn manure storage. All of the liquid swine manure is land-applied via mechanical manure application on Mr. Snyder's operation. All of the sheep and beef manure is applied to pastures via year-round grazing. Manure produced by the laying hens will be cleaned out of the coop and applied to the garden. No manure is planned to be exported off the operation at this time. Mortalities on the operation will be composted in a mortality composting facility on the operation.

The receiving stream for the operation is the Upper Little Swatara Creek which is a Cold Water Fishery.

There are no Best Management Practices listed to be implemented on Ronald Snyder's animal operation.

Based on my review, the NMP developed for Ronald Snyder's animal operation meets the requirements of the PA Act 38 Nutrient Management Regulations, and I therefore recommend Commission approval.

RONALD SNYDER NUTRIENT MANAGEMENT PLAN MAP HOME FARM

Agenda Item B.2.e



Legend

- Wells
- Well_Setback_100ft
- Stream_Buffer_35ft
- CMU Field Boundary
- Farm_Boundary
- Proposed_Barn_Manure_Storage
- Run In Shed
- Storm_Water
- Proposed_Mortality_Composting





**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: January 3, 2023

TO: Douglas M. Wolfgang, Executive Secretary
State Conservation Commission

FROM: Amy C. Zerbe, Nutrient Management Program Regional Coordinator
State Conservation Commission

SUBJECT: Nutrient Management Plan Review and Requested Action
Valcor Stable – Valerie Jorgenson, Monroe County, Pennsylvania

Action Requested

Action is requested on the Valcor Stable – Valerie Jorgeson Nutrient Management Plan for their Concentrated Animal Operation (CAO) located in Monroe County.

Background

I have finalized the required review of the subject Nutrient Management Plan (NMP, or plan) listed above. Final corrections to the plan were received at the PDA Region 2 office on December 23, 2022. As of that date, the plan was considered to be in its final form. The operation, located in Monroe County, is considered to be a Concentrated Animal Operation (CAO) under the PA Nutrient and Odor Management Act (Act 38 of 2005). The Commission is the proper authority to take action on this plan, because Monroe County Conservation District is not a delegated to perform plan review and action responsibilities under the Act 38 program.

A brief description of the operation, including my staff recommendation, is attached. Also attached is the stamped cover page and operation map.

Thank you for considering this plan for Commission action.

Farm Description

Valcor Stable, operated by Valerie Jorgenson, is an existing equine operation in Monroe County. Ms. Jorgenson's operation consists of a total of 76.1 acres with 8.9 acres of farmstead and the remaining balance of acreage being forest. Animals raised on the operation include 20 mature riding horses, 1 pony, 1 boar, and 10 free range laying hens. Total animal equivalent units (AEUs) on the operation is 23.08 AEUs. With 0 acres available for manure application, the operation's animal density calculation works out to 23.08 AEUs/acre, classifying the operation as a Concentrated Animal Operation (CAO) under Act 38 of 2005.

Approximately 236 tons of horse manure is generated per year on the operation. Manure from the boar and any manure from the chicken coop is collected and combined with the horse manure. Manure is removed from the horse barn and paddocks and stacked on a three-sided, reinforced gravel stacking pad. No manure is mechanically applied on this farm. All of the collected horse manure is exported off the operation to a known importer, Barry Malsom, and occasionally via small quantities. The NMP does include the proper signed Exporter/Importer Agreement. Animal mortalities are taken off the operation for disposal by a renderer.

The receiving stream for the operation is an Unnamed Tributary to Rattlesnake Creek, which is a High Quality - Cold Water Fishery (HQ-CWF).

The following Best Management Practices are listed to be implemented on the operation:

- Paddock/ACA Management – All Paddocks/ACAs – Ongoing
- Manure Stack Management – West of Barn – Ongoing

Based on my review, the NMP developed for Valcor Stable – Valerie Jorgenson's animal operation meets the requirements of the PA Act 38 Nutrient Management Regulations, and I therefore recommend Commission approval.

Nutrient Management Plan

NON-FINAL FORM

Version 1.0

This NMP may be revised prior to a formal action by the Conservation District Board. The final form of the plan will be available at least 7 days prior to Board action. You may contact the Conservation District to determine the current status of the NMP

December 15, 2022
Month, Day and Year

For Crop Year(s)

2024 2025

Prepared For

Operator's Name, Mailing Address, Telephone Number(s)

Valcor Stable – Valerie Jorgenson

109 View Court, Suite 102, Mount Pocono, PA 18344
570-269-3788

Operation's Location Address (if different than above)

196 Golf Drive, Cresco, PA 18326

Site Name (CAFOs)

N/A

Prepared By

Nutrient Management Specialist's Name, Address, Telephone Number(s)

Nathan A. Dewing
TeamAg Inc.
120 Lake Street
Ephrata, PA 17522
717-721-6795

Nutrient Management Specialist's Program Certification Number

552-NMC

Administratively Complete Date

December 15, 2022

Plan Approval Date

Plan Update Submission Date(s)

(updates to the approved plan not requiring board action)

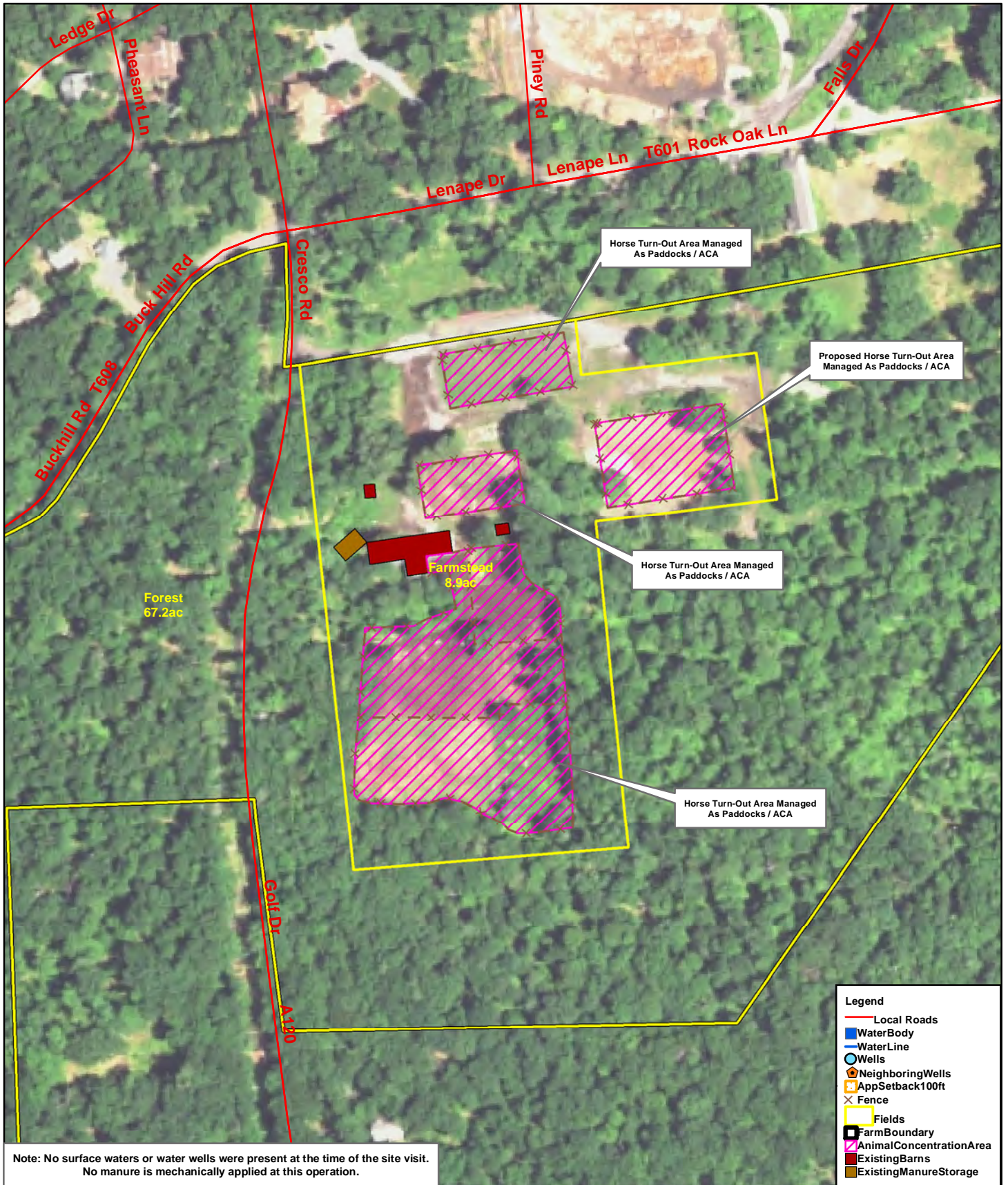
FINAL FORM

This version of the plan will be considered for action by the Conservation District Board at their January 24, 2023 meeting

December 23, 2022
MONTH, DAY AND YEAR



Valerie Jorgenson Farmstead Map



Note: No surface waters or water wells were present at the time of the site visit.
No manure is mechanically applied at this operation.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

TO: Members
State Conservation Commission

FROM: Frank X. Schneider
Director, NM / OM Programs

THROUGH: Douglas M. Wolfgang
Executive Secretary

DATE: January 11, 2023

RE: Conservation District Fund Allocation
Program Statement of Policy Revisions

Background

The State Conservation Commission (SCC) Conservation District Fund Allocation Program Statement of Policy (CDFAP SOP) provides guidance on the requirements and distribution of CDFAP funds to County Conservation Districts.

Starting in 2012, the SCC began receiving additional funds for distribution to county conservation districts through Section 2314 (relating to unconventional gas well impact fee) of the Oil and Gas Act, as amended, (Feb. 14, 2012, P.L. 87, No. 13) , 58 Pa.C.S.A. § 2314. Section 2314 directed that a portion of funds from the Unconventional Oil and Gas Well Fund be deposited into the Conservation District Fund. This additional funding source led the SCC to revise its CDFAP SOP. DEP, PDA and SCC staffs worked closely with county conservation districts to update the CDFAP SOP during a revision process in 2013 & 2014. The revisions to the CDFAP SOP provided additional flexibility for the use of these funds by conservation districts while still allowing the SCC to oversee their use as required in the County Conservation District Law, 3 P.S. §§ 849 et seq.

Although the changes were approved by the Commission in November 2014 and those changes are currently being followed, Chapter 83 was never updated with the changes. (see attached CDFAP SOP)

At the November 2022 SCC meeting, approval was given to remove the CDFAP SOP, from Chapter 83 and make that policy a standing policy of the Commission, rather than have it published in the Pennsylvania Code. After further research it was recognized that the CDFAP SOP Chapter 83 reference was specifically identified in Act 13.

- 2 -

Action Requested

Commission staff is seeking approval from the Commission to change their November 2022 action to remove the CDFAP SOP from Chapter 83 to updating Chapter 83 to reflect the current form of the CDFAP SOP that was approved by the Commission in November 2014 and is currently being utilized.

Attachment – CDFAP SOP (2014)

FINAL

STATE CONSERVATION COMMISSION**Statement of Policy for the Conservation District Fund Allocation Program**

The State Conservation Commission (Commission), under the authority contained in the Conservation District Law (3 P. S. §§ 849--864) has amended its statement of policy for the Conservation District Fund Allocation Program (25 Pa. Code, Chapter 83, Subchapter B) as set forth in Annex A.

A. Effective Date

This amended statement of policy was effective upon adoption by the Commission at its November 12, 2014 public meeting.

B. Contact Persons

For further information contact Karl G. Brown, Executive Secretary, State Conservation Commission, 2301 N. Cameron Street, Room 311, Harrisburg, PA 17110, (717) 787-8821.

C. Statutory Authority

This statement of policy was amended under the Conservation District Law (law) (3 P. S. §§ 849--864).

D. Background and Summary

The Commission's Conservation District Fund Allocation Program--Statement of Policy (CDFAP SOP) guides the distribution of specific funds from the Department of Environmental Protection (DEP) and the Pennsylvania Department of Agriculture (PDA) for transfer to county conservation districts. It is the vehicle through which the Commission disburses funds to districts for conservation district manager's cost share, technical assistance cost share, administrative assistance and other special project funds.

The revisions to the CDFAP SOP provide additional flexibility for use of these funds by conservation districts while still maintaining the Commission's required oversight for use of these funds. The revisions allow the Commission to allocate non-specific program element funds to districts if the funds are available. These funds may be used by the district for any program element under this sub-chapter. The district may use its non-specific program element funds to fund more than one manager up to fifty percent (50%) and/or as many technician positions as they would like to fund up to one hundred percent (100%). These funds may also be used for special projects and reserve accounts with Commission approval.

E. Summary of Comments and Responses on the Proposed Amendments

The Commission provided districts with a 20-day comment period to review and comment on the proposed revisions. During the comment period, the Commission received two written comments and one written question. Both comments thanked the Commission for the opportunity to review the SOP, stated that they had no comments, and are in agreement with the suggested changes.

FINAL

One district questioned the meaning of “general district programs” as referenced in the SOP. The Commission responded to the district that a general district program is any program developed by a district to meet its mission or goals and objectives, or any program developed under strategic or long term planning initiatives. General district programs are programs that are implemented solely by the district and are not contingent upon an agreement with another entity. The district was satisfied with this response.

Annex A**TITLE 25. ENVIRONMENTAL PROTECTION****PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION****Subchapter C. PROTECTION OF NATURAL RESOURCES****ARTICLE I. LAND RESOURCES****CHAPTER 83. STATE CONSERVATION COMMISSION****Subchapter B. CONSERVATION DISTRICT FUND ALLOCATION
PROGRAM--STATEMENT OF POLICY****GENERAL PROVISIONS****§ 83.31. Purpose.**

(a) The act provides for the General Assembly of the Commonwealth, State and Federal Agencies, Commissions and other public and private entities to appropriate moneys into a special fund known as the Conservation District Fund for allocation to local conservation districts. Funds allocated to conservation districts from this fund shall be used for activities necessary to meet the requirements of the act and costs associated with implementing programs delegated, contracted or approved by the Commission.

(b) It is the intention of the Commission to provide conservation districts with funds to be used for the employment of conservation district managers for the districts, to provide administrative funding assistance to districts, to finance Commission mandated or authorized activities, and to provide financial assistance for technical staff and programs of districts under the act, if the district complies with the terms and conditions of this chapter.

(c) The Commission will annually allocate the available funding to one or more of the program elements identified in this subchapter and if funds are available, provide an allocation of non-specific program element funds to districts for use under this subchapter. The Commission will provide for the fair and equitable distribution of the funds to districts. Total funding available for allocation to one or more of the program

FINAL

elements will be determined by the Commission in consultation with the PDA, the Department and other funding sources on an annual basis as funding is available.

(1) The Commission may provide an allocation of non-specific program element funds to a district and allow the district the flexibility to designate its use for any program element provided for under this subchapter, including reserve accounts established consistent with this subchapter. These non-specific program element funds will be paid in accordance with the program element as allocated by the district.

(2) The Commission will have the authority to reallocate district funding based on actual and anticipated district costs.

(3) The Commission will provide advanced payments for conservation districts consistent with the authority of the act and this subchapter.

(d) Funds allocated to districts under this subchapter will be utilized solely for employing conservation district managers, conservation district management staff, conservation district technicians and engineers and to finance administrative expenses related to program elements and special project expenses of this subchapter approved by the Commission.

(e) The following program elements may be funded under the Conservation District Fund Allocation Program:

(1) *Conservation District Management Cost Share Program.* The purpose of the Conservation District Management Cost Share Program is to provide cost share assistance to conservation districts for their employment of a conservation district manager or other management staff to provide overall administration of the district's programs.

(2) *Administrative Assistance Funding Program.* The purpose of the Administrative Assistance Funding Program is to provide financial assistance for administrative purposes to conservation districts. The funds shall be used to help defray district administrative expenses related to actions required or authorized by the act or an action of the Commission and enhance the conservation district's ability to provide administrative support to other program areas where the conservation district has accepted administrative responsibilities. Activities include general administrative support for conservation districts programs, activities for the administration of the Agricultural Conservation Easement Conservation District Administrative Support Program and administrative support of other programs supported by other funding sources and approved by the Commission.

(3) *Technical Assistance Cost Share Program.* The purpose of the Technical Assistance Cost Share Program is to provide cost share assistance to districts for their employment of technical staff to carry out district functions that require specialized training or abilities. Funding under this program shall be utilized to

FINAL

support positions at conservation districts employed to carry out responsibilities under the Erosion and Sediment Control Program; the National Pollutant Discharge Elimination System Permitting Program; and the Agricultural Conservation Technical Assistance Program. Funding may also be utilized for other technical related program and staff positions determined necessary and approved by the Commission.

(4) *Special Project Funding Program.* The purpose of the Special Projects Funding Program is to provide State, Federal or private funds to districts or cooperating organizations in return for proper execution of special programs or projects approved by the Commission.

(5) *Others.* Other programs or projects as approved by the Commission

§ 83.32. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Act--The Conservation District Law (3 P. S. §§ 849--864).

Agricultural Area Security Law (3 P. S. §§ 901--915)--This act creates a State agricultural conservation easement purchase program for the purchase of conservation easements on eligible farms administered by the PDA and local county farmland preservation boards assisted by county conservation districts.

Agricultural Conservation Easement Conservation District Administrative Support Program – This program provides funds for certain administrative, technical and other expenses incurred by county conservation districts to support the activities of the county agricultural land preservation board. These funds are provided to help accelerate the purchase of Agricultural Conservation Easements and fulfill the goals of Pennsylvania's Agricultural Conservation Easement Purchase Program.

Agricultural Conservation Technical Assistance Program--A cost share program to support the employment and training of agricultural conservation technicians and engineers serving as a resource and technical advisor providing increased levels of direct technical services and assistance to production agriculture cooperators and other landowners. Technical assistance and services may include assessing natural resource problems and developing, updating or implementing conservation plans and other natural resource plans such as nutrient management, integrated pest management and pasture, crop and forest management plans for delegated or other technical assistance activities of a program assumed by the conservation district. Training opportunities include, but are not limited to, the Agricultural Technical Boot Camp Training Program.

Associate director--A person appointed by the conservation district board consistent with section 6(2) of the act (3 P. S. § 854(2)).

Commission--The State Conservation Commission created by the act.

FINAL

Conservation district manager--A person employed by the district to perform those duties determined by the district, if those duties comply with this subchapter.

Conservation district management staff--A person employed by the district other than the conservation district manager to perform those duties determined by the district as providing overall administration of district programs that comply with this subchapter.

Conservation district technician and professional engineer--A person employed by the district to perform those technical or educational duties determined by the district or the Commission that are of a specialized nature and require a specific educational background or specialized training.

Cooperating organization--An organization approved by the Commission to assist in carrying out the act.

Department--The Pennsylvania Department of Environmental Protection.

Directors or Board of Directors--The governing body of a conservation district appointed under the provisions of the act

District--A conservation district as defined in the act.

Erosion and Sediment Control Program--A State program to help provide for the conservation of soil, water and related resources and for the control and to minimize the potential for accelerated soil erosion and the management of post construction stormwater established under the erosion control rules and regulations in Chapter 102 (relating to erosion and sediment control) adopted under the authority of The Clean Streams Law (35 P. S. §§ 691.1--691.1001).

Fiscal year--The State fiscal year being July 1 through June 30.

National Pollutant Discharge Elimination System Permitting Program-- The National system for the issuance of permits under section 402 of the Federal Clean Water Act (33 U.S.C.A. § 1342) including a state or interstate program which has been approved in whole or in part by the EPA, including the regulations codified in Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), Chapter 102 (relating to erosion and sediment control) and as specified in other Department rules and regulations.

Non-Specific Program Element Funds – Funds allocated to the district by the Commission that give the district flexibility to allocate these additional funds to any or all program elements in this subchapter.

PDA--Pennsylvania Department of Agriculture--The Pennsylvania Department of Agriculture

Special project--A specific program or planned undertaking approved by the Commission.

§ 83.33. Eligible expenses.

(a) The Commission will determine the nature, extent and eligibility of expenses to be funded.

(b) When the Commission funds a staff position under this subchapter, the total cost of employment for those staff positions shall include salary and salary-related expenses provided by the conservation district, such as Social Security, workers' compensation, unemployment compensation, liability insurance, disability insurance, medical/life insurance, Medicare, hospitalization, dental plan, vision plan, other health plans, retirement, professional fees, separation costs and other expenses the Commission determines to be appropriate. The following are not salary-related expenses: travel, lodging, vehicle insurance and office rent.

(c) When the Commission provides funds to a district for the purpose of supporting general administrative activities of the district and fulfilling requirements of the act and this subchapter, eligible costs include the following if not reimbursed by another program or funding source:

(1) Director, associate director and staff travel expenses, including mileage, meals and lodging, to district meetings or other official business of the district.

(2) Publishing the annual report

(3) Postage, telephone charges, telephone equipment, computer equipment, fax machines and other communication and technology equipment.

(4) Expenses related to keeping full and accurate district records as determined by the Commission.

(5) Office rent and mortgage payments

(6) Bonding, liability insurance, errors and omissions insurance, vehicle insurance, legal fees, and audit fees.

(d) When the Commission, agency or other funding source provides funding to a conservation district for a program approved by the Commission, the agency or other funding source shall define program activities and acceptable expenses through a delegation agreement, other program agreement or criteria established within the specific guidelines of the funding source.

(e) Other eligible expenses as determined by the Commission.

FINAL

(f) When non-specific program funding is allocated to a district, the district may place a portion of the funds into a dedicated “reserve account” under the Administrative Assistance Funding Program to be used as follows.

(1) Reserve accounts shall be established for specific defined purposes, such as: non-reoccurring employment related expenses (i.e. separation costs, leave payout); capital improvement expenses; major equipment replacement expenses (i.e. vehicles, no-till equipment, HVAC systems, copiers); cash-flow related expenses; education scholarship program obligations or any other purposes approved by the Commission.

(2) The District Board shall develop and adopt a written description of the reserve account that includes its specific purpose, reasonable rules governing its use, specific limits on the account’s size and details on its replenishment.

(3) All district reserve accounts established using funds provided under this subchapter must be approved by the Commission prior to their establishment or if at any time the district desires to change the purpose of the reserve account.

(4) All reserve accounts shall be included as a part of the district’s annual audit and year ending financial statement. Both the audit and year ending financial statement shall include all funds held or controlled by the district.

(g) Salary and salary-related expenses for specific programs delegated or contracted to the district by the Commonwealth will be eligible expenses when the Commission specifically approves payment.

§ 83.34. Application procedures.

(a) An application for funding, in a format approved by the Commission, shall be completed by the district for any staff position, project or activity authorized by the Commission and this subchapter.

(b) The application for funding shall be approved by the Board of Directors and signed by the chairperson or a designee and submitted to the Commission within the time frames established by the Commission.

(c) When an application for funding is submitted for a staff position, a copy of the job description for each staff position shall be included in each application for funding.

(d) When multicounty proposals for staff positions or programs authorized by the Commission or this subchapter are the most feasible and cost-effective manner for delivering program objectives or services, the Commission may authorize two or more conservation districts to apply for funding. Applications must include letters of intent from all cooperating districts, signed by the chairperson or a designee of that cooperating district, indicating that each cooperating conservation district board took official action to support the proposed application and the date of that action.

FINAL

(e) In prioritizing and selecting applications to be funded under the Technical Assistance Cost Share Program element, the Commission may consider the district's application consistency with goals and other relevant information established in program guidelines.

(f) Upon Commission approval of an application, the district will be notified of the amount available for funding.

§ 83.35. Procedures for allocating funds

(a) The district shall submit documentation of the eligible staff position's salary and salary-related costs for the actual and anticipated calendar periods on forms approved by the Commission.

(b) The State or Federal government may provide funds to the district for activities devoted to a program of the State or Federal government in addition to the funding provided by the Commission through this program. A district may not receive State or Federal funds, the combination of which exceeds 100% of the cost of administering a program.

(c) If extenuating circumstances regarding the allocation warrant special consideration, the Commission will have the discretion to adjust the allocation provided to a particular district.

(d) Funds provided will be available on a fiscal year basis for costs incurred for the positions at the beginning of the fiscal year or from the time the district fills the position during that fiscal year.

(e) The Commission may exercise its judgment in approving applications for funding and in determining the distribution of these funds.

(f) The Commission may impose restrictions or special conditions upon the issuance of these funds.

(g) The Commission will have sole authority to determine the level of funding that individual conservation districts are eligible to receive under any element of this program.

§ 83.36. Procedures for advance payments.

For purposes of disbursing funds to conservation districts, the Commission may process an advanced payment as follows:

(a) When an application for funding of a staff position has been approved by the Commission, the Commission may advance up to 25% of the approved application amount. Subsequent payment to the district will be made on an "actual cash expended" basis not to exceed approved funding caps for the positions. The district shall request reimbursement of the remaining allocation amount on forms approved by the

FINAL

Commission in accordance with §§ 83.37 and 83.38 (relating to reimbursement requirements and procedures; and reporting requirements).

(b) When annual funding for administrative assistance for general conservation district program administration has been approved by the Commission, a district shall receive an initial grant, the amount to be determined by the Commission, if funding is available for the fiscal year and the requirements of § 83.55(a) and (b) (relating to reporting procedures) for administrative assistance are met. Additional administrative funds may be granted to districts if they become available, provided the requirements of § 83.55(a) and (b) are met.

(c) When annual funding for administrative assistance for other program elements under this subchapter include eligible expenses for both staff positions and administrative activities and have been approved by the Commission, the Commission may advance funding consistent with paragraphs (a) and (b) up to caps that may be established by the Commission.

(d) Upon receipt of advance payment funds, the district shall promptly deposit these funds in an interest bearing account in a bank or other financial institution insured by the FDIC, FSLIC or equivalent insurer. The advance payment funds and any interest earned thereon shall be expended by the district to fulfill the objectives of the approved program element for which the advance payment was received.

(e) For each program element when advance payment funds are received, the district shall keep a separate accounting of the advance payments and the interest earned thereon.

§ 83.37. Reimbursement requirements and procedures.

(a) The following reports and documents shall be provided to the Commission or its designee on or before the dates listed. Other reports required by the Commission and this subchapter shall be provided on or before dates established by the Commission.

| Report/Document | Due Date |
|--|---|
| Team Sheets | January 31 |
| Annual Report | March 31 |
| Budget (current calendar year) | March 31 |
| Financial Statement (previous calendar year) | March 31 |
| Financial Audit Report (previous calendar year) | December 31 |
| Quarterly Reports (program elements and special projects) | January 15, April 15, July 15, October 15 |

(b) The Commission or its designee may not process a district's claim for reimbursement until that district's required reports and documents related to a

FINAL

Conservation District Fund Allocation Program element or an approved special project are received by the Commission.

(c) Final payment for activities conducted under program elements or approved special projects under this subchapter will not be provided to a district until all program elements or special project activities have been completed as described in the program guidelines or the special project work plan and the required reports have been submitted to the Commission in a manner consistent with § 83.38 (relating to reporting requirements).

(d) When a conservation district receives funding under this subchapter and is unable to meet a reporting deadline as noted in subsection (a), the conservation district may request an extension to that deadline as outlined in Commission policy.

(e) Funding claims will be reviewed and forwarded by the Commission or its designee to the comptroller for payment within 15 working days after an acceptable claim and the required reports are received in the Commission or designee's office.

§ 83.38. Reporting requirements.

(a) A district having staff positions or special projects approved for funding by the Commission shall file quarterly claims indicating applicable cost of employment or costs of the special project for the period.

(b) Claims shall be filed no later than 15 days after the close of the quarter. Quarters end on September 30, December 31, March 31 and June 30.

(c) At the same time, the district shall submit a quarterly report of activities for the program element or special project.

(1) Quarterly reports for cost share program elements must include a report of activities and accomplishments that have resulted from the employment of the conservation district manager, technician or engineers or the monthly board meeting minutes for the quarter if they include activities and accomplishments of the conservation district manager, technicians or engineers.

(2) Quarterly reports for special projects must include a report indicating the status of the project or accomplishments consistent with the project work plan.

(d) When available, the district shall use the Conservation District E-commerce System for submission of forms and reports required by the Commission or delegated and contracted programs to the greatest extent possible.

(e) If a position is employed by more than one district, the host district shall maintain records and file reports for the position.

(f) Quarterly claims and activity reports shall be submitted in a manner and on forms approved by the Commission.

§ 83.39. Record retention requirements.

(a) The district shall maintain in its file a record of the activities of all positions (district manager, technicians and professional engineers) and special projects funded under this subchapter.

(b) A conservation district receiving funds under any program element under this subchapter shall maintain in accordance with generally accepted accounting principles the books, records, receipts, financial statements and other documents pertaining to any program element or special project under this program. These records shall be retained a minimum of 3 years, commencing at the end of the fiscal year of funding. The records shall be made available to the Commission, PDA and the Department or their agents upon request.

CONSERVATION DISTRICT MANAGEMENT COST SHARE PROGRAM

§ 83.41. General requirements.

(a) This program is known as the Conservation District Management Cost Share Program.

(b) The conservation district manager or other management staff position shall be the employee of the district and not the employee of the Commonwealth. A person serving as a conservation district manager or in another management staff position may not serve in a clerical capacity with the district unless the Commission gives special approval.

(c) The Commission will cost share no more than 50% of the total cost of employment for a conservation district manager or other management position(s) even when employed by more than one district. Cost share provided for a conservation district manager or other management positions shall be a combined total of an annual allocation set by the Commission and any portion of non-specific program element funds allocated to the district.

(d) One or more conservation district management staff positions per district may be cost shared if adequate funds are available.

(e) The Commission will have the authority to adjust the conservation district management annual cost share for unforeseen circumstances.

§ 83.42. Application procedures.

FINAL

Application for funding for this program element shall be completed in a manner consistent with § 83.34 (relating to application procedures).

§ 83.43. Reporting requirements.

Reporting requirements for this program element shall be completed in a manner consistent with § 83.38 (relating to reporting requirements).

§ 83.44. Reimbursement procedures.

Reimbursement procedures for this program element shall be completed in a manner consistent with § 83.37 (relating to reimbursement requirements and procedures).

§ 83.45. Procedures for allocating funds.

The conservation district management staff position's actual salary and salary-related costs for the new July 1 through December 31 calendar period and anticipated salary and salary-related costs for the new January 1 through June 30 calendar period shall be the basis for computing the new fiscal year allocation.

§ 83.46. Record retention requirements.

Record retention requirements for this program element shall be completed in a manner consistent with § 83.39 (relating to record retention requirements).

ADMINISTRATIVE ASSISTANCE FUNDING PROGRAM

§ 83.51. General requirements and eligibility.

- (a) This program is known as the Administrative Assistance Funding Program.
- (b) Funds made available to this program shall be utilized to help defray costs directly related to the following:
 - (1) Administration of general district programs and fulfillment of requirements of the act and this subchapter. Eligible costs are those costs contained in § 83.33(c)-(f) (relating to eligible expenses).
 - (2) Administrative or other expenses approved by the Commission and incurred by conservation districts when the conservation districts have agreed to provide administrative support to the county agricultural land preservation board for duties carried out by the board under the Agricultural Area Security Law. Eligible costs are those costs described in the Agricultural Conservation Easement Conservation District Administrative Support Program established in program guidelines and approved by the Commission.

FINAL

(3) Administrative or other expenses approved by the Commission and incurred by conservation districts when the conservation district accepts administrative responsibility and activities of other county, State or Federal programs. Eligible costs are those costs contained in § 83.33(d).

(c) Funds made available to this program may be utilized to establish reserve account(s) for a specific purpose approved by the Commission. Eligible uses are described in § 83.33(f).

§ 83.52. Procedures for allocating funds.

(a) A district shall annually receive funds in a manner consistent with § 83.35 (relating to procedures for allocating funds), the amount to be determined by the Commission, if funding is available for the fiscal year and the requirements of § 83.55(a) and (b) (relating to reporting procedures) are met.

(b) Additional administrative funds may be granted to districts if they become available, provided the requirements of § 83.55(a) and (b) are met.

(c) Contingent on the availability of funds, the Commission, at its discretion, also has the option to reimburse conservation districts for:

(1) Extraordinary travel and administrative expenses in excess of the initial administrative assistance grant.

(2) Additional eligible expenses for administrative support, or other services to a county, State or Federal program when the conservation district accepts administrative responsibility and program implementation activities.

(3) The Commission may also reimburse a district for the travel expenses of a district director, associate director or staff person to attend a meeting or conference at the request of the Commission.

§ 83.53. Application procedures for reimbursement.

Application for funding shall be completed for this program element in a manner consistent with § 83.34 (relating to application procedures).

§ 83.54. Reimbursement procedures.

(a) When extraordinary travel and administrative expenses in excess of the initial grant are to be reimbursed, a reimbursement claim form shall be submitted by districts to the Commission semiannually indicating costs to be reimbursed for the period. The claims shall be filed no later than 15 days after December 31 and June 30.

(b) The Commission may reimburse all or a portion of the reimbursable expenses submitted by districts.

FINAL

(c) Reimbursement claims shall be made by conservation districts, and processed by the Commission, consistent with the reimbursement procedures contained in § 83.37 (relating to reimbursement requirements and procedures).

§ 83.55. Reporting procedures.

(a) Within 15 days following the end of the fiscal year on June 30, each participating district shall file an "Administrative Assistance Program Financial Statement" noting how the general administrative funds were utilized.

(b) A district shall, by December 31, submit a financial audit for the previous calendar year unless an extension of time is requested by the district and approved by the Commission. The standards and guidelines for the financial audit and extension of time request will be established by the Commission.

(c) A conservation district accepting funds for administrative activities of programs other than general conservation district programs or fulfillment of requirements of the act and this subchapter shall provide a quarterly report of activities and accomplishments that have resulted from the expenditure of these funds as required by the Commission or guidelines established for that program.

§ 83.56. Special requirements.

General administrative funds not used for the purposes authorized by the Commission shall be reconciled and deducted from the following year's grant to that district.

TECHNICAL ASSISTANCE COST SHARE PROGRAM

§ 83.61. General requirements.

(a) This program is known as the Technical Assistance Cost Share Program.

(b) The conservation district technician or engineer funded under the Technical Assistance Cost Share Program is the employee of the district and not the employee of the Commonwealth. A person serving as a conservation district technician or professional engineer shall receive general supervision from a district director or an employee of the district designated by the board of directors.

(c) The Commission will pay no more than the established cost share rate of the total cost of employment for the conservation district technician or professional engineer even when employed by more than one district.

(d) Funds allocated to districts under this program shall be utilized solely for employing conservation district technicians or professional engineers to provide technical assistance and services assumed by the district including, but not limited to, the following:

FINAL

(1) The Erosion and Sediment Control Program and the National Pollutant Discharge Elimination System Permitting Program as specified in the delegation agreement with the Department.

(i) The maximum Commission cost share allocation for conservation district technicians performing duties under Erosion and Sediment Control Program shall be at the following rates, based on the level of responsibilities:

- (A) Level I--35%
- (B) Level II--50%
- (C) Level III--65%
- (D) No Delegation – 0%

(ii) Where the Commission allocates non-specific program element funds to the district, the district may allocate these funds to cost share these positions up to 100%.

(iii) The Commission, as funds are available, has the authority to increase a district technician's cost share allocation up to an additional 10% for each conservation district technician, or professional engineer under the Erosion and Sedimentation Control Program, if any of the following conditions are met. The technician or professional engineer:

- (A) has achieved certification as an erosion and sediment control technician, level 2, by the National Institute for Certification in Engineering Technologies.
- (B) is certified by the International Erosion Control Association as a Certified Professional in Erosion and Sediment Control.
- (C) is a professional engineer with a minimum of 2 years experience in erosion and sediment control and post construction stormwater management.
- (D) has achieved other professional certification programs recognized by the Commission.

(2) The Agricultural Conservation Technical Assistance Program established in program guidelines and approved by the Commission.

(i) Cost share provided for agricultural conservation technicians and professional engineers may be a combination of an annual allocation set by the Commission and non-specific program element funds allocated to

FINAL

the district. These positions may be cost shared up to 100% of the total cost of employment.

(ii) For purposes of the Agricultural Conservation Technical Assistance Program, the balance of funds not defrayed under this subchapter may include State sources, such as those funds provided to districts under the Nutrient Management Act Program, the Chesapeake Bay Programs the Agricultural Conservation Easement Conservation District Administrative Assistance Program, and other State and Federal funds, as approved by the Commission on a case-by-case basis.

(iii) The Commission, as funds are available, has the authority to increase a district technician's cost share allocation up to an additional 10% for each conservation district technician, or professional engineer, if any of the following conditions are met. The technician or professional engineer:

(A) has obtained and maintained certain Natural Resources Conservation Service Engineering Job Approval Ratings.

(B) has professional certifications or specified training as prescribed by the Commission.

(C) is a professional engineer with a minimum of 2 years experience in the design and installation of agricultural conservation best management practices.

(3) Other program areas established in Technical Assistance Cost Share Program elements under this subchapter and approved by the Commission.

(i) Where non-specific program element funds are allocated to the district, other technical staff positions may be cost shared up to 100%. These positions may include: additional erosion and sediment control technician(s), agricultural conservation technicians, forester(s), environmental educators, professional engineers, and watershed specialists.

(4) The Commission may allocate funds for additional technicians or professional engineers to be cost shared per district contingent on the availability of funds.

(i) The maximum Commission cost share rate for additional conservation district erosion and sediment control technicians shall be based on the level of responsibility assumed by the district in the Erosion and Sediment Control Program as specified in the delegation agreement with the Department.

FINAL

(ii) The cost share rates for additional agricultural conservation technicians or professional engineers within a single county will be established at the sole discretion of the Commission.

(iii) The Commission has the authority to reduce the cost share rate for additional conservation district technicians or professional engineers where more than one technician or professional engineer is cost shared in the conservation district.

(5) If an evaluation of the district's performance reveals that the district is not performing to the required program output measures or program goals the Commission has the authority to reduce the allocation or the level of cost share for the technicians, or both.

§ 83.62. Application procedures.

Application for funding for this program element shall be completed in a manner consistent with § 83.34 (relating to application procedures).

§ 83.63. Reporting requirements.

Reporting requirements for this program element shall be completed in a manner consistent with § 83.38 (relating to reporting requirements).

§ 83.64. Procedures for allocating funds.

(a) For Technical Assistance funding, the technician's or professional engineer's actual salary and salary-related costs for the new July 1 through December 31 calendar period and anticipated salary and salary-related costs for the new January 1 through June 30 calendar period shall be the basis for computing the new fiscal year allocation.

(b) The Commission will determine, on the basis of criteria established by the Commission, which technical personnel will receive cost share.

(c) The allocation may be prorated if sufficient funds are not available to provide the desired rate of cost share for the approved technicians or professional engineers.

§ 83.65. Reimbursement procedures.

Reimbursement requirements and procedures for this program element shall be completed in a manner consistent with § 83.37 (relating to reimbursement requirements and procedures).

§ 83.66. (Reserved).

SPECIAL PROJECTS FUNDING PROGRAM

FINAL

§ 83.71. General requirements.

(a) The Commission may allocate to districts, State, Federal or other funds, as available, to reimburse districts for their costs to carry out special projects approved by the Commission. These projects shall be limited to a reasonable period of time for the accomplishment of project objectives but State funding will not be assured for longer than 1 State fiscal year. Eligible projects will be determined on individual merit by the Commission based on criteria established within the specific guidelines of the funding source.

(b) The Commission may authorize special project grants to any district or cooperating organization for purposes consistent with this subchapter and the act.

§ 83.72. Application procedures.

(a) Districts may apply for available funds. The Commission will establish a deadline for the filing of the applications. Applications must be in writing and be made on forms prescribed, prepared and furnished by the Commission. Applications must set forth the information and be accompanied by the data that is necessary for the Commission to determine the applicant's eligibility to be considered for a special project.

(b) Project proposals shall be submitted to the Commission in a format provided by the Commission that describes the purpose, schedule and scope of activities, expected results, and projected completion dates, required personnel, special services, physical resources and estimated costs for the completion of the project and the district's financial resources to cost share the project.

(c) Applications will be reviewed by the Commission and preliminarily ranked based on guidelines adopted by the Commission. Additional information may be required of districts submitting projects regarding the intent and purpose of the project.

§ 83.73. Procedures for allocating funds.

(a) The Commission will approve the amount of funds available for special projects.

(b) Projects containing objectives that are consistent with the current priorities of the Commission may receive higher priority for funding and may be cost shared at a higher rate.

(c) The Commission will approve special projects for funding. Districts will be notified immediately following approval or denial by the Commission.

(d) It is the goal of the Commission to require a project sponsor to provide a portion of the funding for special projects. The Commission may require the project sponsor to provide matching funds or in-kind services, at the Commission's discretion. The Commission is authorized to provide up to 100% cost share for special projects.

FINAL

(e) Funds may be reallocated at any time in the event a project cannot be completed or is abandoned for any reason.

§ 83.73a. Reporting requirements.

Reporting requirements for this program element shall be completed in a manner consistent with § 83.38(b), (c)(2) and (f) (relating to reporting requirements).

§ 83.74. Reimbursement procedures.

(a) Reimbursement requirement and procedures for this program element shall be completed in a manner consistent with § 83.37(b) and (c) (relating to reimbursement requirements and procedures).

(b) The following administrative expenses of the district are reimbursable under a special project of this subchapter:

(1) District employees' salaries which are not defrayed through this subchapter or other funding sources and are built into the special project scope of work.

(2) Office rental, mortgage payments or other overhead costs which are built into the special project and are not defrayed under this subchapter or other funding sources.

§ 83.75. Special requirements.

After receiving initial approval, districts shall provide additional information required by the Commission.

FORFEITURE AND SPECIAL PROVISIONS

§ 83.81. Forfeiture.

(a) The Commission will reallocate funds previously approved by the Commission for a district, if that district fails to comply with this subchapter and other practices and procedures established by the Commission.

(b) A recipient of Conservation District Funding Allocation Program funds that fails to abide by §§ 83.71--83.82 (relating to special projects funding program), shall be in default. In the event of a default, the Commission may cancel the special project agreement and reallocate the special project funds previously approved by the Commission.

§ 83.82. Special provisions.

The Commission may delegate authority to the PDA, the Department or other Commonwealth agency staff to act on its behalf.

FINAL

[Pa.B. Doc. No. 08-260. Filed for public inspection February 15, 2008, 9:00 a.m.]



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

January 10, 2023

To: Members
State Conservation Commission

From: Justin Challenger
Conservation Program Manager

RE: Agriculture Conservation Assistance Program Setback Requirements

One topic that has generated considerable discussion among the advisory committee and partners is the concept of establishing stream exclusion set-back requirements for any ACAP participant that receives funding for an animal waste storage system or a heavy use protection area. These are generally high-cost items that provide both water quality benefits and labor/time saving benefits to the farmer who installs them. Under similar situations, USDA NRCS EQIP requires a 35' setback to be implemented and maintained to protect water quality.

SCC staff discussed the setback policy with the Commission at the December conference call for their input into formulating the policy. Based on the advice of the Commission during the December conference call, discussions with conservation districts and partner agencies, and general agreement at the last ACAP advisory committee meeting, Commission staff is proposing the following draft ACAP policy on Setback Requirements for Animal Waste and Heavy Use Protection BMPs for the Commission's consideration.

ACAP Setback Policy

When a buffer is required by the applicants Ag E&S, conservation plan, nutrient management plan or manure management plan, any ACAP applicant receiving funding for an animal waste storage BMP or heavy use protection area (barnyard) BMP, must as a condition of their ACAP contract agree to install and maintain an average of 35' setback from streams and other waterbodies on the farm property where the BMP(s) is being installed to ensure that livestock do not have unrestricted access to streams or waterbodies.

Access to water, such as a watering system, a stream or other water body on the farm property where an animal waste storage or heavy use protection BMP is funded by ACAP must be specifically provided for in the eligible applicant's Ag E&S, conservation plan, nutrient management plan or manure management plan.

An eligible applicant may request a waiver from the Commission for these setback requirements if the eligible applicant can demonstrate no livestock will not have access to any streams or water bodies based on management plans and husbandry practices (e.g. total confinement operation, etc.) or that specific unique site conditions (topography, etc.) are such that a 35' setback is not necessary to protect water quality.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

Date: January 9, 2023

To: State Conservation Commission

From: Roy Richardson, DGLVR Program Coordinator

Through: Douglas M Wolfgang, Executive Secretary

RE: Proposed new 5-year DGLVR Program Agreements

Background

The State Conservation Commission (Commission) provides funding to conservation districts to implement the Dirt, Gravel, and Low Volume Roads Maintenance Program through 5-year program agreements with each district. The current agreements will expire on June 30, 2023. Commission staff, with the help of the policy and planning workgroup, have developed a proposed new 5-year agreement to begin on July 1, 2023 and run through June 30, 2028. This proposed agreement has been reviewed and concurred with by PDA legal counsel. In addition, the draft agreement was sent out to all conservation districts for comment.

While there have been a few minor changes to the proposed new agreement, it is very similar to the previous one. A copy of the agreement is attached, with the proposed changes highlighted and an explanation for the changes in the margin.

Staff recommends approval of the proposed new 5-year agreement. If approved, staff will start the process of securing all required signatures. The goal is to have the agreements in place by July 1, 2023.



TO Doug Wolfgang
Executive Secretary
State Conservation Commission

FROM Jacquelyn Kerstetter
Water Program Specialist
Conservation District Support Section

THROUGH Karen Books
Environmental Group Manager
Conservation District Support Section

THROUGH Carl DeLuca
Environmental Program Manager
BWRNSM, Nonpoint Source Management Division

DATE January 24, 2023

RE Review of District Audit Reports for Calendar Year 2021

ACTION REQUESTED: Accept report of district audits for calendar year 2021.

Background

Starting in 1999, the State Conservation Commission (Commission) required conservation district (District) financial records to be audited under the supervision of a certified public accountant. Those audits must be independent of the County audit and completed in accordance with generally accepted auditing standards and the standards applicable to “Financial Statement” audits contained in the latest revision of *Government Auditing Standards* issued by the Comptroller General of the United States.

Compliance with Audit Deadline

Sixty-five (65) District audits were submitted by the December 31, 2022 deadline as stated in the Commission’s audit policy. One (1) District was granted an extension by the Commission in December. I am pleased to report that all 65 conservation district audit reports that we received so far were independent of the County audit as required by Commission Policy.

Summary of Audit Findings

Since 1999, Districts have consistently made positive efforts in addressing the recommendations and findings reported in their audits. For calendar year 2021, thirty-nine (39) District audit reports had “no reportable findings”. This is one less District with “no reportable findings” than we had last year for the 2020 audits. Many of the more common findings identified during the initial years have been addressed; however, the most common finding which continues to be noted is “*Lack of Segregation of Duties*”. This finding was noted in 19 of the current audits which is the same as last year. This finding comprised 53% of all findings noted. Explanations of this finding are as follows:

“*Lack of Segregation of Duties*” is related to the small number of staff in some district offices. Due to this small number of staff, these Districts have difficulty achieving the segregation of duties recommended for an efficient system of internal controls over their finances. As an interim measure, District auditors consistently recommend that District directors take an active role in the financial functions of their district. This involvement is intended to minimize the possibility that any errors or irregularities could occur.

To permanently address “*Lack of Segregation of Duties*”, Districts should implement a policy that increases the number of District staff and directors overseeing/reviewing District financial activities. Commission and Agency staff have been looking into this issue and plan to recommend some options or policy in the future to help Districts address these findings.

Summary of Compliance with the Commission’s Audit Policy

I am also pleased to report that the 2021 audits show all Districts are following the guidelines approved by the Commission dealing with *Custodial Credit Risk*, for both bank deposits and investments. In 2021 there were no Districts with unsecured funds exposed to *Custodial Credit Risk*.

For newer Commission members and those that need a refresher, the following is an explanation of *Custodial Credit Risk*:

Custodial Credit Risk is the risk a District assumes when its deposits over a certain federally insured amount, currently \$250,000, may or may not be available in the event of failure of the financial institution that has pledged securities as collateral to protect these funds. These deposits, in excess of \$250,000, are not covered by federal depository insurance, but are protected by collateral securities held by a pledging financial institution.

These securities are typically not held under the District’s name and in the event that the pledging institution would fail, the District may not be able to recover the full value of its investment or collateralized securities that are in possession of this institution.

To minimize the risk to bank deposits and investments that fall under the category of *Custodial Credit Risk*, the Commission recommends that Districts follow the guidelines presented on the

second page of the investment *Model Policy* approved by the Commission in May 2010 and distributed to all districts. The guidelines are as follows:

The Conservation District board should assure that:

- The District has a written agreement with the institution regarding the collateral pledge,
- The pledge is approved by the institution's board of directors or loan committee, and such approval is reflected in the institution's minutes and is kept continuously as an official record of the institution,
- The market value (not just the face value) of the pledged securities is tested frequently and is at least equal to the amount of the deposits plus accrued interest,
- The pledged securities are U.S. Government Securities, and
- The District receives, from the bank, monthly reports on the amount of this deposit, the identity of the collateral and the market value of the collateral.



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

Date: January 11, 2023

To: Members
State Conservation Commission

From: Douglas Wolfgang, Executive Secretary

RE: 2023 Conservation District Director Appointments

As of January 11, 2023, Chief Clerks from 56 counties (85% of all counties) have submitted their county's list of Conservation District Director appointments for 2023 to the State Conservation Commission. Those counties noted below with an asterisk are those counties where appointments have not yet been received by the Commission. Reminder letters will be mailed to those counties that have not submitted their director appointments to the Commission.

- | | | | |
|----------------|----------------|--------------------|------------------|
| 1. Adams | 18. Clinton | 35. Lackawanna* | 52. Potter |
| 2. Allegheny* | 19. Columbia | 36. Lancaster | 53. Schuylkill |
| 3. Armstrong | 20. Crawford | 37. Lawrence | 54. Snyder |
| 4. Beaver* | 21. Cumberland | 38. Lebanon | 55. Somerset |
| 5. Bedford | 22. Dauphin | 39. Lehigh | 56. Sullivan |
| 6. Berks | 23. Delaware | 40. Luzerne* | 57. Susquehanna |
| 7. Blair | 24. Elk | 41. Lycoming | 58. Tioga |
| 8. Bradford | 25. Erie* | 42. McKean | 59. Union |
| 9. Bucks* | 26. Fayette | 43. Mercer | 60. Venango |
| 10. Butler | 27. Forest | 44. Mifflin | 61. Warren |
| 11. Cambria | 28. Franklin | 45. Monroe | 62. Washington |
| 12. Cameron | 29. Fulton | 46. Montgomery* | 63. Wayne |
| 13. Carbon | 30. Greene | 47. Montour | 64. Westmoreland |
| 14. Centre | 31. Huntingdon | 48. Northampton* | 65. Wyoming* |
| 15. Chester | 32. Indiana | 49. Northumberland | 66. York |
| 16. Clarion | 33. Jefferson | 50. Perry | |
| 17. Clearfield | 34. Juniata* | 51. Pike | |



Building for Tomorrow Leadership Development Program Activities Report January 24, 2023

The **Annual District Directors Breakfast** was held at the 2022 PACD/SCC Summer Joint Meeting on July 21 at the Red Lion Hotel in Harrisburg. The program featured a screening of finalist entries from the 2022 Conservation District Video Awards.

A **CliftonStrengths for Managers Initiative** ran from July through September. 72 district management staff and partner staff completed online assessments and were provided with personalized reports and development resources based on their individual talent areas.

The **2022 Management Summit & Pre-Con** was held September 13-15 at the Wyndham Conference Center State College and was attended by 58 district management staff and partner staff. The Pre-Con program included fundamentals of management and personal leadership development for new, assistant, and aspiring managers. The Summit program included a team report for the CliftonStrengths for Managers Initiative, a tactical overview of strengths-based management practices, a combination workshop/facilitated panel discussion focusing on partner communications, a facilitated discussion on district budgeting, a TEDx screening, and a presentation on the Keystone 10 Million Trees Partnership.

A **2022 Fall Leadership Webinar Series** was held in November and included a CliftonStrengths debrief for district managers, a technology roundtable meeting, and a presentation on components of successful partnerships for water protection.

The **Strategic Planning Grants Program** received and approved one Letter of Intent for participation in the 2022-23 program.

Current Projects & Upcoming Events:

3rd Annual Conservation District Video Awards presentation scheduled for February 16.

2023 Employment Law for Conservation Districts seminar series scheduled for February 21-23.

2023 CliftonStrengths Staff Initiative with workshops scheduled February 28 – March 14.

2023 Spring Leadership Webinar Series planned for May & June.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: January 4, 2023

TO: State Conservation Commission Members

FROM: Frank X. Schneider, Director
Nutrient and Odor Management Programs

THROUGH: Douglas M. Wolfgang
Executive Secretary

RE: Nutrient and Odor Management Programs Report

The Nutrient and Odor Management Program Staff of the State Conservation Commission offer the following report of measurable results for the time-period of November / December 2022.

For the months of November and December 2022, staff and delegated conservation districts have:

1. Odor Management Plans:
 - a. 14 OMPs in the review process
 - b. 6 OMPs Approved
 - c. 4 OMP approvals Rescinded
2. Managing eight (8) ACTIVE enforcement or compliance actions, currently in various stages of the compliance or enforcement process. Monitoring an additional twelve (12) other cases of enforcement / compliance / interest.
3. Continue to daily answer questions for NMP and OMP writers, NMP reviewers, delegated Conservation Districts, and others.
4. Assisted DEP with various functions and as workgroup members in Federal and State settings for the Chesapeake Bay Program.
5. Continue to work on regulatory changes for the following regulations (Separate Memo Attached):
 - a. Act 38
 - b. Act 49
 - c. NM Certification
 - d. OM Certification
6. Approved 20 hours of NM and OM continuing education.

7. Facilitated the following trainings:
 - a. Plan Review Training
 - b. Certification Exam
8. Reviewed 12 Public Review Specialists NMP reviews as part of the certification training
9. Promoted Brady Seeley to Conservation Program Specialist 2, to oversee SCC Regional Coordinators for NM/OM



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: January 10, 2023

TO: Members
State Conservation Commission

FROM: Karl J. Dymond
State Conservation Commission *KJ Dymond*

SUBJECT: January 2023 Status Report on Facility Odor Management Plan Reviews

Detailed Report of Recent Odor Management Plan Actions

In accordance with Commission policy, attached is the Odor Management Plans (OMPs) actions report for your review. No formal action is needed on this report unless the Commission would choose to revise any of the plan actions shown on this list at this time. This recent plan actions report details the OMPs that have been acted on by the Commission and the Commission's Executive Secretary since the last program status report provided to the Commission at the November 2022 Commission meeting.

Program Statistics

Below are the overall program statistics relating to the Commission's Odor Management Program, representing the activities of the program from its inception in March of 2009, to December 31, 2022.

The table below summarizes approved plans grouped by the Nutrient Management Program Coordinator areas.

| | Central | NE/NC | SE/SC | West | Totals |
|--------------------|------------|------------|------------|-----------|------------|
| 2009 | 7 | 6 | 28 | 1 | 42 |
| 2010 | 5 | 7 | 25 | 2 | 39 |
| 2011 | 10 | 12 | 15 | 2 | 39 |
| 2012 | 9 | 17 | 16 | 2 | 44 |
| 2013 | 10 | 11 | 38 | 3 | 62 |
| 2014 | 13 | 16 | 44 | 2 | 75 |
| 2015 | 15 | 15 | 61 | 2 | 93 |
| 2016 | 19 | 16 | 59 | 5 | 99 |
| 2017 | 25 | 24 | 44 | 3 | 96 |
| 2018 | 14 | 13 | 40 | 1 | 68 |
| 2019 | 12 | 11 | 14 | | 37 |
| 2020 | 9 | 11 | 42 | 1 | 63 |
| 2021 | 15 | 15 | 30 | 1 | 61 |
| 2022 | 15 | 11 | 19 | 2 | 47 |
| Total | 178 | 185 | 475 | 27 | |
| Grand Total | | | | | 865 |

As of December 31, 2022, there are eight hundred and sixty-five **approved** plans and/or amendments, nine plans have been **denied**, fourteen plans/ amendments have been **withdrawn** without action taken, one hundred and two plans/ amendments were **rescinded**, and fifteen plans/ amendments are going through the **plan review process**.

OMP Actions Status Report

| Action | OMP Name | County | Municipality | Species | AEUs | OSI Score | Status | Amended |
|------------|-------------------------------------|-----------|--------------------|----------|--------|-----------|-----------|---------|
| 11/2/2022 | Brubacker, Lamar | Snyder | Chapman Twp | Broilers | 193.60 | 53.9 | Rescinded | |
| 11/10/2022 | Clark Crest Farm, Inc. | Lancaster | E Drumore Twp | Swine | 63.70 | 30.6 | Rescinded | |
| 12/5/2022 | Glick, Jesse S – Veal Farm | Clinton | Green Twp | Veal | 60.14 | 56.7 | Approved | A |
| 12/5/2022 | Shirk, Matthew L – Shirk Farms | Snyder | Center Twp | Broilers | 82.27 | 48.5 | Approved | |
| 12/15/2022 | Dividing Ridge, LLC – Grove Farm | Somerset | Brothersvalley Twp | Cattle | 0.00 | 25.0 | Approved | |
| 12/15/2022 | Penn England, LLC – Bush Farm | Blair | Woodbury Twp | Cattle | 0.00 | 24.75 | Approved | |
| 12/28/2022 | Horning, Matthew – Blue Lake Farm | Union | W Buffalo Twp | Broilers | 84.90 | 41.2 | Approved | B |
| 12/28/2022 | Light, Jacob – Sonlight Farms | Lebanon | Bethel Twp | Broilers | 223.98 | 33.7 | Approved | A |
| 12/28/2022 | Miller, David D – Sunset Acres Farm | Jefferson | Gaskill Twp | Veal | 0.00 | 47.0 | Rescinded | |
| 12/28/2022 | Skyline Acres, Inc | Berks | Upper Bern Twp | Cattle | 491.10 | 15.6 | Rescinded | A |
| | | | | | | | | |
| | | | | | | | | |

As of December 31, 2022



BUILDING BRIDGES

Farmers Municipalities* Citizens
Conservation Districts* Agribusiness*

To: Members December 31, 2022
 State Conservation Commission
 From: Beth Futrick
 Agriculture/Public Liaison
 Through: Karl G. Brown, Executive Secretary
 State Conservation Commission
 Re: Ombudsman Program Update – Southern Alleghenies Region

Activities: November - December

- Administering NFWF-INSR Grant
 - Organize GI restoration projects in Blair County
 - Met with engineers and partners to prepare for 2023 streambank restoration projects and installation of green infrastructures.
 - Organize regional pasturewalk events for 2023
 - Prepare Agricultural BMP outreach
 - Prepare for municipal outreach (rain garden workshops)
- CREP workshops to promote multifunctional riparian buffers
 - Ground cover and Pollinator Plant workshop
 - Cut-Flower workshop
- Meetings with Keystone Development Center to prepare a regional food feasibility study.
- Prepare for Ombudsman workshops: ACRE for municipalities.

Conflict Issues/Municipal Assistance

----Huntingdon Co – assist with ordinance and ACRE information
 ----Chester Co. – assist with zoning and ACRE information
 ----Clinton Co – assist with zoning ordinance

Meetings/Trainings/Events

--Penn State Ag. Council meeting (November 3).
 --Keystone Development Center meeting (November 9)
 --Keystone Development Center meeting (November 16)

Reports & Grant Applications

NFWF – Reimbursement request
 NFWF – Annual Financial report



BUILDING BRIDGES

Farmers * Municipalities * Citizens
Conservation Districts * Agribusiness

To: Members
State Conservation Commission

January 24, 2023

From: Shelly Dehoff
Agriculture/Public Liaison

Re: Agricultural Ombudsman Program Update

Activities: Since mid-November 2022, I have taken part or assisted in a number of events, including the following:

- Coordinating manure injection educational and promotion effort for farmers in Lancaster County, and handling incentive program applications and invoice payment processing; compiling data for end of year reporting; exploring options with dribble bars for Amish farmers in future
- Events as South Central Task Force Agriculture Subcommittee Planning Specialist:
 - Hosted/facilitated November, December and January Subcommittee meetings
 - Awarded small grant from Center for Poultry and Livestock Excellence to help create a publication re: biosecurity awareness for people traveling to Dominican Republic or Haiti offering relief after natural disasters; so as not to carry foreign animal diseases back to the U.S.
 - Coordinating details for grain bin rescue kit trainings for 5 fire depts in 4 counties
 - Watched webinar on AgrAbility to familiarize myself, then asked them to present at one session of Messick's Open Houses in Adams Co. (1/26/23)
 - Lined up "Why Mental Health" speaker for Messick's Open House session in Lancaster Co. (1/24/23)
 - Lined up "Stop the Bleed" training for farmer meeting (2/20/23)
 - Hosted breakout session for PA State Association of County Fairs related to active shooter preparation and "see something, say something" options
- Participated and recorded minutes for November and December Lancaster Co. Agriculture Council meetings
- Coordinated Conservation Foundation of Lanc Co meetings, an Exec Comm meeting, and compiled responses to draft papers from Clean Water Partners for upcoming action
- Continued participation in LCCD's Operational Assessment committee evaluate workplace dynamics, onboarding and leadership structure
- Wrote LCCD newsletter articles
- Participated with interview/filming for upcoming video for dairy farmers about conservation ethic and manure injection in cooperation with Sustainable Chesapeake
- Attended PA in the Balance conference
- Providing input/advice to Lebanon CD for establishing a program for manure injection incentives in Lebanon Co.
- Gave presentation at Extension Crops Day about manure injection benefits and incentive program

Local Government Interaction: I have been asked to provide educational input regarding agriculture:

Moderation or Liaison Activities: I have been asked to provide moderation or liaison assistance with a particular situation:

Lancaster Co—talked to neighbor of a duck farm who had questions about ammonia, and possibility of installing tree and/or grass buffer to cut down on effects from ammonia on health

Research and Education Activities:

State—regional planner asked for input on ag regulations within Rural Residential zones

Clinton Co—answered questions and coordinated future actions for trainings, based on discussions with engineer about municipalities requiring Manure Management Plans and overall ag regulations

Fly Complaint Response Coordination: I have taken complaints or am coordinating fly-related issues in:

York Co—talked with CD employee to give advice on how to handle the complaint and possible future actions depending on response from neighbors